

## Lancashire County Council

### Development Control Committee

Wednesday, 19th January, 2022 at 10.30 am in Committee Room 'A' - The Tudor Room, County Hall, Preston

#### Agenda

##### Part 1 (Open to Press and Public)

No.	Item
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- |    |   |                 |
|----|---|-----------------|
| 1. | <b>Apologies for absence</b>  |                 |
| 2. | <b>Disclosure of Pecuniary and Non-Pecuniary Interests</b><br>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. | <b>Minutes of the last meeting held on 8 December 2021</b><br>The committee are asked to agree that the Minutes of the last meeting held on 8 December 2021 be confirmed and signed by the Chair.   | (Pages 1 - 6)   |
| 4. | <b>Update Sheet</b><br>The Update Sheet will be considered as part of each related agenda report.   |                 |
| 5. | <b>Lancaster City: application number LCC/2021/0060 Variation of condition 1 of permission LCC/2016/0065 to extend the operational lifetime of the solar farm until the 31 December 2055, Lancaster Wastewater Treatment Works, Stodday Lane, Lancaster</b> | (Pages 7 - 20)  |
| 6. | <b>West Lancashire Borough: application number LCC/2021/0045 Retrospective change of use of haulage yard to waste recycling (skips) on land at 410 Southport Road, Scarisbrick</b>  | (Pages 21 - 44) |
| 7. | <b>Planning decisions taken by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation</b>  | (Pages 45 - 46) |

**8. 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.

**9. Date of Next Meeting**

The next meeting of the Development Control Committee will be held on Wednesday, 2 March 2022 at 10.30 a.m. in Committee Room B - the Diamond Jubilee Room, County Hall, Preston.

County Hall  
Preston

L Sales  
Director of Corporate Services

## Lancashire County Council

### Development Control Committee

**Minutes of the Meeting held on Wednesday, 8th December, 2021 at 10.30 am in Committee Room 'C' - The Duke of Lancaster Room, County Hall, Preston**

#### **Present:**

County Councillor Matthew Maxwell-Scott (Chair)

#### **County Councillors**

P Rigby	G Mirfin
L Cox	M Pattison
M Dad BEM JP	E Pope
A Kay	B Yates
H Khan	S Clarke

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

Apologies were received from County Councillor Potter.

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

County Councillor Kay declared a non-pecuniary interest in Item 7 as she was a Wyre Borough Councillor.

#### **3. Minutes of the last meeting held on 20 October 2021**

**Resolved:** That the minutes of the last meeting held on Wednesday 20 October 2021 be confirmed and signed by the Chair.

#### **4. Update Sheet**

The Update Sheet was circulated prior to the meeting (copy attached).

#### **5. West Lancashire Borough: application number LCC/2021/0044 Provision of three double classroom temporary units, temporary pedestrian access and fencing, Asmall County Primary School, Tennyson Drive, Ormskirk**

A report was presented on an application for three double classroom temporary units, temporary pedestrian access, playground area and fencing at Asmall County Primary School, Tennyson Drive, Ormskirk (retrospective application).

A fire at Asmall Primary School in summer 2021 had rendered six areas of the school inoperable, including the areas used for the nursery classes. There had therefore been an urgent requirement to install these temporary classroom units in August 2021, to ensure continuity of teaching accommodation until the existing

school could be rebuilt. It had been estimated that the rebuilding works would take approximately 18 months and these were already underway. Once the damaged areas of the school had been rebuilt, the temporary units would be removed.

The report included the views of Sport England and United Utilities. No observations had been received from West Lancashire Borough Council and LCC Highways Development Control. Four representations had been received in relation to this being a retrospective application and concerns around the visual impact of the building/loss of view and impact on house prices. County Councillor Hennessy had indicated her support for the application.

The Development Management Officer presented a Powerpoint presentation showing a location plan of the site, the location of the three classroom blocks and the nearest residential properties. Photographs were also shown providing an aerial view of the site, the fire damaged area of the school building and the view of new classroom units, in addition to elevation diagrams.

Committee expressed concern around the proposed reduction in hours of use of the buildings. The school had requested they be used from 06.00 – 22.00 Monday to Friday and 09.00 – 14.00 Saturdays and Sundays. However, the condition proposed in the report was to reduce these hours to 07.30 – 18.30 Mondays to Fridays (except Public Holidays) and that the building should not be used on Saturdays, Sundays or Public Holidays.

County Councillor Pope asked why the school had not been asked to confirm whether it was happy with the reduced hours. It was reported that the school had been contacted about this but that a response had not been received. The reduced hours allowed for pre-school and after-school provision and took into account the objections of local residents as several houses on Tennyson Drive and Wordsworth Close backed onto the school site and had views of the units.

County Councillor Kay pointed out that if the school provided nursery provision in the temporary classrooms, then they may need to use them from 6.30am in order to prepare for children arriving. Also, the buildings may be used by the community in the evenings so a response from the school was required as to whether they were happy with the reduced hours. County Councillor Kay also asked what would happen if the temporary buildings were not removed by 30<sup>th</sup> March 2023, as stated in the conditions. County Councillor Clarke added that school buildings were often used for community activities at weekends.

Andy Mullaney pointed out that the proposed reduction in hours of use only related to the three temporary classrooms and that other parts of the school building could be used outside of these restricted hours. The proposed hours for the temporary buildings were consistent with similar projects across the county although the hours could be adjusted to suit the school's needs. As this was a retrospective application, the school were already operating within the proposed reduction in hours. It was confirmed that another application would need to be considered by Committee, should the duration of the development need extending. Should the school request longer opening hours for the 3 temporary

classrooms, consultation would need to take place with local residents. If there were any objections, these would need to be considered by Committee.

The Committee requested that officers contact the school to check whether they were happy with the proposed operating hours as set out in Condition 3, and requested to have sight of the school's response.

**Resolved:** That planning permission be **granted**, subject to conditions controlling the duration of the development, working programme, hours of use of the building and restoration of the site, as set out in the Committee report.

**6. Pendle Borough: application number LCC/2021/0003 Extension to the existing recycling building, EWR Skips, Eden Works Industrial Estate, Colne Road, Kelbrook**

A report was presented on an application for the extension to the existing recycling building at EWR Skips, Eden Works Industrial Estate, Colne Road, Kelbrook.

Planning permission had been granted at the site in September 2004, for the change of use of land to a waste transfer station, erection of a building to house waste sorting operations and the construction of three external storage bays.

The current application was for an extension to the existing building within the operational area of the site, and was required to provide cover for external waste storage, to improve the sorting process and to help to keep material dry from adverse weather conditions.

The report included the views of Pendle Borough Council, the Environment Agency and LCC Highways Development Control and one objection from the landowner of adjacent areas of the industrial estate in relation to pedestrian safety. No comments had been received from Kelbrook and Sough Parish Council or the Lead Local Flood Authority.

The Development Management Officer presented a Powerpoint presentation showing a location plan and aerial photograph of the application site, site access and existing waste transfer building, proposed site plan and car parking area, elevations diagram and photographs of the site of the proposed building. In relation to the objection which had been received, it was confirmed that the proposed development would not facilitate an increase in vehicle numbers. In addition, Committee were informed that there was limited scope for vehicles to attain a considerable speed on the internal site roads and that there was an existing speed bump over the access into the site.

Mr Steven Hartley, on behalf of the applicant, addressed the Committee. EWR Skips had been established for over 25 years. Skips from construction sites and site clearance works were imported to the site where hardcore materials, wood, plastic and metals were sorted from the waste stream. The current application proposed to enclose areas of the site currently used for external storage.

County Councillor Cox raised a question in relation to vehicle movements and whether the times of the vehicles arriving on site would be monitored. It was confirmed that the current planning permission contained controls on hours of working and that there would not be an increase in vehicle movements.

County Councillor Clarke commented that the new building was open-fronted and asked whether allowances had been made in relation to machinery noise and dust. It was reported that the activities currently took place outside so the new building would provide much more containment even though it was open-fronted.

In response to a question from County Councillor Kay, it was confirmed that types of materials being processed at the site would not change.

**Resolved:** That planning permission be **granted**, subject to conditions controlling time limits, working programme, highways matters and drainage, as set out in the Committee report.

**7. Wyre Borough: application number LCC/2021/0042 Permanent vehicular access from Bilsborrow Lane for operational access to below ground wastewater infrastructure and associated landscaping, and off Bilsborrow Lane, Bilsborrow, Preston (Retrospective application)**

A report was presented on an application for permanent vehicular access from Bilsborrow Lane for operational access to below ground wastewater infrastructure and associated landscaping, at land off Bilsborrow Lane, Bilsborrow, Preston. The access track and underground works had been undertaken in Winter 2020 so the application was therefore retrospective.

It was reported that there was a historical issue of properties on Garstang Road being affected by flooding from the sewer network during high rainfall events. This was due to the local sewer having insufficient capacity during storms. The proposal at this site involved the construction of a below ground storm tank which would accept excess flows during storm periods and then return them to the network once the storm had subsided. The development would reduce the flood risk to a 1 in 20 year storm return period.

The report included the views of Wyre Borough Council (objecting to the application), LCC Ecology Service, LCC Historic Environment Service and LCC Highways Development Control. Representations had been received comprising one objection and one letter of support. No response had been received from Bilsborrow Parish Council.

The Development Management Officer presented a Powerpoint presentation showing a location plan and an aerial view of the application site and the nearest residential properties, and diagrams of the site layout and landscaping proposals.

The Officer drew attention to the Update Sheet which referred to the replacement Drawing 80061558-01-ADP-52604-XX-DR-L-00003. The drawing had been

revised to include extra landscaping proposals to improve the visual impact of the site.

The Borough Council had objected to the application saying it was contrary to Policy SP2, which required green infrastructure to be protected and enhanced. It was reported that locations for the underground tank were very limited in the local area due to the need to link with existing sewers and that the conflict with the Policy was outweighed by other factors.

County Councillor Yates appreciated that the works needing carrying out but asked how the loss of green belt land was being compensated for.

County Councillor Pope asked why the application was retrospective and what controls the county council had over the work being done by United Utilities. In addition, CC Pope queried why there was no condition stating that archaeological work need to be undertaken.

Committee were informed that a survey had been undertaken by United Utilities on the site to determine what impact the proposed works would have on trees, hedgerows and habitats. The site was an agricultural site with one tree which had been retained and extra tree and hedgerow planting had been undertaken. It was considered that the landscaping measures provided adequate compensation to outweigh the loss of open space and that the conflict with Policy CDM4 was outweighed by the benefits of the scheme in reducing flooding.

It was reported that the application was retrospective as, at the stage when United Utilities had commenced the work, it was not known that a permanent access road would be required to service the underground infrastructure. The Chair pointed out that it would have been helpful for United Utilities to have made the county council aware of this sooner, to avoid having to seek retrospective approval. Committee noted that this issue had previously been raised with United Utilities as they sometimes started work before considering whether planning permission would be required.

County Councillor Pope requested that details be sent to Committee in relation to the archaeological work that had been carried out.

In relation to comments about housing developments still going ahead and drainage infrastructures not being able to cope with this, Committee were informed that when sites were being looked at for possible housing development, the county council needed to check if there were enough school places and whether the highway network could cope and that these issues needed to be addressed in the District Councils local plans, along with whether the sewage infrastructure was satisfactory.

In response to a query from County Councillor Mirfin, it was agreed that a briefing note be sent out to Committee Members detailing how the retrospective applications process works and in what instances this may occur.

County Councillor Clarke informed Committee that both the Regional Flood & Coastal Committee and the Strategic Flood Partnership were currently looking into the current rule of housing developers having an automatic right to connect to existing sewage systems, as this sometimes created flooding due to capacity issues, although it was noted that this would require a change in law.

County Councillor Mirfin pointed out that water supply infrastructure was also affected by new housing developments and suggested that United Utilities, Electricity North West and other providers attend External Scrutiny Committee to answer questions regarding infrastructure.

**Resolved:** That planning permission be **granted** subject to conditions controlling working programme and landscaping, 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 Development Control Committee on 20 October 2021, eleven planning applications had been granted planning permission by the Head of Planning and Environment, in accordance with the county council's Scheme of Delegation.

**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 19 January 2022 at 10.30am, County Hall, Preston.

L Sales  
Director of Corporate Services

County Hall  
Preston



# Agenda Item 5

## Development Control Committee

Meeting to be held on 19 January 2022

Electoral Division affected: Lancaster Central
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**Lancaster City : application number. LCC/2021/0060  
Variation of condition 1 of permission LCC/2016/0065 to extend the operational lifetime of the solar farm until the 31 December 2055, Lancaster Wastewater Treatment Works, Stodday Lane, Lancaster**

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

### **Executive Summary**

Application - Variation of condition 1 of permission LCC/2016/0065 to extend the operational lifetime of the solar farm until the 31 December 2055, Lancaster Wastewater Treatment Works, Stodday Lane, Lancaster.

### **Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling time limits, working programme, noise, landscaping and management and site restoration.

### **Applicant's Proposal**

The application is for an amendment to condition 1 of planning permission LCC/2016/0065 to extend the date for the removal of the solar panel array and associated equipment from its permitted end date of 30 June 2041 to 31 December 2055.

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

The application relates to an existing solar panel array located within an area of agricultural pasture measuring 100 metres by 100 metres which is immediately north of Lancaster Wastewater Treatment Works. The works is 3km south west of Lancaster city centre and 700 metres northwest of Stodday. The treatment works is accessed via a number of minor roads that link with the A588.

To the west of the application site is the Condor Green to Lancaster Cycle path beyond which is the Lune Estuary which is designated as a Site of Special Scientific Interest (SSSI) and a Special Protection Area.

There are two residential properties at Low Wood which immediately adjoin the application site to the north east.

Part of the site lies with flood zone 2 and 3.

## **Background**

History: Planning permission for the solar array on this site was granted in 2017 (planning permission ref LCC/2016/0065).

## **Planning Policy**

National Planning Policy Framework (NPPF): The following paragraphs are particularly relevant: 11 (definition of sustainable development) and 158 (renewable and low carbon energy).

Lancaster City Local Plan Part One (Strategic Policies and Land Allocations DPD):

Policy SP1: Presumption in favour of sustainable development

Lancaster City Local Plan Part Two (Development Management DPD):

Policy DM53: Renewable and low carbon energy generation

## **Consultations**

Lancaster City Council; No observations received.

Aldcliffe-with-Stodday Parish Council: Object to the application. The existing permission is time limited until 2041 and is therefore a temporary installation. The current proposal would considerably extend the duration of the development beyond that which can be considered as temporary. Under the current permission, the developer would be able to apply for a time extension in 2041 which could be considered against the planning policies in existence at that time. Extending the permission at this stage would deprive the planning authority and community of this opportunity.

There is also a much larger solar farm at Arna Wood directly to the north of the application site. If a time extension for the wastewater treatment works solar farm were agreed, it would set a precedent for the Arna Wood site.

The application appears to be based on commercial reasons only and should be rejected.

Environment Agency: No comments to make.

Lancashire County Council (LCC) Ecology: The site lies within a Site of Special Scientific Interest (SSSI) impact zone and the scale of the solar farm has the potential to result in adverse impacts on statutory designated ecological sites. Natural England should therefore be consulted on the proposal.

National Grid Gas and Electricity: The application would not affect any National Grid infrastructure.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Three representations objecting to the application have been received which are summarised as follows:

- The proposed time extension goes beyond the realms of temporary.
- Approval of the application would set a precedent for the adjacent Arna Wood solar farm which is limited to a 25 year lifetime.
- The proposal would extend the life of the current consent by 14 years and is driven by commercial considerations. There is no reason in planning terms to extend the life of the permission.
- The proposal contravenes the policies of the local plan.
- The proposal contravenes the assessment of landscape impacts and visual effects that was undertaken as part of the original planning application.
- The wording of the existing permission provides a facility for the local community to review the installation after 25 years. Approval of the current proposal would remove this opportunity.

### **Advice**

Planning permission was granted in 2017 for a solar panel array on land immediately to the north of Lancaster Wastewater Treatment Works. The purpose of the panels was to provide a source of renewable electricity to support the operation of the treatment works.

Condition 1 of the permission requires the panels to be removed from the land by not later 30 June 2041. The applicant wishes to amend condition 1 to allow the solar panels to be retained until 31 December 2055.

The solar array at Lancaster Wastewater Treatment Works was one of a number of renewable energy installations developed by a subsidiary of United Utilities at its wastewater treatment sites. Some of these renewable energy assets were developed under permitted development whilst some required planning permission.

At present many of the renewable energy sites have different end dates as those developed under permitted development rights have no end date whilst those developed under a planning permission all have different end dates depending on the date of the individual permissions. United Utilities now propose to divest all their renewable energy assets to a specialist company whilst retaining access to the energy required to operate each treatment works. Potential purchasers of the renewable energy installations require a suitably long lifespan and a consistent end date to all the assets. The applicant therefore proposes to have an end date for all facilities including the solar array at Lancaster Wastewater Treatment Works of 31 December 2055, approximately fourteen years longer than provided for by the current permission.

The main issues relate to the visual and other environmental impacts arising from retaining the solar farm over a longer period than previously permitted.

Paragraph 158 of the National Planning Policy Framework (NPPF) states that authorities should recognise that proposals even for small scale renewable energy projects provide a valuable contribution to cutting greenhouse gas emissions and that such proposals should be approved if the impacts are (or can be made) acceptable. Although the life of the solar array is at present limited until 2041, the need to generate electricity by renewable means is expected to continue past this date in order to meet the targets for greenhouse gas emissions within the Climate Change Act 2008. This legislation requires that the net UK carbon budget in 2050 is at least 100% lower than the 1990 baseline. Whilst it is acknowledged that the application is driven by the commercial considerations of the applicant, it is nevertheless considered that there is justification for a time extension until 2055 in terms of permitting the production of renewable energy over a longer timescale to meet climate change targets.

The Parish Council and three local residents have objected to this application. One of the issues raised is that this application is premature and that a decision to extend the lifetime of the permission should only be made shortly before the permission is about to expire. In response, it is considered that renewable energy policy is unlikely to change before 2055 for the reasons set out above and that the presumption in favour of such development will continue. In terms of the local environment, the solar array at this site has now been operational for five years and therefore the impacts in terms of landscape, ecology and local amenity are well understood. No changes to the layout or operation of the site are proposed over the remaining period of the development. The solar array was subject to a landscaping and habitat management scheme which is now well established. Parts of the solar array are quite close to a property at Low Wood but amendments were made to the layout of the site to address visual impacts on the property and noise from the inverters in order to make these aspects of the development acceptable. It should be noted that no objections to this application have been received from the occupiers of Low Wood. For these reasons, it is considered acceptable to take a decision at the current time to extend the life of the development until 2055.

Whilst the application would allow the facility to be retained for a further 14 year period it would continue to be subject to an end date and therefore would still be a temporary permission. As required by Policy DM53 of the Lancaster City Local Plan, a condition can be attached to any new permission requiring the solar array to be removed if no electricity has been generated from the site for a period of at least one year.

There is a much larger solar array complex to the north east of the application site at Arna Wood. This development was granted permission by the City Council in 2017 and contains a condition restricting the life of the development to 25 years. Any application to extend the duration of that permission would have to be considered on its own merits and it is not considered that extending the lifetime of the treatment works solar array would set a precedent which would have to be followed.

It is recommended that any new permission is subject to same conditions as were attached to permission LCC/2016/0065 modified as necessary to account for the amended timescale and the details of landscaping and habitat management that have been approved under the conditions to that permission.

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 solar panels, supporting framework, all other electrical equipment and perimeter security fencing shall be removed from the site by not later than 31 December 2055 or within six months of the cessation of electricity export from the site as defined in this permission whichever is the earlier.

Within six months of the removal of the equipment, any land disturbed through the removal of the development shall be cultivated and graded to a condition suitable for agricultural grazing land.

*Reason: In the interests of the visual amenities of the area and to conform with Policy DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

### **Working Programme**

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

- a) The Planning Application and supporting statement received by the County Planning Authority on 12 August 2016 as amended by the email from David Palmer of Savills dated 16 November 2016 and planning application ref LCC/2020/0060 dated 11 November 2021.

- b) Submitted Plans and documents:

Drawing No. W-CLD01 Rev A - Site Location Plan

Drawing No. 209413-2200 Rev C - PV Layout

Drawing No. 01 39 60375 Rev B - String Inverter and Distribution Board Mounting Detail.

Drawing 01 39 60111 Rev A - Trench Detail Layout Drawing

*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 DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

3. No maintenance works to the solar panels or other electrical equipment or decommissioning work shall take place outside the hours of:

08.00 to 17.30 hours, Mondays to Fridays (except Public Holidays)  
08.00 to 13.00 hours on Saturdays

No such maintenance work 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 DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

4. Decommissioning of the solar panels, other electrical equipment and perimeter security fencing shall not take place other than between 31 March and 1 October in any calendar year.

*Reason: In the interests of ecology and to conform with Policy DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

5. The rating level of noise from fixed plant and machinery at the solar farm shall not exceed the background level by more than 3dB(A) when measured as a 15 minute LAeq at the boundary of the nearest property. The noise level shall be free from any distinguishable tones, hums and whines.

All noise measurements and recordings shall be undertaken in accordance with BS4142:2014.

*Reason: In the interests of the amenity of local residents and to conform with Policy DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

6. The landscaping works carried out in accordance with the scheme and programme approved under the requirements of condition 8 of permission LCC/2016/0065 shall be maintained for a period of five years from the date of their implementation including replacement of failures, weed control and maintenance of protection measures.

*Reason: In the interests of the visual amenities of the area and the amenities of local residents and to conform with Policy DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

7. All trees and hedges on the boundaries of the site shall be maintained throughout the duration of the development.

*Reason: In the interests of the visual amenities of the area and the amenities of local residents and to conform with Policy DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

8. The provisions of Part 13 Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any amendment, replacement or re-enactment thereof are excluded and shall not apply to this development. Any development referred to in that Part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.

*Reason: In order to protect the amenities of local residents and to conform with Policy DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

9. A record shall be kept of the quantities of electricity exported from the site in each calendar year and such record shall be made available to the County Planning Authority on request.

*Reason: To secure the cessation of the development and the restoration of the land and to conform with Policy DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

10. The site shall be managed in accordance with the grassland and habitat management scheme approved under the requirements of condition 9 of planning permission ref LCC/2016/0065.

*Reason: In the interests of ecology and to conform with Policy DM53 of the Lancaster City Local Plan (Development Management DPD).*

## **Definitions**

Cessation of electricity export : The date when no electricity has been exported from the site for a period of 12 months.

## **Local Government (Access to Information) Act 1985**

### **List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2020/0060	11/11/21	Jonathan Haine, Planning and Environment 01772 534130

Reason for Inclusion in Part II, if appropriate

N/A



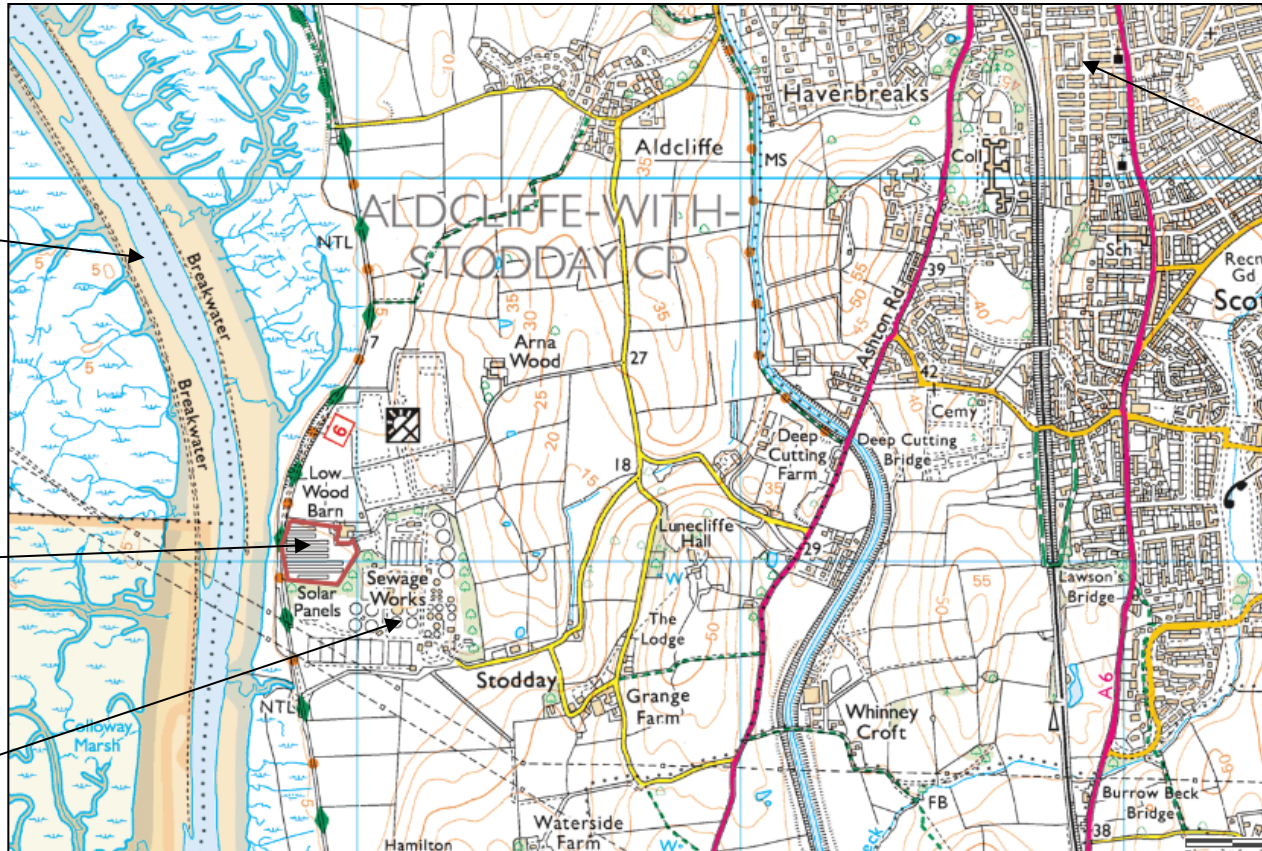


# Planning application LCC/2021/0060

Variation of condition 1 of permission  
LCC/2016/0065 to extend the operational lifetime  
of the solar farm until 31<sup>st</sup> December 2055.

Land adjacent to Lancaster Waste Water Treatment  
Works, Stodday, Lancaster

# Planning application LCC/2021/0060– Location Plan



River Lune

Lancaster

Application site

Lancaster waste water treatment works

# Planning application LCC/2021/0060 – Air photograph



Arna  
Wood  
Solar Farm

Property  
at Low Wood

Application  
site

Lancaster  
wwtw

## Planning application LCC/2021/0060 – View from Low Wood



## Planning application LCC/2021/0060 – View from Low Wood



Rows of solar panels

Landscaping works



# Agenda Item 6

## Development Control Committee

Meeting to be held on 19 January 2022

Electoral Division affected: West Lancashire West
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**West Lancashire Borough: application number LCC/2021/0045  
Retrospective change of use of haulage yard to waste recycling (skips) on land  
at 410 Southport Road, Scarisbrick**

Contact for further information:

Robert Hope, 01772 534159

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

### Executive Summary

Application - Retrospective change of use of haulage yard to waste recycling (skips) on land at 410 Southport Road, Scarisbrick.

### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme, site operations and highway matters.

### Applicant's Proposal

Planning permission is sought for a change of use of land from a former haulage and storage yard to a yard for the sorting and separating of waste materials from skips to reception containers. Inert aggregate based materials would be stockpiled on the ground.

### Description and Location of Site

The application site covers an area of approximately 0.15 hectares and sits within an established storage site and haulage yard located in Scarisbrick, West Lancashire. The site is currently being used for small scale waste management activities and includes skip and container storage areas. The wider site is still used for vehicle storage and includes a large building, which is not included in the application area. The surrounding area includes a mix of agricultural land and housing. An isolated property is located to the north west of the site and a row of houses is located to the east of the site along Southport Road, where the site is accessed from. The site is secured by shrubs, bushes and perimeter fencing at the north, west and south and a security gate and garages/sheds to the rear of Southport Road at the east. The nearest residential properties are located some 40m to the east of the site and approximately 70m to the north west. Although a previously developed site, it is located within the Green Belt.

## **Background**

The site has historically been used as a storage area, haulage yard and car parking area.

## **Planning Policy**

*National Planning Policy Framework (NPPF)*

*National Planning Policy Framework Planning Practice Guidance*

*Waste Management Plan for England (December 2013)*

*National Planning Policy for Waste (October 2014)*

*Our Waste, Our Resources: A Strategy for England (December 2018)*

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

Policy CS7	Managing our Waste as a Resource
Policy CS8	Identifying Capacity for Managing our Waste
Policy CS9	Achieving Sustainable Waste Management

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

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management
Policy WM1	Capacity of Waste Management Facilities

*West Lancashire Local Plan*

Policy SP1	A Sustainable Development Framework for West Lancashire
Policy GN3	Criteria for Sustainable Development

## **Consultations**

West Lancashire Borough Council – No comments received.

Scarisbrick Parish Council - Object on the grounds of the effect on residential amenities due to the change in use of the site.

Environment Agency – No objection to the proposed development but comment that the development will require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.



Lancashire County Council (LCC) Highways Development Control - The proposed development is within the established heavy goods vehicle (HGV) haulage yard and does not involve a new or altered access to the public highway. The size and nature of the proposals at this location should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site and there is no objection.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. 29 representations have been received of which 23 are in support of the application and six objects to the proposal.

The representations in support are on the following grounds:

- Great employment opportunity for use of an empty space.
- The use is similar to previous.
- Good skip business.
- Supports waste management.
- More recycling is needed.

The representations objecting to the application raise the following issues:

- Noise for machinery on site and the tipping of waste on the yard floor, and from traffic.
- Smells and litter from waste activity.
- Damage to neighbouring driveway from vehicle movements.
- Noise from dragging skips.
- Foul language of workers.
- Alleged asbestos in skips.
- Disturbance to wildlife.
- Close to residential properties.
- Vehicles blocking the road.
- The skip business should be on an industrial estate.
- Inappropriate in the Green Belt.
- Possible highway congestion.
- Application does not conform to the local plan.
- The site is unsightly.
- Fire and security risk.
- Site is already working 7 days a week.
- Potential impact on neighbouring watercourse.
- Possible increase in vermin.

### **Advice**

This application is to regularise waste management activities at an existing developed site that has previously been used for a variety of storage and commercial activities. The waste sorting and transfer activities represent a material change of use and separate planning permission is required. The application is made under section 73A of the Town and Country Planning Act 1990, which provides for applications for the grant of planning permission for development that has already been carried out.

Waste materials are currently transferred from skips to reception containers for metal, wood waste, green waste and general waste. Inert aggregate based materials are stockpiled on the ground. The applicant has stated that they have three small skip wagons, which deliver and return the skips on a daily basis. Operating hours would be limited to 0830 to 1730 Monday to Friday.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework sets out the Government's planning policies and is a material consideration in planning decisions.

The National Planning Policy for Waste refers to the Waste Management Plan for England in which the Government supports efficient energy recovery from residual waste to deliver environmental benefits, reduce carbon impact and provide economic opportunities. The National Planning Policy for Waste sets out the national planning policies for waste development and should be read in conjunction with the National Planning Policy Framework. It sets out the Government's continuing ambition to work towards a more sustainable and efficient approach to resource use and management including by driving waste up the hierarchy and minimising waste. This includes helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal.

Policy SP1 of the West Lancashire Local Plan refers to a sustainable development framework for West Lancashire. It advises that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

### *Green Belt*

The site is located in the Green Belt but has historically been used as a storage area, haulage yard and car parking area.

Paragraph 137 of the National Planning Policy Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

Paragraph 138 of the National Planning Policy Framework explains that the purposes of including land in Green Belt include checking the unrestricted sprawl of large built up areas, preventing towns merging into one another, assisting in safeguarding the countryside from encroachment, preserving the setting and special character of historic towns, and assisting in urban regeneration.

Paragraph 147 of the National Planning Policy Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 of the National Planning Policy Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 150 of the National Planning Policy Framework advises that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes material changes in the use of land. The application is for a change of use of a previously developed site that has historically included a range of stored plant, containers, equipment and vehicles. There is no significant change in the visual impact of the activities compared with that which has occurred under the previous uses, and no significant impact on openness of Green Belt or the purposes of including land in the Green Belt. On this basis the development is acceptable in Green Belt policy terms and in terms of visual impact.

#### *Traffic*

Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The site has been a storage area/haulage yard and more recently is in part being used for a skip and waste management business. The current use does not involve a new or altered access to the public highway and has a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. LCC Highways Development Control raise no objection. Nevertheless, as a means of ensuring that disturbance to local residents from vehicle movements does not escalate over time, it is recommended that a vehicle number restriction of no more than 10 vehicles per day be placed on the site, which would also serve to control the intensity of waste management activity at the site. The applicant is amenable to this condition. It is also recommended that conditions be imposed for the sheeting and containment of vehicle waste loads and for a requirement to keep the highway free from debris.

#### *Impact on local amenity*

Paragraph 185 of the National Planning Policy Framework states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. New development should mitigate and reduce to a minimum the potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy 188 of the National Planning Policy Framework states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. 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 Environment Agency has raised no objection to the proposed development but has stated that the development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12. The applicant and Environment Agency have been reviewing the permitting requirements as part of ongoing activities at the site.

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

On the basis that the waste management operations at the site will require an Environmental Permit from the Environment Agency and will be subject to further scrutiny, assessment and appropriate pollution controls as part of that process, it is considered unnecessary to seek to impose specific pollution controls through the planning process. The applicant has submitted a noise assessment to demonstrate that noise levels are and can be controlled to acceptable levels at the nearest sensitive receptors and therefore it would be unreasonable to refuse permission on this basis. Nevertheless, as a means of seeking to ensure that general intermittent disturbance is minimised, a condition is recommended to control the hours of working to those proposed by the applicant, which are 0830 to 1730 hours Monday to Friday only (excluding public holidays). Controls on vehicle movements referred to above and a condition for stockpile height limits would also reduce the likelihood of disturbance to neighbouring residents while also allowing a business opportunity to take place at a site that has a history of employment use.

### *Human Rights*

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

This application, if it were to be approved, would be unlikely to generate a degree of impact on neighbouring properties, which would breach these rights. However, it is considered that any potential impacts could be controlled by conditions or through an Environmental Permit should one be granted.

## Conclusion

This application is to regularise waste management activities at an existing developed site that has been used for a variety of storage and commercial activities. Subject to recommended conditions it is considered that there should be no unacceptable adverse impact on the environment, visual impact, the Green Belt, local highways or the amenity of local residents. Further scrutiny would be required through an application for an Environmental Permit and should a permit be refused waste management activities as currently undertaken would have to cease. The proposal is considered to be acceptable in terms of the policies of the National Planning Policy Framework and the policies of the Development Plan.

## Recommendation

That planning permission be Granted subject to the following conditions:

### Working Programme

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

Submitted Plans:

Location plan dated 21/12/2021

Drawing no ML/DB/6121 dated 21/12/2021

*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.*

### Site Operations

2. No delivery of waste, waste management operations, bulking up of waste or recycled materials or the removal of waste materials or recycled materials off the site shall take place outside the hours of:

0830 to 1730 hours, Mondays to Fridays (except Public Holidays)

No delivery of waste, waste management operations, bulking up of waste or recycled materials or the removal of waste materials or recycled materials off the site 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 DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

3. Depositing, sorting, segregation, processing and loading of waste shall only be undertaken within skips or containers with the exception of inert soil, bricks and aggregates.

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

4. No soil/hardcore/aggregate stockpiles shall exceed 3 metres in height.

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

5. No more than 10 skip/container carrying vehicles shall enter, or leave the site per day, Monday to Friday.

*Reason: To reduce the potential conflict within the site between the different uses and to maintain optimum operational conditions for the various uses and to conform to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

6. All vehicles transporting waste materials or recycled waste products into the site or from the site shall be securely sheeted or contained.

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

7. Measures shall be taken during the duration of the development to minimise the deposit of mud, dust or other deleterious material on the public highway by vehicles leaving the site.

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

## **Notes**

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

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

Paper	Date	Contact/Ext
LCC/2021/0045	Jan 2022	R Hope, Planning and Environment, 01772 534159

Reason for Inclusion in Part II, if appropriate

Not applicable



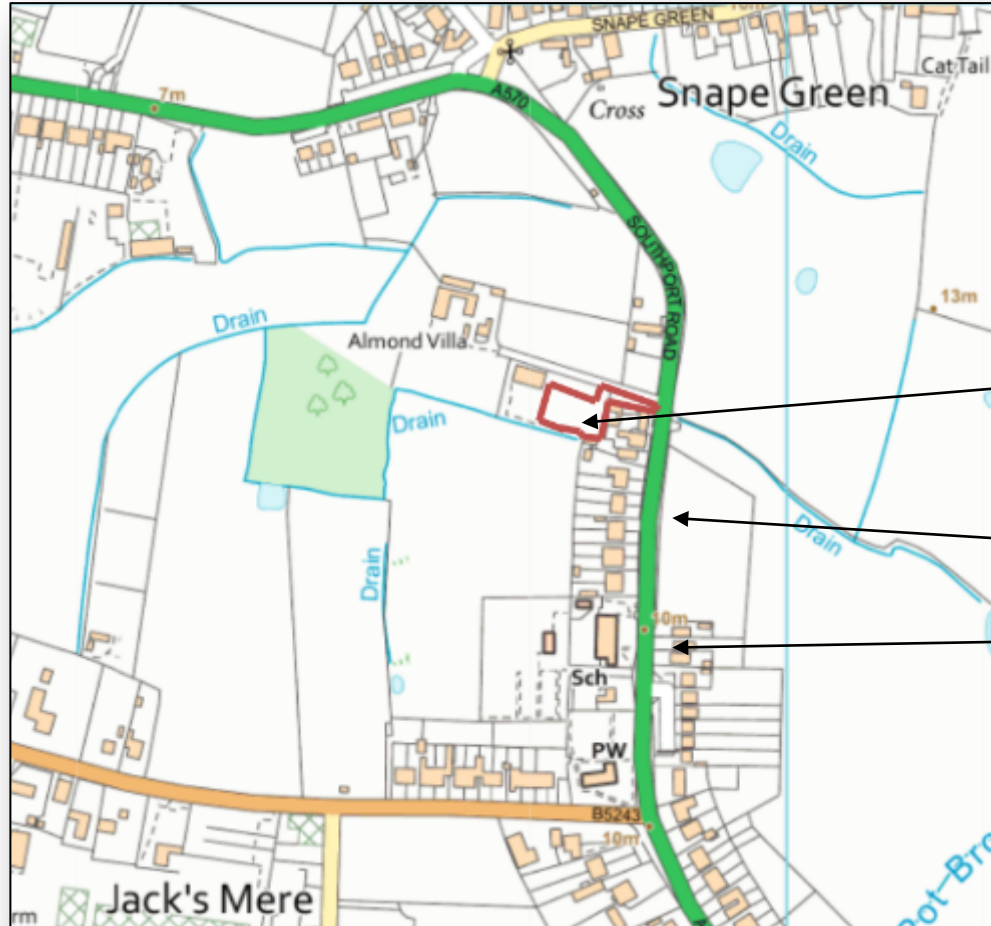


# Planning application LCC/2021/0045

**Retrospective change of use of haulage yard to  
waste recycling (skips) on land at 410 Southport  
Road, Scarisbrick**

# Planning application LCC/2021/0045

## Location plan (approximate areas edged red)



Application site

Southport Road

Scarisbrick

# Planning application LCC/2021/0045

## Aerial view (March 2020)

Resident

Resident

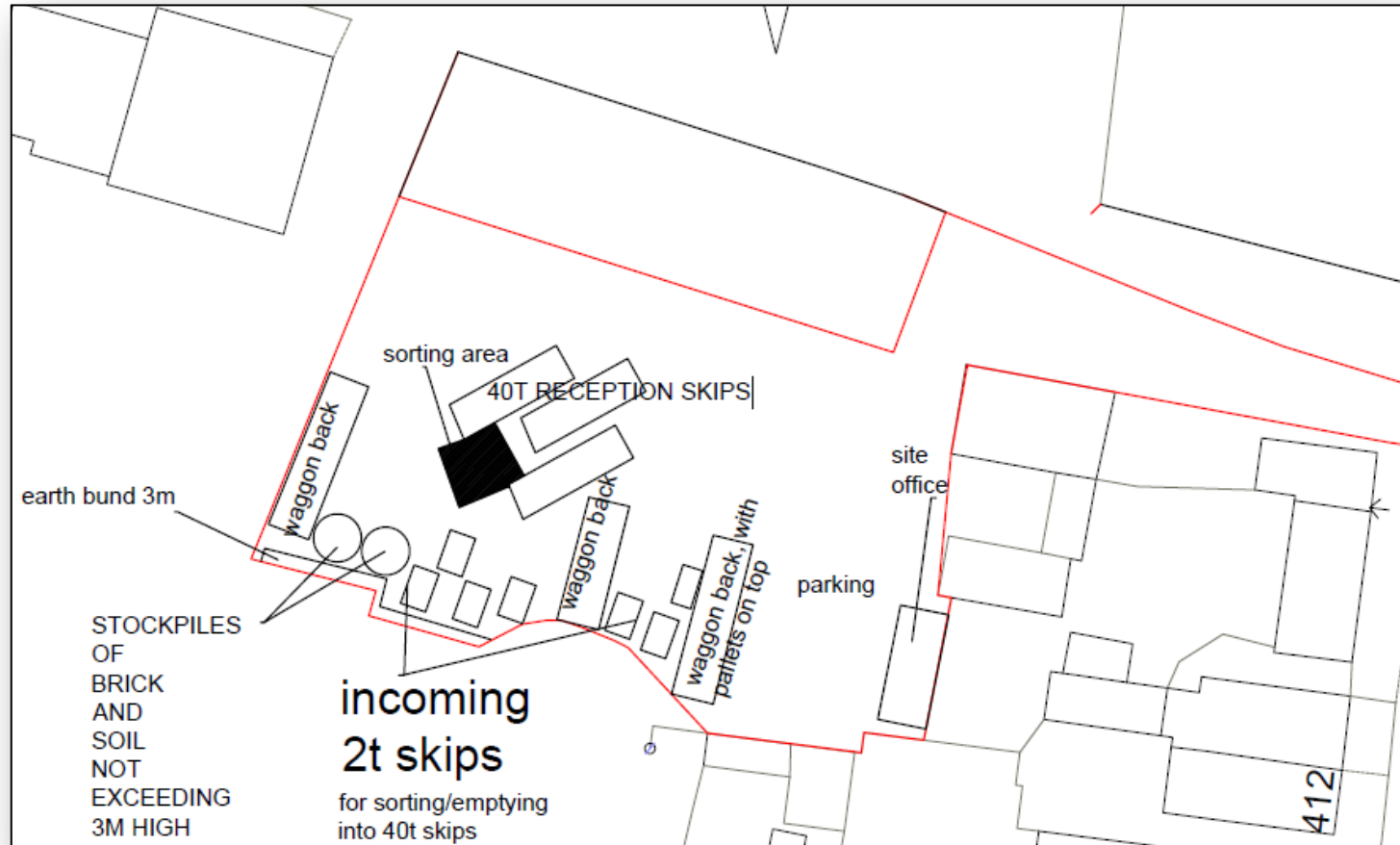
Wider site  
retained  
for storage  
etc

Southport  
Road



# Planning application LCC/2021/0045

## Site Layout (approximate)



# Planning application LCC/2021/0045



Site entrance

# Planning application LCC/2021/0045



Typical skip sorting

# Planning application LCC/2021/0045



Aggregate/soil storage area

# Planning application LCC/2021/0045



Containers for sorted/separated  
waste



# Planning application LCC/2021/0045



Storage area and building outside application site

# Planning application LCC/2021/0045



Land to the west of the site

# Planning application LCC/2021/0045



View from the west looking towards the site

# Planning application LCC/2021/0045



Looking north along Southport  
Road from the site access

# Planning application LCC/2021/0045



Looking south along Southport  
Road from the site access



# Agenda Item 7

## Development Control Committee

Meeting to be held on 19 January 2022

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

Contact for further information:

Susan Hurst 01772 534181

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

#### Executive Summary

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

#### Recommendation – Summary

That the report be noted.

Since the last meeting of the Development Control Committee on the 8 December 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:

#### Lancaster

Application: No. LCC/2021/0048

Morecambe Road School, Morecambe Road, Morecambe

New timber clad self contained building incorporating additional teaching accommodation.

#### Wyre

Application: No. LCC/2021/0069/1

Bowgreave Rise, Garstang Road, Bowgreave

Compliance with condition 6 of permission LCC/2020/0069 - scheme to demonstrate how surface and foul water flows from the site.

#### Preston

Application: No. LCC/2021/0057

County Hall, 23 Fishergate Hill, Preston

Removing 1 x 10m high flag pole and replacing with 2 x 8m high flagpoles.

## **West Lancashire**

Application: No. LCC/2021/0049

Ainsdale Waste Water Treatment Works, Meadow Lane, Halsall, Southport

Amendment to conditions 2 and 3 of the planning permission LCC/2018/0058 to extend the date for the removal of the panels until 31 December 2055 and to allow an additional row of panels to be incorporated into the solar farm development.

## **Hyndburn**

Application: No. LCC/2021/0051

Land North Of Blackburn Road A679, West End, Stanhill, Hyndburn

Retrospective planning permission for the erection of a pressure relief column and 4 no. bollards as part of a wider stormwater detention scheme.

## **Burnley**

Application SCR/2021/0002

Deerplay landfill site, Burnley

Environmental Impact Assessment Screening Opinion request for a proposal to extend the life of the landfill site by a further 8 years.

## **Recommendation**

That the report be noted.

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

None