

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 2nd March, 2022 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	H Khan
L Cox	G Mirfin
M Dad BEM JP	M Pattison
A Kay	B Yates
R Swarbrick	S Clarke

1. Apologies for absence

Apologies were received from County Councillor Potter.

Temporary changes

County Councillor Swarbrick replaced CC Pope.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor Maxwell-Scott declared a pecuniary interest in Item 8 as he was Chair of Lancashire County Developments Ltd Board. County Councillor Rigby would take the Chairmanship for this agenda item.

County Councillor Mirfin declared a pecuniary and non-pecuniary interest in Item 8 as he was Vice Chair and a Director of Lancashire County Developments Ltd Board.

3. Minutes of the last meeting held on 19 January 2022

Resolved: That the minutes of the last meeting held on Wednesday 19 January 2022 be confirmed and signed by the Chair.

4. Update Sheet

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

5. 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

HGV vehicles per day. Iron House Farm, Lancaster Road, Out Rawcliffe

A report was presented on an application for the erection of a new composting building and continuation of use of the existing composting site, subject to a condition restricting the export of compost to five Heavy Goods Vehicles per day, at Iron House Farm, Lancaster Road, Out-Rawcliffe.

The application site was used for the production of compost primarily produced from green waste arising from local authority collections and household waste centres. Waste wood and other compostable materials were also imported, either as an additive to the green waste or used to produce chipped/shredded wood products. 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 was used to shred and compost green wastes.

The report included the views of Wyre Borough Council, Out Rawcliffe Parish Council (objecting to the application), the Environment Agency, LCC Highways Development Control, the County Landscaping Service, County Ecology Service and Natural England. No observations had been received from the Lead Local Flood Authority. County Councillor John Shedwick had raised concerns in relation to the HGVs already exceeding the permitted numbers and the negative impact that any extra vehicles would have on the highways and local area and that the proposed new egress point would disrupt residential amenity. In addition, 1 objection from a neighbouring resident had been received, the details of which had been provided in the report.

The Development Management Officer presented a Powerpoint presentation showing a location plan of the site, air photographs of the site, site access and location of the proposed building, elevations diagrams, and photographs of the existing and proposed views from Hornby Lane and Lancaster Road, site access off Lancaster Road and the site of the proposed building.

The officer drew attention to further information received from County Councillor John Shedwick and from Out Rawcliffe Parish Council objecting to the application, the details of which had been circulated to Committee prior to the meeting (copies attached). Committee's attention was also drawn to the Update Sheet, outlining the applicant's wish to revert to the previous planning permission restrictions on HGVs and not to increase the volumes of waste imported to the site. The applicant had also stated that the building would allow for food waste to be accepted on the site. The applicant's comments in relation to HGVs had been addressed in the report and the comments on food waste addressed in the Update Sheet.

Graham Salisbury, the agent on behalf of the application addressed the Committee. Mr Salisbury reported that the site had operated a service for the past 15 years. The site employed 17 full time equivalent staff and offered a valuable service to both Wyre Borough Council and Lancashire County Council. Mr Salisbury informed Committee that the new building was required in order to

meet new legislation surrounding waste management and handling, and to control the spread of blown waste, plastic and paper.

It was reported that the applicant's weighbridge records where vehicle movements were recorded were considerably more than the 18 the county council was recommending so Condition 8 in the report set a cap on this to address the comments from the Parish Council and the local residents.

County Councillor Kay queried why 2 HGVs were being allowed on Sundays when the report referred to no work being carried out on Sundays. CC Kay also stated that as there were schools, nurseries and colleges in the local area then the HGVs should only be allowed to commence work at 9.00am, after children had been dropped off. The officer confirmed that there were different hours for the importation of waste and the processing of waste and that the condition stated in the report allowed for the importation of waste on Sundays but not the processing of waste. As most people visited the Household Waste Recycling Centres on Saturdays, Sundays and bank holidays, it was important that waste could be imported to the site on these days.

Committee noted that Condition 3 in the report regulated the hours of working on the site and that Condition 4 regulated the building work and noise. Committee were reminded that they needed to consider what the additional impact would be during drop off times, compared to what was already taking place on the roads and whether this would place an extra burden on traffic. Committee were informed that, in this case, this would be minimal.

County Councillor Cox asked whether HGVs could be staggered to avoid queues to the site and whether an annual air quality check could be carried out on site. It was reported that the waste was coming from Household Waste Recycling Centres across the whole of Lancashire so large convoys of HGVs were unlikely, due to the dispersed pattern of vehicle movements. The site was in a rural area and the HGVs did not travel through any urban areas so there was no major issue with pollutants with this development.

County Councillor Mirfin stated that if the site was generating higher numbers of HGV movements than the planning permission allowed, then the applicant should present a new application based on accurate volumes. County Councillor Mirfin proposed to defer a decision on this application, pending the receipt of accurate information on HGV movements to and from the site over a period of time and that, if Conditions had been breached, then the applicant would need to re-apply for higher volumes. Committee were informed that Condition 8 had been set, based on the historical level of compost outputs. If the applicant was concerned that the numbers in the Condition were not high enough, they would need to apply to vary the condition and provide traffic information that assessed what the impact of any extra HGVs were. This would be subject to another consultation process which would come back to Committee.

Resolved: That planning permission be **granted** subject to conditions controlling time limits, working programme, hours of working, materials, highways,

landscaping, ecology, drainage, noise, and dust, as set out in the Committee report.

**6. 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**

A report was presented on an application for a retrospective change of use of haulage yard to waste recycling (skips) on land at 410 Southport Road, Scarisbrick.

A previous report had been presented to Development Control Committee on 19 January 2022 which had included the views of the Environment Agency and Lancashire County Council Highways Development Control, and details of an objection from Scarisbrick Parish Council. No observations had been received from West Lancashire Borough Council at the time of writing the report. 29 representations had been received comprising of 23 in support of the application and six objections. Committee had agreed that a full response from the Borough Council's planning team should be sought before the application was determined and it had been:

Resolved: That the application be **deferred**, pending further investigation by West Lancashire Borough Council.

This report now included details of the objection from West Lancashire Borough Council which related to insufficient information being submitted to fully assess the impact of noise upon surrounding residents. Details of the response provided by the applicant's noise consultant were provided in the report.

The Development Management Officer presented a Powerpoint presentation showing a location plan of the application site, aerial view of the site and nearest residential properties, diagram of the site layout and photographs of the site entrance, sorting and storage area, containers for the waste and views of the site from surrounding areas.

It was reported that Condition 2 proposed to reduce the hours of working from those proposed by the applicant, stating that these should be 08:30 to 17:30 hours Monday to Friday only (excluding public holidays).

Committee were reminded that an Environmental Permit was required for the site which would require certain standards of operation and noise pollution control. Without an appropriate Environmental Permit, the site operator would not be permitted to continue.

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

7. Chorley Borough: application no LCC/2022/0002 Variation of condition 2 of planning permission LCC/2019/0054 to allow the golf course re-contouring operations and restoration operations to continue until 23 March 2023. The Laurels at Charnock, Preston Road, Charnock Richard.

A report was presented on an application for a variation of condition 2 of planning permission LCC/2019/0054, to allow the golf course re-contouring operations and restoration operations to continue until 23 March 2023 at The Laurels at Charnock, Preston Road, Charnock Richard.

The applicant had sought to extend the operations until 23 March 2023 (i.e. to allow an additional one year period for the completion of the development) stating that adverse weather conditions, restrictions on the type of materials and scarcity of materials had caused delays on site.

The report included the views of Chorley Council, Charnock Richard Parish Council, LCC Ecology Service, LCC Highways Development Control, Lead Local Flood Authority, the Coal Authority and the Environment Agency. No observations had been received from the County Landscape Service. Three representations objecting to the application had been received, the details of which were provided in the report.

The Development Management Officer presented a Powerpoint presentation showing a map and aerial photograph of the application site, site plan showing areas of landraising, and photographs of the wheel wash and views of the site from Preston Road, the site entrance, the existing golf course and the landscape bund currently under construction.

Resolved: That planning permission be **granted** subject to conditions controlling time limits, working programme, hours of working, landscaping, noise, highway, ecology, drainage, restoration and aftercare, as set out in the Committee report.

8. Lancaster City: application number LCC/2021/0056 Change of use of Building no.2 from place of worship to office space, replacement windows to Building no. 2 and the link corridor, external metal stairs, installation of external air source heat pumps and demolition of existing toilet block to be replaced by a two storey extension at White Cross Business Park, South Road, Lancaster

The Deputy Chair took the Chair for this item, due to the Chair declaring a pecuniary interest as a Director of Lancashire County Developments Ltd.

A report was presented on an application for a change of use of Building no. 2 at White Cross Business Park, South Road, Lancaster, from a place of worship to office accommodation requiring building works comprising replacement windows to the building and link corridor, external metal stairs, installation of external air source heat pumps and demolition of the existing toilet block, to be replaced by a two storey extension. The site was within Lancaster City Conservation Area.

Lancashire County Developments Ltd and Lancashire County Council were currently in the process of reviewing the vacant buildings within White Cross Business Park, to create spaces for growing small businesses. Building no.2 was originally recorded as Storey Social Club, which had been converted to a place of worship which, more recently, lies vacant. Due to its proximity to Fraser House, which was the most recent building on the Business Park to be refurbished, Building no. 2 had been identified for further development and conversion to office space.

The report included the views of Lancaster City Council (objecting to the application), LCC Highways Development Control and LCC Ecology Service. No comments had been received from Historic England or the Canal and River Trust. One representation had been received from an occupier of an adjacent office unit, the details of which were provided in the report.

The Development Management Officer presented a Powerpoint presentation showing a location plan and air photograph of the application site, proposed elevations and photographs of the views of the chapel building, existing toilet block to be demolished, and the existing link corridor showing the windows and panels to be replaced.

Committee's attention was drawn to the Update Sheet which provided a further response from Lancaster City Council concerned about the proposed use of UPVC for the windows and stating the central doors should be of a more solid appearance rather than fully glazed.

It was reported that the applicant had discounted the use of wooden windows on cost/maintenance grounds but had stated they would be willing to either install secondary glazing on the existing windows or install new aluminium frames. The applicant had proposed that the new building be rendered white and that the windows have stone sills and headers.

County Councillor Yates considered that the new two storey extension should be made of stone and that the windows should be wooden, in keeping with the surrounding area.

County Councillor Kay agreed with these comments stating that the cost and maintenance of wooden windows should be part of the upkeep of a Heritage Grade II building.

The officer confirmed to Committee that although the barracks building at White Cross was a Grade II listed building, the Chapel building (Building no.2) was a non-designated heritage asset. The new two storey extension would incorporate a slate roof, stone headers and sills to the windows of the toilet block and a stone plinth to the building. Committee were informed that the building was in an internal courtyard which could not be seen from outside the White Cross Business Park site.

Following a discussion, it was Moved and Seconded that:

"The application be refused due to the proposals being out of character with the surrounding area"

County Councillor Cox asked whether green rendering could be used for the two storey extension, to blend in with the surroundings, although she appreciated the extension was hidden away in the internal courtyard. The officer informed Committee that the applicant could be asked to consider this.

It was reported that the main views of the site were from the A6 but that the extension could not be seen from the road as the barracks building closed off the view. The officer confirmed that the applicant could be asked to use stone coins to blend in with the stonework on the existing building and that an additional Condition could be drafted to allow the external walls to be reviewed again, to take account of Committee's concerns.

In view of the above, County Councillor Yates withdrew the proposal for refusal of the application and County Councillor Pattison withdrew the secondment of the proposal.

Following further discussion, it was Moved and Seconded that:

"That planning permission be granted, subject to the conditions as set out in the report, with the addition of an extra condition to be included for a scheme to be submitted to officers for approval, in conjunction with the Deputy Chair, detailing timber window frames, the incorporation of additional stone or stone effect featuring in the external elevations of the building and different coloured rendering."

Resolved: That planning permission be **granted**, subject to the conditions as set out in the report, with the addition of an extra condition to be included for a scheme to be submitted to officers for approval, in conjunction with the Deputy Chair, detailing timber window frames, the incorporation of additional stone or stone effect featuring in the external elevations of the building and different coloured rendering.

9. 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 19 January 2022, six 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.

10. Urgent Business

There were no items of Urgent Business.

11. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 27 April 2022 at 10.30am in Committee Room B, County Hall, Preston.

L Sales
Director of Corporate Services

County Hall
Preston

Development Control Committee – 2nd March 2022

Update Sheet

Item 5 – 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.

Since the report was published, the applicant has made representations reiterating that the current restriction allows up to 5 HGV exports per day with an annual intake of up to 75,000 tonnes per annum. The applicant states that he wishes to revert to the previous planning permission restrictions on HGVs and does not wish to increase the volumes of waste imported to the site. The applicant also states that the building would allow them to accept food wastes to the site.

Advice : The applicant's comments are noted but are not agreed. These issues are addressed on page 15 of the report.

With regard to food wastes, a building is a pre requisite for accepting such wastes in order to meet the Animal By - Products Regulations. However, before accepting food waste the applicant would have to amend condition 5 with the application explaining the highway implications of the proposed change.

Item 8 – Application LCC/2021/0056 Change of use of Building no 2 from place of worship to office space, replacement windows to Building no.2 and the link corridor, external metal stairs, installation of external air source heat pumps and demolition of existing toilet block to be replaced by a two storey extension at White Cross Business Park, South Road, Lancaster.

Consultations

Further response from Lancaster City Council in response to amended plans.

The City Council are disappointed to see the use of upvc as a window material as it would detract from the character of chapel and is also an environmentally unfriendly material. The City Council would prefer timber windows but secondary glazing in combination with repair of the existing units should also be considered.

The central doors should be of a more solid appearance rather than entirely glazed. The details of the rainwater goods are acceptable.

Advice : The further comments of the City Council should be noted.

In relation to the windows, the applicant has given further consideration to this issue would still rather no replace the windows with new wooden units due to the cost and

need for maintenance. However, they would be prepared to retain the existing windows and install secondary glazing or replace with new aluminium windows. The exact proposal can be determined through the details that are required by condition 4.

Regarding the design of the doors to the front elevation of the chapel building, a condition can be imposed to deal with this matter and to require a further design to be submitted.

9. No replacement of the doors to the north facing façade of the Chapel building shall take place until a detailed design of the doors has been submitted to and approved in writing by the County Planning Authority. Thereafter the doors shall be replaced in accordance with the approved details.

Reason : To ensure that the door design is appropriate in relation to the design quality of the existing building and to conform with Policies DM30 and DM41 of the Lancaster City Local Plan.

Minute Item 5

Item 5 – LCC/2020/0061

Mr Chairman and Members of the Committee – I am County Councillor John Shedwick – Thornton and Hambleton Division – including the Parish of Out Rawcliffe.

I endorse and fully support the objections to this application raised by the Out Rawcliffe Parish Council.

I further refer to a Consultee Response from Wyre Council -Head of Planning Services – dated 19th November 2020 as follows:

Wyre Borough Council gives notice that **objections are raised** to the above proposal for the following reason (s) :-

1. The proposed building by reason of its scale and bulk and siting, would stand out as visually obtrusive in the landscape. This would be harmful to the rural character and appearance of the countryside in which the application site and surrounding area is located. Furthermore the proposed building will be notably larger than the existing buildings at the site and inadequate information has been provided with the application to demonstrate that this large-scale building is necessary. This would be contrary to Policies SP4 and EP8 of the adopted Wyre Local Plan.

On the 25th August 2021 Wyre Council-Head of Planning Services wrote as follows:-

Wyre Borough Council gives notice that **no objection is** raised to the above proposal.

Mr Chairman, I can find no written record of how Wyre Council had reached the decision of the 25th August 2021 and request that the Development Control Committee defer a decision on this application until a full written explanation is provided by Wyre Council explaining in detail the reasons in removing the clear objections that were raised on the 19th November 2020.

Iron House farm application LCC/2020/0061 Out Rawcliffe Parish Council objections

Background

This recycling centre was established without planning permission sometime prior to 2008.

It was legitimised by a Retrospective planning permission for a change of use of land to create a green waste composting facility was granted in June 2009 subject to the signing of a Section 106 Agreement relating to ensure all HGV's and tractors and trailers delivering waste materials to and from the site do so via Rawcliffe Rd and it's junction with Lancaster Rd.

Current application

This operation has expanded considerably from its original permission, by virtue of application after application to vary condition after condition. Expansion by stealth. It would not be unreasonable to assume that had this operation been applied for in its current form today that it would not be approved.

Parish Council objects on a number of issues:

The size of the building is out of keeping with the existing landscape and is a detrimental impact on the visual amenity of what is a largely flat landscape. There is no building of comparable size, which protrudes so far on to the flat mossland.

Condition 7 of the original permission requires that no stockpile shall exceed a height of 3 m above ground level. The reason given was in the interests of visual amenity of the area and to conform with policy 99 of the Lancashire and policy SP 14 of the Wyre Borough local plan.

This building is a height of 8.2 m – what has changed in those policies that the application justifies the change from the existing condition. That this business now has a need for a building of this size is not on its own a satisfactory reason to override the condition of the original permission. It is not a statutory requirement for the Environment Agency.

This building would encroach Westward onto a totally flat landscape of moss land, which is not characterised with buildings of any description agricultural or otherwise.

Photo of land north of site



The Parish Council noted that Wyre council initially objected to the application and then in a single line reversal of the decision withdrew their objection. The Parish clerk wrote the following:

We note that you have responded twice to this application

On 19/11/2020 your response was:

The proposed building by reason of its scale and bulk and siting, would out as visually obtrusive in the landscape. This would be harmful to the rural character and appearance of the countryside in which the application site and surrounding area is located. Furthermore the proposed building will be notably larger than the existing buildings at the site and inadequate information has been provided with the application to demonstrate that this large-scale building is necessary. This would be contrary to Policies SP4 and EP8 of the Adopted Wyre Local Plan.

On 26/08/2021 your response was:

Wyre Borough Council gives notice that no objection is raised to the above proposal.

Please could you provide us with details of the changes to the planning policy which have resulted in this change of position or, in the absence any such policy changes, your reasons for withdrawing your objection. In particular we would like to know whether your reasons are linked in any way to the Council's business relationship to the applicant (green waste processing).

Please provide a response as a matter of urgency in order that we can compile our submission to LCC before the expected hearing date of 20 October 2021.

The site is based on “ the moss” – which has been widely recognised as an area of critical national importance in the fight to control and store carbon. About 98% of lowland mosses of Lancashire have now been reclaimed for agriculture or otherwise lost. The habitat is so rare that all cultivated remnants, whether they are cut over and regenerated or not, are considered to be of great importance, a key part of the Counties critical environment capital.

This proposal conflicts with the aims of Lancashire County Council’s climate change strategy and as such should not be permitted.

Objections on grounds of Highways

The roads in the area are almost entirely moss roads. This means that they have no substantial underlying structure and were not designed for the weight of the modern day vehicle. The cumulative effect of vehicles from businesses along the Lancaster Road (Preston plastics, BWA fabrications, Wilkinsons plant hire, 40 pitch touring caravans at Wilson house farm, SEL Environmentals, Valiants) has caused substantial deterioration in not only the surface but the foundations of these fragile roads, for whom Lancashire County Council are responsible.

The damage and destruction to these roads is not sustainable and causes disruption to residents, road safety concerns (some of the subsidence is so severe that vehicles have been banking on the road surface), Large vehicles have become unstable and have turned over, on occasion taking power and telephone lines with them again causing disruption to residents.

The County Council highways department repeatedly fails to consider the wider access roads and the effect that these applications have on them, when considering their responses to applications. It is disappointing and difficult to explain to our residents when, what they assume is obvious, is completely disregarded. These roads and repairs then have to be funded by the taxpayer. Paragraph 109 of the National Planning Policy Framework states that proposals should only be refused on highways ground if there would be an unacceptable

impact on highway safety or the residual cumulative impacts on the road network would be severe. Whilst this application refers to only five journeys leaving the site, the cumulative effect of these applications does have an unacceptable impact on highway safety and the road network.

This is not a sustainable location for any business requiring access by regular HGV movements. Planning applications have to demonstrate sustainability.

Many of the vehicles arriving at the site do so via Skitham Lane, the subject of these photographs. Signage on these roads and on Lancaster Road at the junction of Skitham Lane clearly show that both roads are deemed unsuitable for large vehicles. How then does the Highways Department justify the lack of objection when their own signs state the roads are unsuitable. Since all access roads to the site are moss roads, the default position should be objection.

The 106 condition of the original permission is being consistently breached, traffic to the site is accessing it from Skitham Lane from the east and through the village and Crookgate Lane from the west. These are 60 mph country roads (save for a short stretch of 30 by the former school) and we regularly receive completes of waste lorries travelling too fast and there being too many of them.

In view of the above, The Parish Council of Out Rawcliffe respectfully request that the committee refuse this application in its entirety.

The Parish Council supports the County Councils view that the controls on the volume of waste been imported to the site are commensurate and proportional to the historic limitation on compost exports. Given the historical records of HGV movements between 11 and 29, this is clearly not commensurate with the volume of waste being exported. The consequences of which can be assumed that either that the number of HGV vehicles exiting the site is greater than the permission allows, or waste is being stockpiled at the site beyond the 3 m height restriction.

However, should the development control committee be minded to permit this application, the Parish Council respectfully request that following conditions be added, along with their existing proposals;

1. That in line with the County Councils advice from their own consultants that no more than 10 HGV vehicle loads per day (Monday to Friday) and 4 HGV vehicle loads per day (Saturdays) , enter the site.

No HGV vehicles be permitted to enter or leave the site on Sundays and bank holidays.

That the seasonal maximum entering be limited to 13 HGV Mon to Fri . 4 on Saturday and zero on Sunday.

For the avoidance of doubt HGV to be anything over 7.5 tons and to include tractor and trailers

That conditions be rigorously enforced.

Reasons :The road network is part of the Wyre cycle network, there are no pavements or street lighting and the movement of vehicles on a Sunday and bank holidays would have a detrimental impact on the enjoyment and safety of residents of and visitors to the area.

2. Further development rights for the site, for the avoidance of doubt to include the adjoining land, within the company's ownership or control ,be removed.

No further variations of conditions be permitted.

Reasons :In order to ensure that the rural nature of the area, the fragility of the road network and the imposition upon residents be limited to no more than it is now.

That the adjoining mossland, a vital source of carbon capture is not lost to further development which would be a contradiction of the County Councils Climate Change Policy and have a long term detrimental impact on the environment.

4. That the vehicle movements are recorded and that those records are regularly inspected by County officials and spot checks implemented.

Reasons: to ensure that vehicle movements do not exceed those permitted by condition.

Evidence of average of 20 tractor / trailer combinations, per hour, removing material from the site , throughout daylight hours on Sunday 4th March 2018

5. That the word " multipurpose" be removed from the "application for the erection of a multipurpose storage building."

Reasons: to ensure that the building operates only within the confines of the planning permissions that it has.

Sign on Lancaster rd



Damage to road edge.



Damage to power and phone lines caused by HGV overturning. Unrepaired for months.

Damage to the foundations of the road causing unevenness. Vehicles have been banking the area in the centre



Sign on Skitham Lane and damage to road edge.

