

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 8th June, 2022 at 10.30 am in Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor Matthew Maxwell-Scott (Chair)

County Councillors

S Clarke	A Kay
P Rigby	M Pattison
L Cox	E Pope
M Dad BEM JP	S Rigby
A Hindle	

1. Welcome, thanks and apologies for absence

The Chair welcomed the following new Committee Members:

County Councillor Steve Rigby
County Councillor Anna Hindle
County Councillor Steven Holgate

and thanked the former Committee Members:

County Councillor Ged Mirfin
County Councillor Hasina Khan
County Councillor John Potter

Apologies for absence were received from County Councillor Holgate and County Councillor Yates.

2. Appointment of Chair and Deputy Chair

Committee noted the appointment by the County Council on 26 May 2022 of County Councillors Maxwell-Scott and P Rigby as Chair and Deputy Chair of the Committee, respectively, for 2022/23.

3. Disclosure of Pecuniary and Non-Pecuniary Interests

No pecuniary or non-pecuniary interests were disclosed.

4. Constitution, Membership and Terms of Reference of the Committee

A report was presented on the Constitution, Membership and Terms of Reference of the Development Control Committee.

Resolved: That the Constitution, Membership and Terms of Reference of the Development Control Committee be noted.

5. Minutes of the last meeting held on 27 April 2022

Resolved: That the minutes of the last meeting held on Wednesday 27 April 2022 be confirmed and signed by the Chair.

6. Update Sheet

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

7. West Lancashire Borough: application number LCC/2022/0013 Variation of conditions 2 and 5 of permission LCC/2021/0045 to allow Saturday working at the waste recycling yard on land off Southport Road, Scarisbrick

A report was presented on an application for a Variation of condition 2 and 5 of permission LCC/2021/0045, to allow Saturday working at the waste recycling yard on land off Southport Road, Scarisbrick.

Committee were advised that the site operator's agent had previously advised that restricting the hours of working to Monday to Friday had been acceptable to the applicant and this had been seen as a means of minimising potential impacts on neighbouring residents. However, the site operator had now advised that this had been a misunderstanding and that the site had always operated on Saturdays. The applicant therefore wished to amend Condition 2 so waste management activity could formally continue to take place on Saturdays between the hours of 0800 and 1600 and wished to amend Condition 5 to allow waste to be imported to the site on Saturdays.

It was reported that it was common for businesses to wish to work over the weekend and that, on large industrial estates, there were often no controls on hours of working. However, on more restricted sites, it was often more accepted that weekend working be restricted to Saturday mornings, to seek to ensure that local amenity was not unduly compromised by intermittent disturbance. On that basis, it was recommended that Condition 2 be amended to allow Saturday morning working from 0830 to 1300 hours, as opposed to the applicant's request to work from 0800 to 1600 hours. It was also recommended that Condition 5 be amended to allow up to 6 vehicles to enter or leave the site on Saturday mornings. It was considered that these controls would still provide sufficient protection for local residents, whilst appreciating the business needs of the site.

The report included the views of West Lancashire Borough Council, Scarisbrick Parish Council and the Environment Agency. Three representations had been received objecting to the application, the details of which were provided in the report.

Committee's attention was drawn to the Update Sheet which included details of an additional representation from a local resident.

The Development Management Officer presented a Powerpoint presentation showing a location plan and aerial view of the application site, nearest residential properties and the wider site retained for storage. A site layout plan was also provided together with photographs of the site entrance, skip sorting, aggregate/soil area, containers for sorted/separated waste, storage area and building outside the application site and views of the site from the surrounding areas.

Councillor John Herbert (Parish/District Councillor) addressed the Committee and made the following points:

The National Planning Policy Framework requires that a new development is appropriate to its location, taking into account the sensitivity of the wider area, and that adverse impacts on health and quality of life should be avoided. Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan emphasised the importance of taking into account sources of demonstrable harm and either eliminating these or reducing them to acceptable levels. For noise to be detrimental to a community, it simply had to make a place a less pleasant place to live. The World Health Organisation states that environmental noise is not only a cause of nuisance but a concern for public health. Councillor Herbert pointed out that the Environmental Health Officer from West Lancashire Borough Council had stated that there was a serious concern about the suitability of the location of the site and that it was not a small scale development. Vehicle movements were associated with reversing alarms, engine noise and the noise of loading/unloading skips, together with tipping the skips and the use of mechanical diggers. The noise assessments commissioned by the applicants give measurements much lower than expected. However, a noise rating of 4+ decibels was close to the level where adverse impact occurs. The Environmental Health Officer believed the context made this significant as the site was not in an industrial area and residential properties were in close proximity. Committee had approved the previous application with Conditions 2 and 5 being imposed to make the development acceptable in terms of DM2 and to protect the health and wellbeing of the local residents and Councillor Herbert stated that nothing had changed since that influenced this decision. Councillor Herbert considered that the residents deserved respite for the good of their physical and mental health, whether or not they had submitted an objection to the application. For these reasons, Councillor Herbert urged Committee to refuse the application.

The officer made it clear that Committee's remit was to consider whether the additional operating time on Saturday mornings was acceptable and not to consider the acceptability of the site.

As the site was currently operating all day on Saturdays and possibly Sundays, the Chair stated it was frustrating when previous conditions were not being adhered to and asked whether this was a separate compliance issue. Committee noted that non-compliance in relation to the working hours of the site should not affect the determination of this application and that this could be investigated separately.

The county council had reviewed the applicant's request to continue working all day on Saturdays, together with the noise assessment and the comments from West Lancashire Borough Council and considered Saturday morning working to be acceptable, to allow business to continue at the site and to protect local amenity. It was noted that the site was required to have an Environmental Permit in order to operate and that discussions were ongoing in relation to this and that an application was to be submitted. An Environmental Permit would further scrutinise noise controls to ensure these were not at unacceptable levels. If an Environmental Permit were to be refused, then operations at the site would have to cease.

Committee's attention was drawn to the comments from a local resident in the Update Sheet where reference had been made to guidance regarding standard rules permits and requirements for separation distances from residents. The officer pointed out that the site operator would be required to apply for a more bespoke permit, if residents were within a certain proximity to the site.

Committee were reminded that if they were minded to refuse the application, this must be because Saturday working was considered to be unacceptable due to the impact on the residents and not because of the breach of the conditions. It was noted that the extension had been requested as, in the main, skips were being collected from households and that most people preferred for these to be collected at weekends.

County Councillor Pope stated that the site was unkempt, there were issues with vermin, checks needed to be carried out in relation to compliance and residents needed to be protected. County Councillor Pope wished to refuse the application and suggested that a site visit be carried out.

Following a discussion, it was Moved and Seconded that:

"The application be refused as the waste management activities on a Saturday would have an unacceptable adverse impact on the amenity of surrounding residents by virtue of noise, disturbance and associated heavy goods vehicle movements contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan."

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

Resolved: That the application be refused as the waste management activities on a Saturday would have an unacceptable adverse impact on the amenity of

surrounding residents by virtue of noise, disturbance and associated heavy goods vehicle movements contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

8. Pendle Borough: application number LCC/2022/0011 Removal of condition 6 (to allow crushing and screening of mineral) and variation of condition 23 (inert materials) of planning permission LCC/2020/0073 in relation to mineral working and site restoration at Catlow East Quarry, Catlow Fold Farm, Southfield Lane, Southfield, Nelson, Lancashire

This Item and Item 9 were discussed together as both related to applications at Catlow Fold Farm.

Reports were presented on the following applications in relation to Catlow East and Catlow West Quarries at Catlow Fold Farm, Southfield Lane, Southfield, Nelson, Lancashire:

(i) an application for the removal of condition 6 (to allow crushing and screening of mineral) and the variation of condition 23 (inert materials) of planning permission LCC/2020/0073, in relation to mineral working and site restoration at Catlow East Quarry.

(ii) an application for the removal of condition 18 (to allow crushing and screening of mineral) and variation of condition 26 (inert materials) of planning permission LCC/2015/0055 in relation to mineral working and site restoration at Catlow West Quarry.

It was reported that the proposed changes at both quarries would allow for the screening and size reduction of minerals and the importation of a wider range of inert waste materials for restoration to include inert naturally occurring excavation material, subsoil, topsoil, concrete, ceramics and brick.

The reports included the views of the Environment Agency and one representation, the details of which were provided in the reports. Pendle Borough Council, Nelson Town Council and LCC Highways Development Control had no comments on the applications.

The Development Management Officer presented a Powerpoint presentation showing a location plan and aerial view of the application sites and site access, the stone processing buildings/equipment and offices and location of the Catlow East and Catlow West crushing and screening activity area. Various photographs were also shown of the sites including the eastern slope, cutting shed, crushing plant, view looking east from the western side and quarry access at Catlow East and the block stone working, walling stone, flagstones and powerscreen at Catlow West and the Crawshaw Lane access to both sites.

It was reported that the applicant was currently applying for Environmental Permits for both sites and that an additional permit would be required in relation to the crushing and screening equipment from the local authority where the crusher had originally been registered, specifically in relation to air quality control.

Reference was made to the Environment Agency's objections in relation to the proposed variation of Condition 23 for Catlow East Quarry and the proposed variation of Condition 26 for Catlow West Quarry regarding inert materials. It was reported that these issues needed to be controlled through the Environmental Permit process and that they were outside the remit of the planning process.

In relation to Catlow East Quarry, it was:

Resolved: That planning permission be **granted** subject to conditions controlling conditions controlling working programme, site operations, noise, dust, hours of operation, highway matters, drainage and water resources, landscaping, restoration and aftercare, as set out in the Committee report.

In relation to Catlow West Quarry, it was:

Resolved: That planning permission be **granted** subject to conditions controlling commencement, working programme, site operations, noise, dust, hours of operation, highway matters, drainage and water resources, landscaping, nature conservation, restoration and aftercare, as set out in the Committee report.

9. **Pendle Borough: application number LCC/2022/0012
Removal of condition 18 (to allow crushing and screening of mineral) and variation of condition 26 (inert materials) of planning permission LCC/2015/0055 in relation to mineral working and site restoration at Catlow West Quarry at Catlow Fold Farm, Southfield Lane, Southfield, Nelson, Lancashire**

Please see Item 8.

10. **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 27 April 2022, seven 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.

11. Urgent Business

There were no items of Urgent Business.

12. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 20 July 2022, at 10.30am in Committee Room B – The Diamond Jubilee Room, County Hall, Preston.

L Sales
Director of Corporate Services

County Hall
Preston

Development Control Committee – 8 June 2022

Update Sheet

Item 7 – West Lancashire Borough: application number LCC/2022/0013 Variation of conditions 2 and 5 of permission LCC/2021/0045 to allow Saturday working at the waste recycling yard on land off Southport Road, Scarisbrick.

Additional representation

An additional representation has been received that raises the following summarised points:

- Planning permission was granted for a change of use of the land (from a defunct farm produce haulage site to a skip hire and waste sorting business) in planning application LCC/2021/0045 providing that, the applicant held the appropriate licences and permits from the Council and the Environment Agency, that provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters, and that all foul water drainage shall be discharged to a public sewer or else to a sealed watertight tank.
- The representation states that the applicant does not hold the relevant Environment Agency permits for their skip hire operation, there is no provision whatsoever for the collection, treatment and disposal of water at the site, and foul water drainage is not into a public sewer or sealed watertight tank.
- Water from the site enters a large open drain and flows under neighbouring land, discharging into open farm ditches.
- The applicant is in breach of the conditions applied on them, and therefore this application should be refused.
- Committee members should visit and inspect the site to see what an eyesore it is in the Scarisbrick community, and to review the permitted continuation of this operation.
- Attention is drawn to Environment Agency Regulation SR2008 No15 which requires “materials recycling facilities” to be located no less than 500 metres from any residential dwelling or workplace. The resident has asked the Environment Agency to advise if this regulation remains current, but as of yet has received no reply.

Advice

Issues concerning compliance with conditions can be investigated separately but are not a reason to refuse planning permission on this basis. The Environment Agency has advised that an Environmental Permit is likely to be required and there is a separate process for that. The Environmental Permit sets out the primary controls for the protection of water resources. Furthermore, the Environment Agency also has enforcement powers that can be employed should they consider it expedient for the protection of the environment. The resident makes reference to guidance regarding standard rules permits and requirements for separation distances from residents. This guidance is likely to mean that the site operator would be required to apply for a higher-level bespoke permit instead of a standard rules permit.