

Lancashire County Council

Development Control Committee

**Minutes of the Meeting held on Wednesday, 26th April, 2023 at 10.30 am in
Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

Present:

County Councillor Matthew Maxwell-Scott (Chair)

County Councillors

P Rigby	A Kay
J Berry	M Pattison
S Clarke	E Pope
M Dad BEM JP	S Rigby
A Hindle	B Yates
S Holgate	

1. Apologies for absence

No apologies for absence were received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor Clarke declared a non-pecuniary interest in Item 7 as he was a member of the Lead Local Flood Authority who were objecting to the application.

County Councillor Pattison declared a non-pecuniary interest in Item 9 as she was a Lancaster City Councillor.

3. Minutes of the last meeting held on 1 March 2023

Resolved: That the minutes of the meeting held on 1st March 2023 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/2022/0060 Hydrobrake chamber, return manhole and pressure relief column in association with proposed detention tank at Yew Tree Farm, Higgins Lane, Burscough

A report was presented on an application for a Hydrobrake chamber, return manhole and pressure relief column in association with the proposed detention tank at Yew Tree Farm, Higgins Lane, Burscough.

The proposal was part of a wider scheme of waste water infrastructure improvements much of which was permitted development under Part 13 of the Town and County Planning (General Permitted Development Order) 2015.

The report included the views of Burscough Town Council, LCC Highways, Natural England and Atkins (Ecology and Arboriculture comments). No comments had been received from West Lancashire Borough Council and LCC Landscape Service. Three representations objecting to the proposal had been received and an objection on behalf of Burscough Flood Group.

Committee's attention was drawn to the Update Sheet which included further information provided by the applicant to clarify the need for the proposed development, and a number of proposed changes to the conditions.

The Development Management Officer presented a Powerpoint presentation showing a site location plan and aerial view of the application site and the Yew Tree Farm Development, a site layout plan, elevations, photographs of the view from Higgins Lane towards the west boundary of the site and a panorama of the site from Higgins Lane looking northwards.

Councillor Brian Bailey, Burscough Town Council, addressed the Committee and referred to the concerns raised by the Town Council which had been detailed in the Committee report. These included, in particular, the chosen location within the Green Belt, the fact that the development had not been accommodated within the Yew Tree Farm site itself and concerns around ongoing surface water drainage problems in Burscough.

Committee were informed that United Utilities were consulted on all planning applications and that they had been involved in the Yew Tree Farm development which had been dealt with by West Lancashire Borough Council. The additional foul flow created by the mixed-use development at Yew Tree Farm could not be accommodated within the existing sewer network and a new detention tank to retain flows and then return them to the sewer network was required. There was not sufficient land available within the Yew Tree Farm development to accommodate this and the application site had been chosen as it was the nearest connection point.

The Development Management Officer answered questions from Committee.

As requested, a copy of the minutes of this meeting would be sent to Burscough Town Council.

Resolved: That planning permission be **granted** subject to conditions controlling approved plans, ecological mitigation and highway safety, as set out in the Committee report and the Update Sheet.

6. Preston City and Fylde Boroughs: application number LCC/2022/0041 Amendment to approved plans listed in Condition 2 of Planning Permission ref LCC/2016/0046 to permit a revision of the screen mounding and landscaping alongside the Preston Western Distributor Road - Land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston

A report was presented on an application for an amendment to approved plans listed in Condition 2 of Planning Permission ref LCC/2016/0046, to permit a revision of the screen mounding and landscaping alongside the Preston Western Distributor Road.

The current application sought approval for areas of more extensive mounding compared to the approved layout, in order to accommodate excess spoil materials generated during road construction operations. The areas of additional mounding did not require the removal of any additional trees or lengths of hedgerow, beyond those that were required to implement the original planning decision.

The report included the views of Preston City Council, Fylde Borough Council, Newton-with-Clifton Parish Council, the Canal and River Trust, the County Landscape Service, LCC Ecology Service, Network Rail and the Lead Local Flood Authority. No comments had been received from Woodplumpton Parish Council, Lea Parish Council or the Environment Agency. One representation had been received on behalf of a number of residents of Darkinson Lane.

The Development Management Officer presented a Powerpoint presentation showing a site location plan, aerial views of the northern part of the route showing the view during construction, the Preston Western Distributor Central section during construction and the Preston Western Distributor Southern section. Also shown were diagrams of the northern section at Preston Western Distributor/M55 junction, the central section/Lea Lane, the central section near the railway crossing, section near Lea Village and the southern end at the A583 roundabout.

The Development Management Officer answered questions from Committee.

Committee noted that most of the mounding had been completed so retrospective approval was required for these, but that there were some small sections that had not yet been put in place.

Resolved: That subject first to the signing of a Section 106 agreement relating to the retention of bat mitigation measures, planning permission be **granted** subject to conditions controlling approved documents, landscaping and ecology, construction controls, traffic management and monitoring and surface water controls, as set out in the Committee report.

7. Wyre Borough: application number LCC/2022/0043 The infilling of a lake and change of use of land to allow the siting of an additional 28 static holiday caravan pitches and associated infrastructure at Highfield Fishery, Highfield Farm Fisheries, Ghants Lane, Hambleton

A report was presented on an application for the infilling of a lake and change of use of land to allow the siting of an additional 28 static holiday caravan pitches and associated infrastructure at Highfield Fishery, Highfield Farm Fisheries, Ghants Lane, Hambleton.

Three fishing lakes had been created on this site in 2002/03, under a planning permission granted by the county council for the extraction and export of clay. The central lake had been infilled using imported materials, and developed as a holiday accommodation site, under a planning permission granted in 2020 (ref LCC/2020/0039). This planning permission had now been implemented and the caravan/chalet units were now in use. The current application related to the southernmost lake at Highfield Fisheries.

The report included the views of Wyre Borough Council, Hambleton Parish Council, Ecology Service, the Environment Agency, United Utilities, LCC Highways Development Control and the Lead Local Flood Authority. Three representations objecting to the proposal had been received.

The Development Management Officer presented a Powerpoint presentation showing a site location plan and aerial views of the application site and proposed layout, a photograph of the view of the site entrance from Ghants Lane, diagrams of the proposed mitigation land and the view of the mitigation land from Sower Carr Lane.

It was reported that, as there would be some losses to ecology, the applicant proposed to create a new off-site pond and use it purely for the purposes of ecological compensation. Committee were informed that Condition 18 covered this and stated that the pond should not be stocked with fish or used for angling purposes at any time.

The Development Management Officer answered questions from Committee.

It was confirmed that the current footpath which ran along the boundary of the current site and the proposed site would be retained and that various conditions needed to be satisfied before the development could be commenced. It was noted that Condition 8 dealt with the Construction Management Plan including the routing of vehicles and operating hours.

County Councillor Rigby raised concerned that the applicant had previously disregarded conditions as the lake had been used for carp fishing, rather than being used for wildlife. Committee were informed that this breach would be raised with the landowner and addressed.

Resolved: That planning permission be **granted** subject to conditions controlling time limits, working programme, construction details, design and details of compensation area, as set out in the Committee report.

- 8. Rossendale Borough: application number LCC/2022/0046 - The construction of a Multi-Use Games Area (MUGA) facility with a 30mm pile artificial grass surface with pre-treated timber edging to the MUGA perimeter and**

**surrounded by 2.4m high 868 duex fencing coloured green RAL6005 -
Balladen Primary School, Linden Lea, Rawtenstall**

A report was presented on an application for the construction of a Multi-Use Games Area facility at Balladen Primary School. The facility would have a 30mm pile artificial grass surface with pre-treated timber edging to the perimeter and would be surrounded by 2.4m high 868 duex fencing coloured green RAL6005.

The report included the views of United Utilities and Sport England. No comments had been received from Rossendale Borough Council or LCC Highways. One representation objecting to the proposal had been received.

It was reported that although the applicant had responded to Sport England's concerns, Sport England had maintained their objection to the proposal so the application was required to be referred to the Secretary of State, should the Committee resolve to approve the application.

Committee's attention was drawn to the Update Sheet which included details from the applicant on the proposed drainage scheme and an amendment to Condition 6 to reflect this.

The Development Management Officer presented a Powerpoint presentation showing a site location plan, aerial view of the site, images of the fencing detail, diagram of the site layout, existing grass pitch and construction details and a photograph of the proposed location for the multi-use games area.

Committee were informed that the school had confirmed that team games would still be able to be played on the remaining playing field and that the Football Association had confirmed this was of adequate size. In addition, the multi-use games area would be available all year round, unlike the school field.

Resolved: That, subject to the Secretary of State confirming that the application will not be called in for his own determination, that planning permission be **granted** subject to conditions controlling hours of use, floodlighting and materials, as set out in the Committee report and the Update Sheet.

9. Lancaster City: application number LCC/2022/0061 - The permanent retention of the existing Salt Ayre materials recycling and transfer facility at Salt Ayre Materials Recycling and Transfer Facility, Ovangle Road, Salt Ayre, Lancaster

A report was presented on an application for the permanent retention of the existing Salt Ayre Materials Recycling and Transfer Facility at the closed Salt Ayre Landfill Site, Ovangle Road, Lancaster.

The report included the views of Lancaster City Council, Heaton with Oxcliffe Parish Council, the Environment Agency and LCC Highways. No representations had been received.

The Development Management Officer presented a Powerpoint presentation showing a site location plan and aerial view of the application site and the former landfill site, site layout and photographs of the view of the building from the site entrance (adjacent household waste recycling centre) and the site entrance from Ovangle Road.

County Councillor Pope raised concern around the permanency of the planning permission. However, it was noted that the only reason to continue with temporary permission would be if permanent permission would prejudice the restoration of the landfill site. As there would be no impact on this, the benefits of retaining the facility were considered to outweigh any limited benefit from the removal of the building, in terms of the landscaping impact, as the Household Waste Recycling Centre would remain on site.

The Development Management Officer answered questions from Committee.

County Councillor Berry referred to the concerns from Lancaster City Council around air quality and pollutants and that insufficient information had been submitted to enable consideration of these issues. Committee were informed that the applicant had provided further information to address these matters which the City Council had not responded to. The site was not within the air quality management area itself but within a zone around this area and Lancaster City Council would look to monitor whether traffic from the development was likely to add a contributory impact onto the designated air quality management area. As the facility was already operating, there would be no further traffic movement to contribute to the detriment of the air quality management area. Approximately 30% of the vehicle movements were internal from the Household Waste Recycling Centre so if the facility were to close, the waste would have to be transferred elsewhere which would likely result in an increase in vehicle movements.

Resolved: That planning permission be **granted** subject to conditions controlling all conditions relating to site operations, hours of working, safeguarding of watercourses and drainage, and the control of noise, as set out in the Committee report.

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 meeting of the Development Control Committee on 1st March 2023, four 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 7th June 2023 at 10.30am in Committee Room B – The Diamond Jubilee Room, County Hall, Preston.

H MacAndrew
Director of Law and Governance

County Hall
Preston

Development Control Committee – 26 April 2023

Update Sheet

Item 5 – Application LCC/2022/0060 – Land opposite Yew Tree Farm, Higgins Lane, Burscough

Background

The applicant has provided further information to clarify the need of the proposed development. They have confirmed that the Yew Tree Farm development has separate waste water and surface water systems, so that heavy rainfall events should not lead to additional flows in the waste water sewers from the site. However, the existing sewer downstream of the proposed tank is already at capacity during peak times of storm, therefore any additional foul flows from Yew Tree Farm into the combined system would cause it to be overloaded. The proposed development would provide additional storage capacity in the existing foul sewer network in order to mitigate this possibility.

Highways

The applicant has advised that the hours of delivery condition requested by Lancashire County Council (LCC) Highways (deliveries to the site to take place only between the hours of 9.30am and 2.30pm Monday – Friday) could potentially lead to an increase in the construction programme. Following careful consideration it is recommended that given the likely duration of the construction works (five weeks) and scale of the proposed development it is appropriate to delete the proposed Condition 4 which seeks to restrict the hours of deliveries to the site. In particular it is important to note that the works that require planning consent are limited to the two raised manholes and the vent stack and that the remainder of the works are permitted development.

Ecology

The applicant has advised that the trees adjacent to the site do not fall within the application boundary, therefore it would unfortunately not be possible to provide bat and bird boxes as set out in the proposed Condition 7. They also advised that they consider that the most effective and appropriate way would be to agree a suitable low maintenance wildflower grassland mix rather than requiring a landscape plan as set out in Condition 7.

The applicant considers that the application site is of low biodiversity value and would not be impacting on bat roosts, flight lines or nesting habitat (with the exception of some ground nesting habitat). The applicant therefore questions whether Condition 7 is necessary and appropriate.

Advice

The comments regarding the ability to provide bat and bird boxes are noted. As the land is outside of the control of the applicant this cannot be required. Regarding the remainder of the site the submitted plans note the following landscaping proposals:

- Proposed grass verge adjacent to the permanent access track: Germinal seeds A4
- Permanent grasscrete access track: John Chambers heritage flowering lawn
- Temporary access area: reinstated with stockpiled topsoil

The site is presently vacant agricultural land, with land beyond used for arable farming. Whilst it is always desirable to provide biodiversity net gain whenever possible, given the size and scale of the site and the existing use of the land, the applicant's landscaping proposals are considered acceptable.

Conditions

The applicant has confirmed that the proposed temporary site fencing adjacent to the existing trees and hedge along the western boundary of the site will be located in the position of the tree protection fencing as set out in the Arboricultural Impact assessment (plan ref. D9468.002). The plans have therefore been updated to reflect this and ensure that all plans are consistent with each other.

Condition 2 – 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 27 October 2022.

- b) Submitted Plans and documents:

Plan ref. 80061671-MISCE-DR-C-0000101 Rev B Location Plan (received 24/04/2023)

Plan ref. 80061671-MISCE-DR-C-000102 Rev D Site layout Plan (received 24/04/2023)

Plan ref. 80061671-MISCE-DR-C-000103 Rev B Elevation details (received 18/11/2023)

Plan ref. 80061671-MISCE-DR-C-000104 Rev C Temporary site access Plan (received 24/04/2023)

Plan ref. 80061671-MISCE-DR-C-000105 Rev C Permanent site access Plan (received 24/04/2023)

Plan ref. 80061671-MISCE-DR-C-000107 Rev D Reinstatement Plan (received 24/04/2023)

AUTOTRACK 3.dwg Rev A (received 19/01/2023)

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

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

It is recommended that Condition 3 (construction management plan) and Condition 5 are combined into a new Condition 3 (and Condition 5 therefore deleted):

Condition 3 – Highway Matters

No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the County Planning Authority. The approved plan/statement shall provide:

- a) Details of the parking of vehicles of site operatives and visitors.
- b) Details of loading and unloading of plant and materials.
- c) Measures to prevent mud and other deleterious materials being deposited on the public highway by vehicles leaving the site.
- d) Delivery and construction working hours.
- e) Details of the highway works to facilitate construction access. This shall provide for: the layout of the access and internal manoeuvring areas to ensure that all vehicles can unload off the public highway, that vehicles can turn within the site and all materials and plan can be stored off the highway.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Conditions 4 and 5 – Highway Matters

To be deleted.

Condition 7 – Ecology

To be deleted.

Item 8 – Application LCC/2022/0046 – Balladen Primary School, Linden Lea, Rawtenstall

Advice

The applicant has provided details on the proposed drainage scheme for the multi-use games area (MUGA):

The proposed multi-use games area (MUGA) will not drain on to the playing fields, the build-up of the multi-use games area (MUGA) allows water to drain through into the sub stratas as the playing field does at present, the multi-use games area (MUGA) does not increase the amount of drainage within this area. To increase the speed of drainage it is proposed that under the multi-use games area (MUGA) two soakaways will be installed, the soakaways will be 1m x 1m x 1m each and filled with stone, this will allow water draining through to reach lower strata.

It is recommended that these details are secured by condition and that proposed Condition 6 is amended to reflect the submitted details.

Conditions

It is recommended that Condition 6 is amended to the following:

Condition 6: The drainage of the proposed development shall be carried out in accordance with the details as set out in the email dated 24 April 2023 from Sean Moore. The drainage measures shall be retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution