

Lancashire County Council

Development Control Committee

Wednesday, 23rd May, 2018 at 10.00 am in Committee Room 'B' (The Diamond Jubilee Room) - County Hall, Preston

Agenda

Part I (Open to Press and Public)

No. Item

- 1. Apologies for absence**
- 2. Disclosure of Pecuniary and Non-Pecuniary Interests**
Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.
- 3. Minutes of the last meeting held on the 7 March 2018** (Pages 1 - 8)
To be confirmed and signed by the Chair.
- 4. Wyre Borough: Application number LCC/2017/0040 Application for the variation of conditions 1 and 2 of permission 02/13/0342 to allow the duration of sand and gravel extraction to be extended to 31 March 2027 and to amend the working scheme and water management proposals. Tarnacre Quarry, Tarnacre Lane, St Michaels on Wyre** (Pages 9 - 36)
- 5. Chorley Borough: application number. LCC/2017/0095** (Pages 37 - 58)
Importation of soils to meet stability requirements for approved residential development and cutting back of rock outcrop to provide a stable landform on land at Little Quarry, Hill Top Lane, Whittle-le-Woods
- 6. West Lancashire Borough: Application Number. LCC/2018/0001** (Pages 59 - 64)
Replacement 2.4m high fencing and gates to the front of the school and 2.4m high fencing adjacent to the bins store. Burscough Village Primary School, Colburne Close, Burscough.

7. **Ribble Valley Borough: Application Number. LCC/2018/0003** (Pages 65 - 80)

Detached new build classroom with toilets and ancillary rooms and single storey extension to existing school building to provide a new library and construction of a multi-use games area. Whalley C of E Primary School, Church Lane, Whalley, Clitheroe

8. **Lancaster City: Application Number. LCC/2018/0006** (Pages 81 - 88)

Provision of two timber garden classrooms. Morecambe Road Primary School, Morecambe Road, Morecambe.

9. **Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.** (Pages 89 - 90)

10. 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.

11. Date of Next Meeting

The next meeting of the Development Control Committee will be held on Wednesday 11 July 2018 at 10.00 a.m. in Committee Room B - the Diamond Jubilee Room, County Hall, Preston.

L Sales
Director of Corporate Services

County Hall
Preston

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 7th March, 2018 at 10.00 am in Committee Room 'B' (The Diamond Jubilee Room) - County Hall, Preston

Present:

County Councillor Barrie Yates (Chair)

County Councillors

P Rigby	P Hayhurst
M Barron	S Holgate
S Clarke	J Marsh
M Dad	M Pattison
K Ellard	A Schofield
D Foxcroft	

1. Apologies for absence

None received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor P Hayhurst declared a non pecuniary interest in agenda items 4 & 5 as a member of Fylde Borough Council.

3. Minutes of the last meeting held on 24 January 2018

Resolved: That the Minutes of the meeting held on 24 January 2018, be confirmed and signed by the Chair of the Committee.

4. Fylde Borough: Application number LCC/2017/0074 Erection of solar photo voltaic panels, 2 housings for switchgear, transformers and inverters, 2m high security mesh fencing and integral connection to Preston Waste Water Treatment works. Field adjacent to north-east side of Preston Waste Water Treatment Works, Clifton Marsh, off Lytham Road, Freckleton

A report was presented on an application for the erection of solar photo voltaic panels, 2 housings for switchgear, transformers and inverters, 2m high security mesh fencing and integral connection to Preston Waste Water Treatment works in the field adjacent to north-east side of Preston Waste Water Treatment Works, Clifton Marsh, off Lytham Road, Freckleton.

The application was accompanied by an Environmental Statement and Non-Technical Summary prepared under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The report included the views of Fylde Borough Council, LCC Highways Development Control, the Environment Agency, LCC Specialist Advisor (Ecology), LCC Specialist Advisor (Archaeology), the Lead Local Flood Authority (LLFA), Natural England, the RSPB, the Health and Safety Executive, the Canal and River Trust, National Air Traffic Services and details of one letter of representation received.

The Committee was informed that a separate area of proposed solar panels (Site A) was the subject of Planning Application No. LCC/2017/0090 at item 5 of the agenda.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site and the nearest residential properties. The Committee was also shown a site layout plan showing details of the solar panels, switchgear housing and fencing and photographs of the site taken from various aspects.

The officer reported that the RSPB had confirmed that the Black Godwit Core Area had been revised so that it no longer covers either application area. However, Site A (LCC/2017/0090) was still directly adjacent to the Core Area.

It was also reported that a revised Construction Environmental Management Plan had been submitted by the applicant. The Committee was advised that Conditions 13 and 17 should therefore be reworded to make reference to the Construction Environmental Management Plan received on 23rd February 2018.

Resolved: That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, planning permission be **granted** subject to the conditions set out in the report to the Committee and the inclusion of the amended wording to conditions 13 and 17 as set out above.

**5. Fylde Borough: Application number LCC/2017/0090
Erection of a solar photo voltaic array, 2 housings for switchgear, transformers and inverters, 2m high security mesh fencing and integral connection to Preston Waste Water Treatment works. Field adjacent to north-east side of Preston Waste Water Treatment Works, Clifton Marsh, off Lytham Road, Freckleton.**

A report was presented on an application for the erection of a solar photo voltaic array, 2 housings for switchgear, transformers and inverters, 2m high security mesh fencing and integral connection to Preston Waste Water Treatment works in the field adjacent to north-east side of Preston Waste Water Treatment Works, Clifton Marsh, off Lytham Road, Freckleton.

The application was accompanied by an Environmental Statement and Non-Technical Summary prepared under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The report included the views of Fylde Borough Council, Freckleton Parish Council, Newton with Clifton Parish Council, LCC Highways Development Control, the Environment Agency, LCC Specialist Advisor (Ecology), LCC Specialist Advisor (Archaeology), the Lead Local Flood Authority (LLFA), Natural England, the RSPB, the Health and Safety Executive, the Canal and River Trust and BAE Systems. It was noted that no letters of representation had been received in respect of the application.

The Committee was informed that a separate area of proposed solar panels (Site B) was the subject of Planning Application No. LCC/2017/0074 at item 4 of the agenda.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site and the nearest residential properties. The Committee was also shown a site layout plan showing details of the solar panels, switchgear housing and fencing and photographs of the site taken from various aspects.

The officer reported that the RSPB had confirmed that the Black Godwit Core Area had been revised so that it no longer covers either application area. However, this site was still directly adjacent to the Core Area.

It was also reported that it was proposed to amend the 'Recommendation' as the applicant now proposes to deal with the management issues and establishment of the steering group through the submission of a unilateral undertaking rather than a section 106 agreement.

It was proposed that the revised recommendation should be reworded as follows:-

'That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and subject to receipt of an acceptable unilateral undertaking under section 106 of the Town and Country Planning Act 1990 relating to the establishment, funding and working arrangements of a biodiversity steering group, planning permission be granted subject to conditions controlling time limits, working programme, hours of working, building materials, site operations, noise, dust, lighting, highway matters, safeguarding of watercourses and drainage, landscaping, ecology and restoration'.

It was also proposed to amend Condition 8 as the applicant had submitted a drawing showing the design and location of perimeter fencing to be erected around the site. It was reported that Natural England was satisfied with the design of the fencing but still wished the seasonal restriction within condition 9 to be retained.

It was therefore proposed to reword Condition 8 as follows:

- '8. Prior to the commencement of development, acoustic fencing shall be erected to the design and in the positions shown on drawing CLIFT/L0000000/ARRAY'A'SITE Revision B. The acoustic fencing shall be retained in position throughout the duration of construction works and shall be removed within one month of the completion of construction works.'

It was proposed to retain the seasonal restriction on works contained in condition 9 as requested by Natural England.

It was noted that the applicant had submitted a revised Construction Environmental Management Plan. The Committee was therefore advised that Conditions 16 and 20 should be reworded to make reference to the Construction Environmental Management Plan received on 23rd February 2018.

Resolved: That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment Regulations 2017 and subject to receipt of an acceptable unilateral undertaking under section 106 of the Town and Country Planning Act 1990 relating to the establishment, funding and working arrangements of a biodiversity steering group, planning permission be granted subject to conditions set out in the report to the committee and the inclusion of the amended wording to conditions 8, 16 and 20 as set out above.

**6. Burnley Borough: application number LCC/2018/0004
New building to house biomass boilers including 2 x 9m high flues
at Hapton Valley Colliery Site, Accrington Road, Hapton**

A report was presented on an application for a new building to house biomass boilers including 2 x 9m high flues at Hapton Valley Colliery Site, Accrington Road, Hapton.

The report included the views of Burnley Borough, Hapton Parish Council, the Coal Authority, the Environment Agency, LCC Highways Development Control and details of two letters of representation received.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site and the nearest residential properties. The Committee was also shown a site layout plan, illustrations showing the elevation and design of the proposed buildings and photographs of the existing site.

The Officer reported that due to uncertainties over the extent of the existing Environmental permit at the wider Hapton Valley waste management site to control surface water management associated with the biomass boiler building, an additional condition was recommended as follows:

'Within 3 months of the date of this permission details of a surface water sustainable drainage system for the biomass building shall be submitted to the County Planning Authority for approval in writing. The details shall include:

- a) Information about design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), surface water discharge point(s) and the methods employed to delay and control surface water discharged from the building.
- b) Demonstration that the surface water run-off will not exceed greenfield runoff rate.
- c) Details of flood water exceedance routes, both on and off site.

The approved surface water sustainable drainage system shall be implemented in accordance with the approved details within 6 months of approval by the County Planning Authority and thereafter operated and maintained while the building is present on site.

Reason: To seek to ensure that drainage from the site can be adequately controlled and to minimise flood risk and to conform with Policy GP3 of the Burnley Local Plan.'

Resolved: That planning permission be **Granted** subject to the conditions set out in the report to the Committee and the inclusion of the additional condition as set out above.

**7. Chorley Borough: Application Number. LCC/2017/0094
Extension to the car park. Astley Park School, Harrington Road,
Chorley**

This item was brought forward and considered after item 3 of the agenda.

A report was presented on an application for an extension to the car park at Astley Park School, Harrington Road, Chorley.

The Committee was reminded that at their last meeting held on 24 January 2018, they had deferred consideration of the application pending a site visit.

The Committee visited the site on 5 March 2018.

The report included the views of Chorley Borough Council, LCC Highways Development Control, Sport England, the Coal Authority and details of four letters of representation received.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site and the nearest residential properties. The Committee was also shown photographs of the existing car park, the

proposed car park extension and vehicles parked on the surrounding residential roads.

The Officer reported that a letter had been received from a resident of Harrington Road raising the following points:-

- The school has reached capacity in terms of the numbers of staff now required to support pupil numbers
- There has been a significant increase in the numbers of vehicles providing transport for children including in parent's vehicles which is leading to unacceptable levels of congestion at either end of the school day, the flouting of parking restrictions and blocking of resident's drive ways.
- The parking issues cause problems for emergency vehicle access.

The same resident addressed the Committee at the meeting and reiterated the above points. She also felt that if the proposed school car park extension were to include a significantly improved traffic management scheme which allowed the mini buses and taxis to park and wait on school premises, this may alleviate many of the concerns expressed by the residents.

Following debate with regard to the size and the location of the proposed car park, the proposed landscaping and traffic congestion on the surrounding residential roads, it was:

Resolved: That planning permission be **Granted** subject to the conditions set out in the report to the Committee.

8. Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.

It was reported that since the last meeting of the committee on 24 January 2017, four planning applications had been granted planning permission by the Head of Service Planning and Environment in accordance with the County Council's Scheme of Delegation.

Resolved: That the report be noted.

9. Amendments to the Constitution - Development Control Committee

It was reported that at their meeting held on 22 February, 2018, the Full Council had agreed changes to the Council's Constitution to enable:

- i) Cabinet Members to speak at meetings of the Development Control on issues of local interest (Standing Order 19(2)); and
- ii) To make training on Development Control matters mandatory for any member of the Development Control Committee.

The Committee was advised that until the first mandatory training session has taken place, all Members remain entitled to continue to serve on the committee.

Resolved:- That the changes as set out in the report, to Standing Order 19(2) and to the Terms of Reference of the Development Control Committee 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 18 April 2018.

L Sales
Director of Corporate Services

County Hall
Preston

Development Control Committee

Meeting to be held on 23rd May 2018

Electoral Division affected:
Wyre Rural East, Wyre Rural
Central

Wyre Borough: Application number LCC/2017/0040

Application for the variation of conditions 1 and 2 of permission 02/13/0342 to allow the duration of sand and gravel extraction to be extended to 31 March 2027 and to amend the working scheme and water management proposals.

Tarnacre Quarry, Tarnacre Lane, St Michaels on Wyre

Contact for further information:

Jonathan Haine, 01772 534130

DevCon@lancashire.gov.uk

Executive Summary

Application - Application for the variation of conditions 1 and 2 of permission 02/13/0342 to allow the duration of sand and gravel extraction to be extended to 31 March 2027 and to amend the working scheme and water management proposals. Tarnacre Quarry, Tarnacre Lane, St Michaels on Wyre.

The application is accompanied by an Environmental Statement which examines the impact of the development in terms of noise, ground and surface water and dust emissions.

Recommendation – Summary

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to conditions controlling time limits, working programme, noise and dust, water resources, landscaping, restoration and aftercare.

Applicant's Proposal

The application relates to an existing sand and gravel quarry that was originally granted planning permission in 2005. The original permission has been varied a number of times since 2005 but condition 1 of the current permission (ref 2/13/1342) restricts the duration of extraction operations to a period of 6 ½ years from the date of commencement and condition 3 requires the development to be undertaken in accordance with a number of approved plans showing the phasing and working method for the site.

The current application is to vary the conditions to the current permission which relate to these matters. The applicant proposes that the quarrying operations will be

able to continue until 31st March 2027 and that the working scheme be amended to allow a number of changes including the phasing of the site, methods of stripping overburden and managing groundwater and locations for temporary storage of soil materials.

The application is accompanied by an Environmental Statement which examines the impacts of the proposed development in terms of noise, ground and surface water impacts (including flooding) and dust emissions.

Description and Location of Site

The planning permission for sand and gravel extraction at this site extends over an area of 56ha of flat agricultural land located 4km south west of Garstang and 2 km north east of St Michaels on Wyre. The site is divided into a number of large fields by hedgerows and drainage ditches.

The southern and eastern boundaries of the site are formed by the A586 Garstang to Great Eccleston road from where access to the quarry is taken. To the north and west of the site are large areas of flat, open arable agricultural land. The northern boundary of the site is formed by Sharples Lane which is an agricultural track and a public footpath. There are a number of properties along the southern and eastern boundaries of the site which are accessed off the A586, the closest of which are at Tarnacre Cottages approximately 100 metres from the closest point of the proposed excavations. A further property is located at Brook House Farm which is approximately 160 metres from the nearest point of the excavations.

Part of the site is located within the Rawcliffe Moss Biological Heritage Site. A stream / ditch called the Longback Brook divides the site.

The River Wyre is located to the south and east of the site beyond the A586. Most of the planning permission area is located with Flood Zone 3 (Area of greatest risk of flooding)

Whilst some limited quarrying operations took place in 2010 in order to implement the planning permission, major working and processing and export of minerals only commenced in 2012 /13. The processing plant and stockpile area is located in the centre of the site with the existing and proposed mineral extraction areas located on the western and southern sides. Approximately one half of the site has currently been fully worked.

Background

History

Planning permission for the extraction of sand and gravel including the construction of a new access off the A586, processing plant and site support facilities and restoration of the site to agriculture and lake / wetland areas was granted on 10th October 2005 (ref 02/04/0652).

Planning permission for the variation of planning permission 2/04/652 to allow the relocation of a water lagoon and the height of raw material stockpiles to be increased to 5m was granted in April 2012 (ref 2/12/0024).

Planning permission for the construction of additional water storage lagoons was granted in April 2012 (ref 2/04/0023).

A further permission to allow the amendment of operating hours was approved in 2013 (ref 2/13/342)

Planning Policy

National Planning Policy Framework

Paragraphs 11 -14, 17, 100 -102, 117 – 118, 123 -124 and 142 – 145 of the National Planning Policy Framework are relevant with regards to the presumption in favour of sustainable development, core planning principles, flooding, biodiversity, noise and air quality and facilitating the sustainable use of minerals.

Joint Lancashire Minerals and Waste Development Framework Core Strategy

Policy CS3 Meeting the demand for new minerals

Joint Lancashire Minerals and Waste Local Plan

Policy DM2 Development Management

Wyre Borough Local Plan

Policy ENV5	County Heritage Sites
Policy ENV6	Species Protection
Policy ENV 7	Trees on development sites
Policy ENV12	Archaeology
Policy ENV13	Development and Flood Risk
Policy ENV14	Development and Flood Defences
Policy ENV15	Surface Water run off
Policy ENV16	Ground water protection

Consultations

Wyre Borough Council: No objection.

Upper Rawcliffe-with-Tarnacre Parish Council: No observations received.

Kirkland Parish Council: The Parish Council are concerned that some of the original planning conditions remain outstanding. The Parish Council also draw attention to the flooding that occurred in December 2015 and August 2016 and consider that the internal bunds in the quarry caused this flooding. The Parish Council therefore consider that no decision should be taken on the application until an independent flood risk assessment has been undertaken that is not based upon the current

Environment Agency flood risk plan. The Parish are also concerned that the site is located on an aquifer and any quarrying activity would lead to an increase in water levels within the site.

LCC Specialist Advisor (Ecology): The proposals affect part of the Rawcliffe Moss Biological Heritage site and would result in a temporary loss of wintering bird habitat. When the original application for this was determined, it was recognised that there was potential for wildlife enhancement through site restoration but there would be a need to provide compensatory wintering bird habitat for the duration of the works to be delivered outside of the red line area. In addition, issues were identified around avoidance of impacts on protected species such as nesting birds, water voles and possibly badgers. It is not clear from the proposals if this mitigation has been delivered and any application for a further time extension should address ongoing impacts on biodiversity. Further details of habitat creation should be provided to demonstrate that habitats of high ecological value will be delivered.

Environment Agency: The Environment Agency initially raised objection to the applicant's proposals to amend the site working scheme to allow dewatering of the quarry to permit the mineral to be worked in dry conditions. The Agency considered that any dewatering should be limited to that required to remove overburden and that any extracted water should be recharged to the ground by discharging into previously excavated areas.

The Agency also raised objection to the initial application due to the absence of an adequate Flood Risk Assessment that would provide a basis for assessing flood risks arising from the development.

Upon the receipt of additional information (including a full flood risk assessment) the Agency have concluded that full dewatering of the quarry is acceptable subject to a monitoring regime being implemented to allow the ongoing assessment of the impacts on groundwater and the River Wyre. In relation to flooding, the Agency have requested a number of further amendments to the working scheme to ensure that the location and design of soil mounds do not affect the ability of the flood plain to accept flood water in its natural manner. The applicant has amended the working drawings and the Agency are now satisfied that the development will not unacceptably increase the risk of flooding.

LCC Lead Local Flood Authority: Initially raised objection to the application due to the absence of an acceptable flood risk assessment. A Flood Risk Assessment must be submitted which takes into account the significant flooding incidents that occurred in this area in December 2015 and August 2016.

LCC Highways Development Control: The site has been operating as a sand and gravel quarry for a number of years and there is no history of injury accidents at the site access relating to vehicles entering or leaving the site. There is no evidence to suggest that a proposal to extend the end dates until 2027 would adversely affect road safety in the area and therefore no objections are raised.

Cadent Gas; Draw attention to the gas pipelines that exist in the vicinity of the proposals.

Natural England; No comments to make on the proposed variation of conditions.

United Utilities; A public sewer crosses the site and United Utilities will not permit building over it. The applicant should note that the asset is pressurised and that no heavy materials should be placed over the sewer that would cause damage through increased loading.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Representations have been received from six addresses objecting to the application for the following summarised reasons:-

- The quarry has never produced a flood risk assessment and therefore no information exists as to the impacts of the quarry operations on flooding in the local area. The soil bunds forming part of the quarry operations will divert the flow of water during flood events thereby resulting in greater flooding of nearby property and also houses in St Michaels and Churchtown.
- A number of residents in the area have created their own flood defences around their properties not all of which have permission. These works combined with the bunds that are proposed as part of the quarry mean that flood waters from the River Wyre cannot follow their natural path thereby resulting in the flooding of land and property that would normally be unaffected by flooding events.
- The site access is dangerous due to inadequate visibility splays below highways standards.
- The Tarnacre area has flooded more extensively since the quarry commenced operations.
- The quarry creates noise issues which are unacceptable in a rural environment.

A response on behalf of St Michaels Flood Action Group refers to the serious flooding which occurred in this area in December 2015 and August 2016 and refers to the County Council's Flood Authority reports for details of these events. The Action Group note that no Flood Risk Assessment has been submitted in support of the application and the water related information submitted with the application does not address the flooding issues and the impacts of the various bunds that have been erected in the area including within the quarry site. The Action Group also have concerns about the proposals to divert the sewer and that the number of additional bends in the pipe will increase the risks of bursts that will cause flooding problems in St Michaels.

A number of representations have also been received from the occupier of Brook House Farm, located adjacent to the quarry, raising the following issues:-

- The horticultural business undertaken at the farm means that it is a sensitive site with regards to minerals development.
- The submitted plans include a number of errors in relation to property boundaries.

- The revised Environmental Impact Assessment should be an opportunity to properly assess the impacts of the development and to impose conditions to properly control activities at the site.
- The site is of sufficient size and duration to have a significant impact on the water environment.
- The site operator has never complied with the original working scheme in terms of wet working and a cell by cell operating method which has resulted in significantly greater environmental impact.
- The management of soils is in breach of the requirements of the original planning permission.
- The quarry has unacceptable noise and dust impacts and the existing conditions are not sufficient to properly control the site.
- The operator has not complied with the original working scheme which required the quarry to be operated using wet working methods.
- The flooding issues have never been properly addressed and the quarrying activities have increased the flood risk to the area.
- The development has had a number of ecological impacts that should not have taken place.
- The restoration proposals are unacceptable as the ground levels around the lakes have been raised which restricts the ability of the flood plain to work naturally.
- The resident has also made a large number of detailed comments in relation to the Flood Risk Assessment that has been submitted by the applicant.

Advice

Planning permission for the extraction of around 820,000 tonnes of sand and gravel from land at Tarnacre Hall Farm was granted in 2005 (planning permission ref 2/05/0652). The planning permission was subject to a number of conditions, in particular a requirement to implement the permission within five years, to complete the extraction operations with 6½ years of commencement and a requirement to carryout extraction operations in accordance with a series of working drawings.

Following the granting of planning permission in 2005, the original applicant company was taken over by a multinational building materials company who no longer wished to undertake the development. The landowners for the site therefore sought other interests to undertake the quarrying development with the result that the planning permission was only implemented in 2010 shortly before it was due to expire. Due to the economic recession at this time and the associated reduced demand for construction materials, significant quarrying activities only commenced in 2012/13. The delay in commencing the development means that there is now insufficient time to complete the development by the end date specified by the existing planning permission. Only approximately one half of the mineral resource has so far been worked. An application has therefore been made to allow for an additional 10 year period of working to allow the extraction of the substantial remaining reserves of minerals that exist at the site.

In tandem, the applicant wishes to amend the approved working scheme for the quarry. The water table at this site is quite high often lying within the overburden below the top / sub soil. In normal quarrying practice it would be necessary to lower the water table by pumping to allow the overburden, and preferably also the minerals, to be worked in dry conditions. During pre application discussions on the original application in 2005, the Environment Agency maintained that pumping of groundwater should be restricted on this site to allow the stripping of over burden only and that the underlying sand and gravel should be extracted using wet working techniques. This method of working was incorporated into the original working scheme. However, the operator has always worked the site using dry working methods involving full dewatering of the site and therefore wishes to regularise this method of working.

The application raises a number of issues including the ongoing need for the sand and gravel resources and the likely impacts of the amended working scheme. The general environmental impacts of the quarry on the local area should also be taken into account. Another issue that has been raised in representations and in the consultation responses from both the Environment Agency and the Lead Local Flood Authority relates to flooding impacts, particularly in the context of the significant flood events that occurred in this area in December 2015 and August 2016.

The requirement for the minerals: - Paragraph 144 of the National Planning Policy Framework states that great weight should be given to the benefits of mineral extraction including to the economy. The sand and gravel deposits at this site are capable of being processed into a variety of grades of construction aggregate materials that are suitable for use in concrete, mortar and other construction uses. At the time of the application (May 2017) it was estimated that approximately 400,000 tonnes of saleable sand and gravel remained unworked at the site.

Paragraph 145 of the National Planning Policy Framework requires that mineral planning authorities should plan for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks of at least 7 years for sand and gravel, by ensuring that large landbanks bound up in very few sites do not stifle competition and by preparing annual local aggregate assessments to monitor aggregate reserves against sales.

Policy CS4 of the Lancashire Minerals and Waste Local Plan Core Strategy identifies sites and areas for future mineral extraction. The policy provides for the identification of sites for the extraction of not less than 4.1 million tonnes of sand and gravel by 2021, this figure being that which is required to ensure maintenance of a satisfactory landbank and to meet sub regional apportionment requirements. The policy requires that preference will be given to sand and gravel reserves which provide for the maximum contribution of high grade sand.

The County Council's most recent Local Aggregates Assessment was produced in May 2017 and is based upon 2016 sales data. In 2016, the permitted reserves of sand and gravel, including that held in the application site, amounted to approximately 7 million tonnes. This provides a landbank of around 17 years based upon the average sales over the last 10 years with a significantly shorter landbank if the average sales over the last 3 years is used. Whilst the volume of aggregates

remaining in the application site is not significant in terms of the overall level of permitted reserves, the bulk of the reserves (4.1 million tonnes) is held at one site at Runshaw near Chorley which is not operational and is therefore making no contribution towards the demand for such materials by the construction industry. Other than the application site there are currently only five other sites in Lancashire which are producing sand and gravel materials (Bradleys near Preston, Lydiate Lane and Clayton Hall near Leyland, St Annes Foreshore and Sandons Farm nr Chorley). Furthermore the resources at this site are capable of being processed into a range of high quality aggregates that can meet BS standards for building materials and that are not available from many of the other sites in the local area. The application site therefore makes an important contribution towards the supply of sand and gravel materials in Lancashire. Granting planning permission to allow this site to continue production until 2027 would contribute towards the steady and adequate supply of materials to the construction industry as required by paragraph 145 of the National Planning Policy Framework and in compliance with the overall landbank requirements set out in Policy CS4 of the Lancashire Minerals and Waste Core Strategy.

Modification to the Method of Working (Condition 2 of planning permission 2/13/0342)

The original working scheme for this site was designed following extensive discussion with the Environment Agency. The issue with this site is that the natural water table is high and therefore dewatering of the excavation is required in order to strip the overburden and work the minerals in dry conditions which is the normally preferred method of working as it allows for the maximum recovery of mineral. The sand and gravel resources on this site are very laterally variable and therefore it is important that the operator can see the nature of the materials that are being excavated and to allow clay or other areas of uneconomic resource to be left in the ground. However, at the time of the original application, the Environment Agency were concerned that dewatering of the excavation to allow working of the quarry in dry conditions would result in a lowering of the water table which may give rise to low flow issues in the River Wyre due to a reduction in base flow into the river or even by drawing water from the river into the ground. This might particularly have been the case if dewatering activities at the quarry corresponded with abstraction from another nearby location which has a licence to take water from the sandstone bed rock underlying the sand and gravel.

The Environment Agency were therefore opposed to the full dewatering of the quarry and were only prepared to allow dewatering to allow overburden to be stripped. Even in these circumstances, the Environment Agency required that dewatering depths be minimised and that dewatering should cease if abstraction elsewhere was already resulting in depression of the water table within the underlying sandstone. The working and phasing scheme was also designed to minimise impacts on the water table by using cell by cell working, recirculation of water back into the aquifer rather than discharging to surface water courses and creation of clay dams between phases to maximise the effectiveness of recirculation. This approach was reflected in the phasing of the site and methods used for the stripping and storage of soils and over burden which required complex working methods. The phasing plans and water

monitoring requirements were incorporated into the conditions of the original planning permission.

The applicant set out their monitoring proposals in 2014 which were later accepted by the Environment Agency. Water monitoring took place during the working of the initial phase of the quarry and the monitoring information was collated into a report which concluded that proposals for dry working of the quarry would be acceptable with appropriate monitoring and water management controls in place. The Environment Agency agreed to this approach being adopted and therefore extraction operations since that date have been undertaken using summer campaigns of dewatering to the base of the sand and gravel followed by a cessation of pumping during winter which allows the water table to return towards its normal resting level. As part of this planning application, the plans listed within condition 2 of the existing permission have been revised to reflect the amended method of working.

The applicant has reviewed the monitoring information that has been collected since 2014 which shows, as might be expected, that pumping operations do lead to a depression in groundwater levels which will reduce in- flow into the River Wyre. However, the amount of water abstracted from the quarry is only a very small percentage of the flows in the River Wyre even during summer low flow periods. Furthermore, the impacted length of river is only relatively short before it becomes tidal where low flow issues would not be a concern. It is also the case that abstracted water can be discharged via lagoons into the Longback Brook which falls into the River Wyre thereby replacing the majority of any water that would be lost by ground water inflow. On this basis, the Environment Agency raise no objection to the application in terms of groundwater provided that there is regular monitoring of the groundwater levels at the site and that works are undertaken to replace two monitoring boreholes that have been lost. These matters can be covered by planning condition.

Flooding Issues

The other water related issue which has been raised at this site relates to surface water flooding. This general area of Lancashire was subject to two significant recent flooding events; one in December 2015 relating to Storm Desmond and another in August 2016. Both of these flooding events caused significant damage to property in the Churchtown and St Michaels on Wyre areas including at properties adjoining the application site. A number of local residents have objected to the application due to the lack of a proper flood risk assessment and also their belief that the presence of the quarry results in an increase in the frequency and intensity of flood events due to the presence of soil bunds preventing the flood plain from working in its natural way. It should be noted that the Environment Agency and County Council Lead Local Flood Authority also raised objection to the initial application due to the absence of a satisfactory flood risk assessment.

Although the original planning application for this quarry was submitted prior to the requirement to include formal flood risk assessments with planning applications, the applicant noted at that time that the site lay within the floodplain of the River Wyre. The design of the quarry therefore included a number of principles to address the flood risks including location of the soil and over burden mounds along the western

boundary of the site in a series of discrete mounds in order to not impede the passage of flood waters.

The December 2015 flood event was of sufficient severity that the County Council identified it as an event requiring investigation under the requirements of section 19 of the Flood and Water Management Act 2010. The report which followed the investigation was published in October 2016 and identified the principle causes of the flooding and the way in which such impacts can be managed in future. The report identifies that the principle cause of the flooding was the exceptionally high and sustained rainfall which occurred across north west England during November and December 2015 leading to a loss of capacity of the soil to absorb further moisture and resulting in an increase in surface water run off. Consequently river flows were significantly higher than normal. The report identifies that the flows in the River Wyre were 375% above the normal long term average during November and December 2015. The Storm Desmond flood event in early December 2015 resulted in the River Wyre and its tributaries over topping their banks and causing flooding in the Churchtown and St. Michaels on Wyre area including a number of properties adjacent to the application site. Surface water flooding (run off from roads and from land in general) was also identified to be a significant source of flooding.

This corresponds with the flood modelling that the Environment Agency have previously undertaken which shows that the principle source of flooding in the area is from over topping of the River Wyre. Given the relatively flat nature of much of the land adjacent to the river, the flood plain (flood zone 3) is extensive in area and covers the majority of the application site. Flooding is therefore to be expected in this general area in response to adverse weather conditions.

Notwithstanding the general flood risks in this area, it is necessary to ensure that the design of the quarry does not increase local flood risk to any properties that directly adjoin the site. Such impacts may occur if soil mounds prevent the flood plain from working in its normal way or divert flood waters through neighbouring property thereby increasing the severity of flood events.

Quarry developments have to provide for the temporary storage of soil materials so that they are available for restoration. Soil mounds / bunds also serve a dual function in providing visual and acoustic screening to adjacent properties. The original working scheme for this site approved in 2005 provided for soils to be stored in a series of discrete mounds along the western boundary of the quarry. Whilst these storage areas would have been as far as possible from the River Wyre and other local water courses, they would also have been further from many areas of the quarry and would have increased transport distances thereby increasing the costs of the operation and potentially noise and dust impacts.

The amended working scheme includes revised locations for the temporary storage of soil materials. The applicant's original proposals provided for the formation of soil mounding around the entirety of phase 4 including a continuous bund alongside the Humblescough Brook adjacent to the A586. However, such bunding would have potentially increased flood risk as it would have formed a barrier to flood waters. Revised proposals have therefore been submitted which restrict storage to the northern side of phase 4 where it will provide a visual and acoustic screen to Brook

House Farm but will not interfere with the flow of any flood waters from Humblescough Brook. Gaps have also been incorporated into the mounding to reduce any barrier effect to flood waters.

It is also necessary to consider the flooding impacts of site restoration. Working of the quarry will result in four separate excavations, the total void space of which is estimated to be around 564,300 m³. However, these excavations will partially fill with groundwater to an estimated level of around 6.5 metres which will leave a void space of around 343,400 m³ above the assumed resting water level. This void space would be available to accept flood water and therefore completion of the quarrying activity will provide an increase in flood storage capacity compared to that existing pre – quarrying. However, it is important to recognise that these excavations lie within an extensive floodplain and therefore the percentage increase in storage capacity is comparatively small. A more important issue is to ensure that the land surrounding the excavations is graded to ensure that the whole site can continue to function as part of the flood plain. This can be the subject of a condition requiring a detailed restoration scheme.

On this basis of the revised site design and amended flood risk assessment, the Environment Agency consider that the flood risks are acceptable and the development is therefore considered to comply with paragraph 103 of the National Planning Policy Framework and policy DM2 of the Lancashire Minerals and Waste Local Plan.

Noise and Dust

As part of the Environmental Statement accompanying the planning application, the applicant has included a noise assessment in order to demonstrate that the noise levels generated by the remaining phases of the development will be acceptable in terms of current noise guidance.

The assessment was carried out through a series of background readings taken at or close to the nearest noise sensitive properties to the site. Noise predictions were then made for the quarrying activity either using readings of plant and equipment used on the site or recognised noise levels for such plant where no site reading could be taken. An assessment of the noise impact was then made taking into account the design of the site and any screening measures such as soil mounds. The noise survey showed that the lowest background noise level at any property was 47 dB(A) L90 and therefore an appropriate noise limit should be 55 dB(LAeq). The assessment of predicted noise shows that the highest noise levels are likely to be at Brook House Farm during the working of phase 4 when noise levels are predicted to reach 54 dB(LAeq) which would be below the 55 dB(LAeq) limit.

It is possible that noise levels would be higher than predicted during initial soil stripping and restoration operations when there would be no soil mounding to provide attenuation. However, it is likely that such circumstances would only exist for a relatively short period of time and Government guidance recognises that higher noise limits may be appropriate during these times. Provided that a condition is imposed restricting noise to 55 dB(LAeq) during normal operations with a higher level being restricted to short term stripping and restoration operations, it is

considered that the noise impacts of the development are acceptable in relation to Government Guidance on noise and also policy DM2 of the Lancashire Minerals and Waste Local Plan.

The Environmental Statement also includes a chapter on air quality (dust) impacts. The chapter contains information on typical dust levels (both deposited dust and particulates) found in rural areas and reviews the dust monitoring results from two dust monitors that are located within or close to the quarry site. It also predicts dust deposition rates at various locations around the site based upon wind direction and other climatic conditions (mainly rainfall). Examination of the dust monitoring data appears to suggest that the existing mitigation measures are being reasonably effective in terms of preventing unacceptable levels of dust impact. The assessment concludes that it is unlikely that there will be any significant increase in dust impacts by working the remaining areas of the quarry and that employment of mitigation measures will be sufficient to control dust emissions.

Given the location of sensitive property and the location of future quarrying operations, it is possible that there will be dust impacts during particular activities. However, such impacts also require wind direction to be towards property and for the ground to be dry enough to produce significant volumes of dust. Whilst there will always be some dust from any mineral extraction site, the dust monitoring undertaken at this site does not suggest that unacceptable dust impacts are occurring on a regular basis. If dust emissions are occurring and combine with climatic conditions that might result in impacts at properties, mitigation measures can be employed. Most commonly this would involve the application of water to haul roads, stockpile areas or processing plant. These matters can be the subject of planning conditions and with such controls it is considered that the dust impacts arising from the working of the remainder of the site would be acceptable in terms of Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Other planning impacts

The local resident at Brook House Farm has raised a number of issues in relation to the impacts of the quarry on local amenity. There are concerns about the impacts of noise and dust particularly in terms of the impact on the horticultural business that is conducted at the farm. Issues are also raised in terms of the safety of the access, ecology and the handling of soils.

In terms of noise, the occupier of Brook House Farm has made a number of complaints about noise from the quarry. Two separate noise monitoring exercises have been undertaken, most recently in July 2017. However, neither monitoring exercise found a breach of the permitted noise level. The concerns about dust impacts are acknowledged given the sensitivity of the complainant's business. Whilst there will undoubtedly be dust impacts from a quarrying operation, it is not considered that dust impacts have been so severe to result in unacceptable harm to amenity or to the complainants business. This planning permission offers an opportunity to review the planning conditions that relate to noise and dust and other environmental impacts and a revised set of conditions are appended to this report.

The comments about the safety of the access are noted. However, the site has now been active for a number of years and there is no record of any accidents at the site access involving HGVs. LCC Highways have not raised objection to the application on highway grounds.

In relation to ecology, the restoration of this site offers an opportunity to create a wetland area with significant wildlife value compared to the original agricultural use of the site. The parts of the site that are yet to be worked do not possess any features of significant wildlife value (some hedgerow and a single tree) and the restoration works would have the potential to create features that would clearly outweigh the ecological value of the existing site. The conditions relating to restoration have been redrafted so that a clear timetable is set down for the restoration of those parts of the site that have already been worked and for those areas that would be worked over the remaining duration of site operations.

Comments are made about the export of soils from the site. The previous planning permission did contain a condition prohibiting the export of soils from the site and it may be the case that some soils have been exported from the site in breach of this condition. However, as large areas of the site will be restored to lakes, not all stripped soils will be required for restoration purposes in any event. The soils required for the restoration of the plant and stockpiling area to agriculture are stored in existing stockpiles and the revised working scheme includes provisions for the storage of those soils that are required for restoration purposes. The conditions relating to soil handing and stockpiling have been revised to reflect the new working scheme.

Conclusions

This quarry contributes towards the supply of high grade sand and gravel products in Lancashire. The ability for the quarry to work the remaining reserves at the site would therefore allow the site to contribute towards maintaining a steady and adequate supply of such minerals as required by the National Planning Policy Framework. The amended working scheme is considered to be acceptable in terms of impacts on ground and surface water resources including flooding and subject to a new schedule of planning conditions being imposed, the continued working of the quarry over the period until 2027 is considered to be acceptable in relation to local amenity impacts. It is therefore considered that the application is acceptable in terms of the policies of the National Planning Policy Framework and the Development Plan.

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 to the law and as is proportionate.

This application were it to be approved would be unlikely to generate a degree of impact on neighbouring properties which would breach these rights. It is considered that any potential impacts could be controlled by condition.

Recommendation

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to the following conditions:

Time Limits

1. The mining operations authorised by this permission shall cease not later than 31st March 2027. The site shall be progressively restored in accordance with the conditions to this permission and shall be restored in its entirety by not later than 31st October 2027 or within a period of 12 months from the cessation of mineral extraction in phase 4, in accordance with the restoration schemes approved under the requirements of conditions 40 and 41 whichever is the sooner.

Reason: To ensure the progressive restoration of the site within the approved timescales in the interests of the visual and local amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Working Programme

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

a) The planning application ref 02/04/0652 as modified by planning applications 2/12/0024, 2/13/0342 and LCC/2017/0040

b) Submitted Plans and Documents

Plans submitted with Planning Application 2/04/652
Drawing SR1/2A Landholdings and application area
Plan 4 - Trees and hedges to be removed / retained

Plans submitted with Planning Application LCC/2017/0040
Figure 2 Rev D - Indicative Quarry Development Plans -Existing Site
Figure 3 Rev D- Indicative Quarry Development Plans - End of Phase 2
Figure 4 Rev F - Indicative Quarry Development Plans - End of Phase 3
Figure 5 Rev F - Indicative Quarry Development Plans - End of Phase 4
Figure 6 Rev D - Indicative Quarry Development Plans - Final restoration

c) All schemes and programmes approved under the conditions to this permission.

Reason: For the avoidance of doubt and to enable the MPA to control the development and to minimise its impact on the amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan

3. The site shall be worked and restored in accordance with the sequence of phases shown on Figure 3 Rev D, Figure 4 Rev F, Figure 5 Rev F and Figure 6 Rev D attached to planning application LCC/2017/0040.

Reason: To secure the progressive working and restoration of the site in the interests of the visual amenity of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

4. Within one year of the commencement of soil stripping in phase 4, phase three shall be restored in accordance with the scheme and programme of restoration approved under the requirements of condition 42 below.

The requirements of this condition shall not apply to any land within phase 3 that is required for access purposes into phase 4.

Reason: In order to ensure the progressive restoration of the site in the interests of visual amenities and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

5. The extraction of sand and gravel shall not take place other than within the areas labelled 'indicative extraction boundary' on drawings Figure 3 Rev D, Figure 4 Rev F and Figure 5 Rev F attached to planning application LCC/2017/0040.

Reason: In the interests of the visual amenity of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

6. The site processing and stockpiling area shall be laid out and constructed in accordance with the design shown on drawing 0140/20/01 and the specification for lighting included with the letter from Halletec Environmental dated 10th September 2010.

Reason: In the interests of the visual amenity of the area and the amenities of local residents and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Soils and Overburden

7. All available topsoil and subsoil shall be stripped from any phase of the site before that phase is excavated or is traversed by heavy vehicles, or before plant or machinery, or roads, buildings, plant yards or stores are constructed on it.

Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to conform with policy 106 of the Lancashire Minerals and Waste Local Plan.

8. The existing topsoil and subsoil mounds located around the perimeter of the site offices and plant area and silt pond area as shown on Figure 3 Rev D

shall be maintained in a fully grassed weed free condition throughout the duration of the development. The soil materials in these mounds shall be retained on site in order to ensure that they are available for the restoration of the site offices and plant area and the silt pond area.

Reason: In the interests of the visual amenities of the area and to ensure that sufficient soil materials are retained on site for restoration works and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

9. Any top and subsoils that are stripped during the working of phase 3 and 4 and retained for use in the restoration of the site shall only be stored in the locations and in accordance with the design shown on Figure 4 Rev F and Figure 5 Rev F. All such top and sub soil mounds shall be stored in graded mounds not exceeding a height of three metres. All such mounds shall be retained in a fully grassed, weed free condition throughout the duration of the development.

Reason: In the interests of visual amenity and flood mitigation and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

10. No movement of topsoil or subsoil shall occur during the period from the 1 October to 1 April inclusive without the prior written consent of the County Planning Authority. At other times the stripping, movement and resspreading of top and subsoils shall be restricted to occasions when the soil is dry and friable and the ground is sufficiently dry to allow the passage of heavy vehicles, plant and machinery over it without damage to the soils.

Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

11. The top soil and sub soil mounds around the perimeter of phase 4 as shown on Figure 5 rev F shall be constructed within six months of the commencement of soil stripping operations in phase 3 and shall be retained in their approved positions throughout the duration of extraction operations in phase 4.

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

Landscaping

12. All hedges and trees forming part of the site boundaries or to be retained within the site as shown on Drawing No. 4 shall be protected from any damage and maintained throughout the development and restoration. The provisions of this condition shall not apply to any hedgerow removal works that are necessary to divert the rising main sewer shown on Figure 4 Rev D.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Lancashire Minerals and Waste

Local Plan.

13. Within three months of the date of this planning permission a scheme and programme of replacement hedgerow planting along the western edge of phases 1 and 2 and for the infilling of hedgerow gaps along the northern edge of the site offices and plant area shall be submitted for the approval in writing of the County Planning Authority. The scheme and programme shall include details of the following:

- a) Details of the lengths of hedgerow to be replaced.
- b) details of the planting works to be undertaken including ground preparation, numbers, types, species and sizes of plants to be planted.
- c) Details of planting techniques and protection measures

The planting works contained in the approved scheme shall be undertaken in the first planting season following the date of this planning permission.

Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Site Operations

14. No heavy goods vehicles as defined by this permission shall access the site, be loaded or leave the site prior to 0700 hours Monday to Friday.

No site development or operations involving the extraction, transport and processing of minerals or site restoration shall take place outside the hours of:

0730 to 1800 hours, Mondays to Fridays (except Public Holidays)
0730 to 1300 hours on Saturdays.

No site development or operations involving the extraction, transport and processing of minerals or site restoration shall take place at any time on Sundays or Public Holidays.

This condition shall not prevent the use of pumping equipment and the carrying out, outside these hours, of essential repairs to plant and machinery used on site.

The above hours of operation shall not apply to movement and loading of heavy goods vehicles which shall be able to take place between the hours of 0700 to 1800 hours on Mondays to Fridays (excluding public holidays)

No heavy goods vehicles as defined by this permission shall access or leave the site on Sundays and 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 Lancashire Minerals and Waste Local Plan.

15. Notwithstanding the hours of working contained in condition 14 above, no soils or overburden shall be stripped from or re-spread on any part of the site nor shall construction or removal of storage, landscape or baffle mounds take place on any part of the site before 0800 hours or after 1700 hours Mondays to Fridays inclusive (except Public Holidays), or before 0800 hours or after 1300 hours on Saturdays or 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 DM2 of the Lancashire Minerals and Waste Local Plan

16. This permission shall permit the mining of sand and gravel and associated overburden only.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to ensure satisfactory restoration and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

17. The provisions of Part 17 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: To maintain the MPAs control of the development and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan

18. No stockpile of processed sand and gravel shall exceed a height of three metres as measured from existing ground levels.

Reason: To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 7 and 112 of the Lancashire Minerals and Waste Local Plan.

19. Stockpiles of excavated materials awaiting processing shall only be stored within the area hatched grey on drawing 0140/20/01 and to a height not exceeding five metres as measured from existing ground levels.

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

20. The soil screening bund located adjacent to the junction of the site access with the A586 shall be removed within three months of the date of this planning permission.

Reason: In the interests of flood prevention and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Highway Matters

21. Measures shall be taken throughout the duration of the development and restoration to ensure that no mud, dust or other debris is deposited on the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

22. Visibility splays measuring not less than 4.5 metres by 103 metres as measured from the centre line of the access to the edge of the carriageway and in both directions shall be provided at the junction of the site access road and the A586. The visibility splays shall be maintained free from all obstructions above a height of one metre when measured from carriageway level for the duration of the development and restoration of the site.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

23. The site access road for a distance of not less than 200 metres from its junction with the A586 shall be surfaced in tarmacadam, concrete or other means of hard surfacing throughout the duration of the development and restoration phase. The surface of the access road shall be maintained in a smooth condition free from potholes or other defects.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

24. All vehicles transporting minerals of a size less than 100mm in any dimension from the site shall be securely sheeted.

Reason: In the interests of highway safety (and to safeguard the amenity of local residents and adjacent properties/landowners and land users) and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

25. Not more than 170,000 tonnes of minerals shall be exported from the quarry in any calendar year.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 37 and 112 of the Lancashire Minerals and Waste Local Plan.

26. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the weight of the load, registration number and the time and date of the movement and shall be made available for inspection by the County Planning Authority or his representative during permitted working hours.

Reason: To enable the MPA to monitor the operations to ensure compliance with the planning permission and to conform Policy DM2 of the Lancashire Minerals and Waste Local Plan.

27. The sole access to and egress from the site shall be to and from the A586 as shown on Figure 2 Rev D.

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

Control of Noise and Dust

28. All mobile plant used on the site shall be fitted with the types of reversing alarms described in the scheme and programme submitted on 13th October 2009 as modified by the email from Hallett Environmental dated 25th May 2010. The approved reversing alarms shall be used by all mobile plant throughout the development and restoration.

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

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

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

30. Noise emitted from the site shall not exceed 55dBLAeq (1 hour) (free field), as defined in this permission, when measured from any of the following residential properties at the point closest to the noise source:

- a) Tarnacre House Farm NGR 4738 4283
- b) Brook House Farm NGR 4729 4258
- c) Tarnacre Hall Cottages NGR 4709 4225

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

31. The noise limits set out in condition 30 above shall not apply during the stripping of soils and overburden on the site, the construction of storage mounds for these materials and their respreading during restoration of the site or the construction of landscape or baffle mounds. Noise from any of these activities shall not exceed 70 dBLAeq (1 hour) (free field), as defined in this permission, as measured from any of the residential properties identified in condition 30 at the point closest to the noise source. This condition shall only apply for not more than 20 days in any one calendar year unless otherwise agreed in writing by the County Planning Authority. A written record shall be made of the dates that these activities are taking place and shall be made available to the County Planning Authority on request.

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

32. Measures shall be taken at all times during the development and restoration of the site to minimise the duration of dust. Such measures shall include the watering of all haul roads, vehicle manoeuvring areas and stockpiles, fitting of dust suppression equipment to processing plant and suspension of dust generating activities during dry and windy weather conditions.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

33. Dust monitoring shall be undertaken throughout the duration of the development and restoration in accordance with the scheme and programme submitted on 23rd July 2010 under the requirements of condition 30 of planning permission 2/04/652.

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

Safeguarding of Watercourses and Drainage

34. 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.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform Policy DM2 of the Lancashire Minerals and Waste Local Plan.

35. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank fitted with a level warning device to indicate when the tank

needs emptying. Upon emptying the contents of the tank shall be removed from the site completely.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

36. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has been approved, in writing, by the County Planning Authority.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

37. By not later than 31st March in any year until the completion of the restoration of the site, a groundwater monitoring report shall be submitted to the County Planning Authority. The report shall contain the following information:-

- a) Details of the areas of the site that have been worked over the previous year and the dewatering activities that have been undertaken.
- b) A summary of the borehole and surface water monitoring information that has been collected based upon monthly readings of all boreholes and surface water courses within the site.
- c) An assessment of the impacts of dewatering of ground and surface water courses over the preceding year.
- d) A description of any difficulties that have been experienced in collecting monitoring information and how these difficulties will be addressed.

Reason; in the interests of ground and surface water resources and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

38. Within three months of the date of this planning permission, works shall be undertaken to replace or recommission the missing groundwater monitoring boreholes named as BH5 and EA44/14. Any replacement boreholes that are drilled shall be constructed in a manner that allows monitoring of shallow groundwater levels and also groundwater levels in the underlying sandstone.

Reason: In the interests of ground and surface water resources and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Archaeology

39. Soil stripping in any phase of the site shall only take place in accordance with the scheme and programme of archaeological mitigation submitted on 24th September 2009 under the requirements of condition 36 of planning permission ref 2/04/0652.

Reason: In the interests of archaeology and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Ecology

40. The ecological mitigation and management measures contained in the Ecological Protection Plan dated September 2010 submitted under the requirements of condition 37 of planning permission 2/04/652 shall be undertaken at all times throughout the development and restoration.

Reason: In the interests of the ecology of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Restoration and aftercare

41. Within three months of the date of this planning permission, a restoration scheme for phases 1 and 2 of the site shall be submitted for the approval in writing of the County Planning Authority. The scheme and programme shall be based upon the restoration concept shown on figure 6 Rev D and shall contain details of the following:

- a) The final contours of the restored landform including lake margins and peripheral areas.
- b) Details for the treatment of the lake margins and peripheral areas including types and depths of soil materials to be spread.
- c) Details for the creation of ecological habitats including scrapes, mudflats and shingle areas.
- d) Details for the treatment of restored areas including seeding or natural regeneration techniques to be used.
- e) Measures to secure the establishment of reed beds on the lake margins.
- f) Details of tree and shrub planting including areas to be planted, numbers, species and sizes of plants, planting techniques and protection measures.
- g) Details of measures to control the water level in the water bodies.
- h) Details of aftercare works including maintenance of tree and hedge planting, reseeding works, works to enhance the ecological value of the site, measures to control erosion and provision for an annual aftercare review meeting.

Phases 1 and 2 shall be fully restored in accordance with the approved scheme by not later than 31st December 2018 with the exception of any land required to access phases 3 and 4.

Reason: To secure the progressive restoration of the site in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

42. Within one year of the date of this planning permission, a restoration scheme for all areas of the site with the exception of phases 1 and 2 shall be submitted for the approval in writing of the County Planning Authority. The scheme and programme shall be based upon the restoration concept shown on figure 6 Rev D and shall contain details of the following:

- a) The final contours of the restored landform including lake margins and peripheral areas.
- b) Details for the treatment of the lake margins and peripheral areas including types and depths of soil materials to be spread.
- c) Details for the creation of ecological habitats including scrapes, mudflats and shingle areas.
- d) Details for the treatment of restored areas including seeding or natural regeneration techniques to be used.
- e) Measures to secure the establishment of reed beds on the lake margins.
- f) Details of tree and shrub planting including areas to be planted, numbers, species and sizes of plants, planting techniques and protection measures.
- g) Details of measures to control the water level in the water bodies.
- h) The restoration of the site offices and plant area including removal of all hardstanding, offices, weighbridge and details for the respreading of soils including depths of replacement and treatment so that the land is suitable for agricultural purposes.
- i) Details for the restoration of the silt lagoons including reshaping and landscaping.
- j) Details for the reduction of the site access to an agricultural access.
- h) Details of aftercare works including maintenance of all planting, measures to be taken to enhance the ecological value of the site, agricultural aftercare works, measures to prevent erosion and provision for an annual aftercare review meeting.

Phase 3 shall be restored in accordance with the approved scheme within one year of the cessation of extraction operations in that phase.

The restoration of the remainder of the site shall be completed in accordance with the approved scheme within 12 months of the cessation of mineral extraction operations in phase 4.

Reason: To secure the progressive restoration of the site in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

43. Upon certification by the County Planning Authority of the completion of restoration of any phase of the site, aftercare works on that phase shall be undertaken for a period of five years in accordance with the aftercare details approved under the provisions of conditions 40 and 41.

Reason: In order to secure the proper restoration of the site in the interests of the visual amenities of the area and to conform with Policy DM2 of the 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.

Definitions

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

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

Completion of Restoration: The date when the County Council certifies in writing that the works of restoration in any phase of the site have been completed satisfactorily in accordance with the schemes approved under the requirements of conditions 41 and 42.

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

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

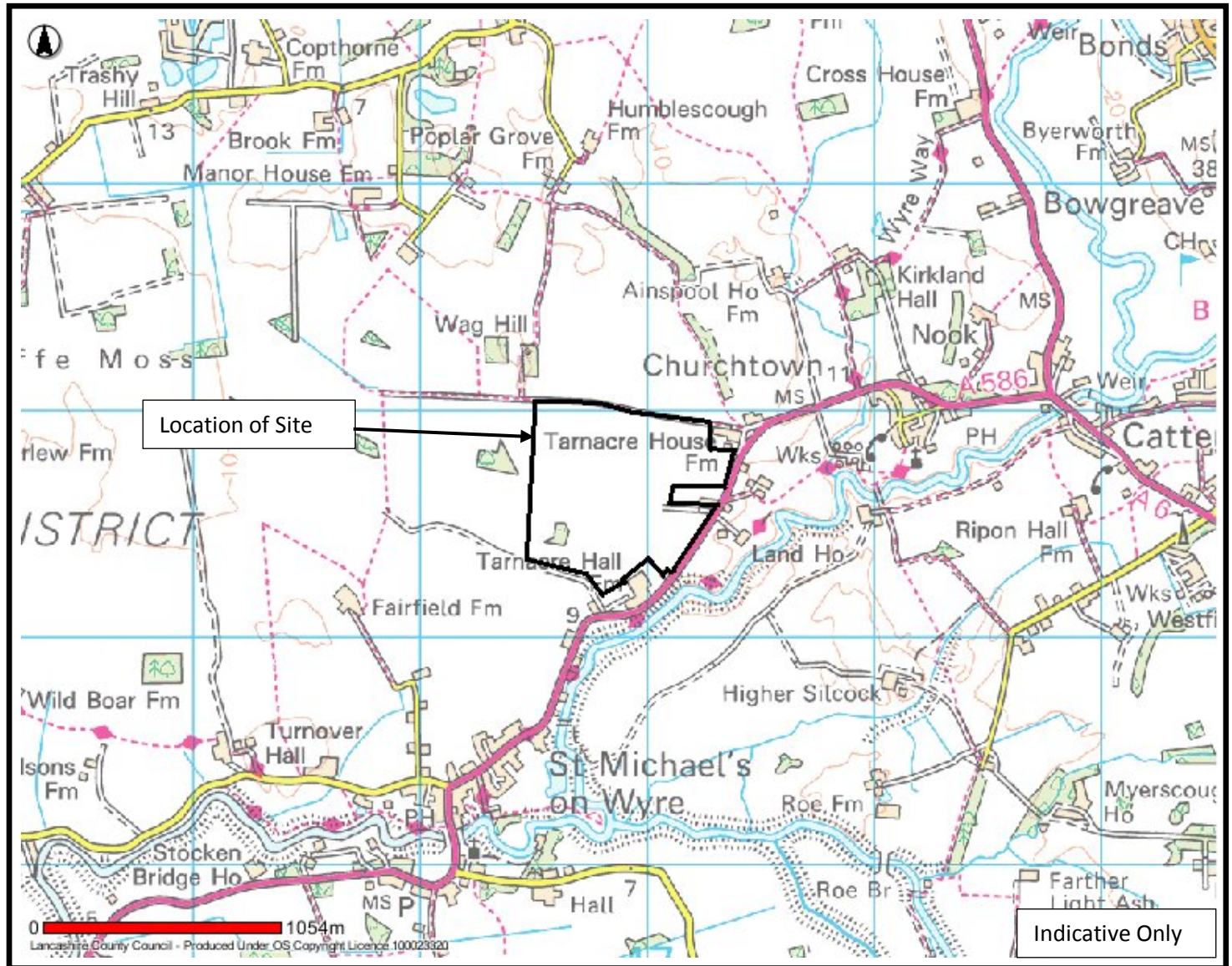
Paper	Date	Contact/Directorate/Ext
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LCC/2017/0040		
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Jonathan Haine Planning and Environment 01772 534130		
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Reason for Inclusion in Part II, if appropriate N/A		
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APPLICATION LCC/2017/0040 APPLICATION FOR THE VARIATION OF CONDITIONS 1 AND 2 OF PERMISSION 02/13/0342 TO ALLOW THE DURATION OF SAND AND GRAVEL EXTRACTION TO BE EXTENDED TO 31 MARCH 2027 AND TO AMEND THE WORKING SCHEME AND WATER MANAGEMENT PROPOSALS. TARNACRE QUARRY, TARNACRE LANE, ST MICHAELS ON WYRE



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Development Control Committee

Meeting to be held on 23 May 2018

Electoral Division affected:
Clayton with Whittle

Chorley Borough: application number. LCC/2017/0095

Importation of soils to meet stability requirements for approved residential development and cutting back of rock outcrop to provide a stable landform on land at Little Quarry, Hill Top Lane, Whittle-le-Woods

Contact for further information:

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DevCon@lancashire.gov.uk

Executive Summary

Application – Importation of soils to meet stability requirements for approved residential development and cutting back of rock outcrop to provide a stable landform on land at Little Quarry, Hill Top Lane, Whittle-le-Woods.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, mineral retention, stockpiles, working times, highway matters, noise, dust, surface water management, restoration and landscaping, aftercare.

Applicant's Proposal

Planning permission is sought for the importation of approximately 25,000m³ of soils and the extraction of approximately 56,500m³ of rock outcrop to provide a stable landform at Little Quarry. The proposal includes cutting back the upper part of a failed sandstone block in the northern part of the site and an exposed rock outcrop on the eastern side of the site. The final restoration of the site would provide a developable platform for residential development that already has outline planning permission and also peripheral landscaping with a drainage collection pond. In essence, the upper slopes would be reshaped to levels up to some 6m lower than existing and the depression at the lower part of the site would be raised up to approximately 6m above the existing level.

The applicant estimates that the development works could be achieved in one year with an average of 18 HGV movements (9 in and 9 out) each day (no working on Sunday or Public Holidays) and a maximum of 50 movements (25 in and 25 out).

Description and Location of Site

Little Quarry is a former gritstone quarry that has been partially restored with imported inert waste materials and occupies an elevated position to the east of Whittle-le-Woods off Hill Top Lane. It extends over an area of approximately 7 hectares. There has been no significant development for some time and vegetation has colonised areas of the site. The site is bounded by farmland to the north and east. There are residential properties at various positions around the site and most particularly to the west and south off Hill Top Lane, Chorley Old Road, Smith Street and Whittle Hills Close. Whittle Hill Quarry is to the south. Public footpath numbers 25, 27, 28, 29 and 30 are located on the southern and western site boundaries.

Background

Planning History

On 21 October 1993 permission was granted for the determination of conditions to an old mining permission at Little Quarry (ref. 09/93/519).

On 19 January 1998 planning permission was granted for an amendment to the scheme of working under permission 09/93/519 to allow for the importation of inert waste – (ref.09/96/0234).

In 2003 planning permission was granted for the construction of a dry ski slope involving the importation of waste materials (ref. 09/98/0841).

A number of planning permissions were subsequently granted for time extensions to allow the restoration works to be completed. (Planning reference numbers 09/04/1272, 09/08/1027 and 09/10/1030). The post restoration scheme for a dry ski slope and associated infrastructure has not been implemented.

Outline planning permission was granted in 2013 by Chorley Council for up to 85 new dwellings including a means of access. All other matters are reserved (ref. 12/01134/OUTMAJ).

In 2015 a planning application (ref. LCC/2015/0081) was submitted for the importation of soils to meet stability requirements for approved residential development at Little Quarry, Hill Top Lane, Whittle-le-Woods. However, the application was withdrawn on 23 May 2016 following the submission of application LCC/2016/0038 for a revised proposal.

A report was presented to the county council's Development Control Committee on 14 October 2015 recommending that the Development Control Committee visits the site before determining application ref LCC/2015/0081. The recommendation was accepted and has been carried through to application LCC/2017/0095 given the similarity in the proposals.

Application LCC/2016/0038 was withdrawn on 7 December 2017 due to a number of changes to the proposed scheme primarily in relation to geotechnical re-evaluation.

Planning Policy

National Planning Policy Framework

Paragraphs 6 – 16, 47 - 49 and 109 – 125 are relevant with regard to the definition of sustainable development and the operation of the planning system, delivering a wide choice of high quality homes and conserving and enhancing the natural environment respectively.

National Planning Policy for Waste

Planning Practice Guidance accompanying the National Planning Policy Framework

Waste

Joint Lancashire Mineral and Waste Development Framework Core Strategy DPD - Managing our Waste and Natural Resources

Policy CS7	Managing our Waste as a Resource
Policy CS8	Identifying Capacity for Managing our Waste

Joint Lancashire Minerals and Waste Local Plan - Site Allocations 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

Central Lancashire Adopted Core Strategy

Policy 29	Water Management
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Chorley Local Plan 2012-2026

Policy BNE 1	Design Criteria for New Development
Policy BNE 9	Biodiversity and Nature Conservation
Policy HS1	Housing Site Allocations

Consultations

Chorley Borough Council – No objection to the proposal subject to an assessment that the full extent of the works proposed are necessary to enable delivery of the 85 dwellings approved under application ref. 12/01134/OUTMAJ and subject to dust, noise, air quality, ecological impacts, restoration, highway safety, operating hours, drainage and land stability being adequately controlled through appropriately worded conditions.

Whittle-le-Woods Parish Council – Object in the strongest possible terms for the following reasons:

- Existing HGVs do not comply with speed restrictions.
- There are already traffic and congestion issues locally.
- The HGV movements would inevitably lead to mud being tracked out of the site.
- Vibration as HGVs pass houses.
- Highway safety issues, particularly for children.
- The proposed development would make the current flooding problems worse.
- The application site is unstable and unsuitable for housing.

Clayton-le-Woods Parish Council – The bridge at Radburn Brow (Clayton-le-Woods) has a weight restriction.

Coal Authority – No objection.

County Ecology Service – The proposed development should be subject to conditions relating to compensation landscaping and habitat creation.

Environment Agency – No objection. The proposed development may require an Environmental Permit.

Historic England – No objection.

LCC Highways Development Control – The applicant proposes to import half of the total quantity (23,424 tonnes) in the first year at a rate of 60m³ (108 tonnes) per day, 5 days a week using 20 tonne HGVs. This works out as 5 HGVs going in and out of the site a day which the applicant incorrectly calculated as 3 HGVs in and 3 HGVs out per day. On this scale, if the same routes said to have been agreed for HGVs associated with the quarry operations are used during the haulage of the imported filling material, there should be minimal impact on the highway network.

It is apparent that the route involves a return journey over the Duke (Moss) bridge over the Leeds and Liverpool Canal near Chorley Old Road/Mill Lane, which some residents of the area have rightly raised concerns about. While the residents' concerns are understandable, it is confirmed that the bridge is not owned or inspected by Lancashire County Council as the Highway Authority. It is owned by British Waterways (now the Canal and River Trust) who are responsible for its inspection and based on information available to LCC Highways, the capacity of the Duke (Moss) bridge as assessed by the owners is currently 40 tonnes and no significant structural defects are currently known. In view of this, LCC Highways does not consider that the estimated 5 HGVs going in and out of the site daily would adversely impact the highway network and given its capacity, the Duke (Moss) bridge should be able to sustain the weight and stress from the 20 tonne HGVs proposed to be used by the applicant. The proposal is therefore considered acceptable from a highways perspective. Conditions are recommended for vehicle sheeting, wheel cleaning and road sweeping.

Natural England – No objection. The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Measures to enhance the biodiversity of the site should be considered.

LCC Public Rights of Way – No comments received.

United Utilities – No comments received.

LCC Lead Local Flood Authority – No comments received.

Ramblers' Association – As long as all public rights of way on this site (FP 25, FP28, FP29 and FP30 remain intact and walkable there are no objections to this proposal, which will more than likely improve the pleasure of walking these paths. At the moment FP30 is totally overgrown so this does need to be cleared.

Canal and River Trust – No general comment to make. Further to enquiries regarding the canal bridge a Canal and River Trust Senior Bridge Inspector inspected the bridge in December 2017 and assessed it as having a capacity of full strength i.e. adequate for articulated vehicles. He has confirmed that the bridge is in good condition overall and the wagons shouldn't pose any problems. The Canal and River Trust heritage advisor has also not raised any heritage concerns.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. 88 representations have been received raised objection to the planning application on the following summarised grounds:

- Noise, dust and dirt associated with heavy goods vehicle (HGV) movements.
- Damage to the local road network caused by the movement of HGVs.
- Highway safety and traffic issues associated with HGV movements.
- No need for more housing.
- Hill Top Lane has no pavement and therefore it will be dangerous for walkers, cyclists and horse riders.
- Chorley Old Road is unsuitable for HGV movements.
- The new Co-op store has added to the vehicle congestion in the area.
- Surface water flooding issues.
- Leachate concerns relating to previously tipped waste and the proposed waste development. How would the site be controlled, monitored and managed in this respect?
- There are other remedial methods that could be used through cut and fill without the need to import any materials.
- How would the quality of the imported waste be controlled.
- There is no contaminated land assessment.
- The site would not be stabilised sufficiently for housing and should be left for nature restoration.
- Negative impact on wildlife.

Two representations offer support to the proposal on the grounds that the development would stabilise the land and remove a dangerous chasm.

County Councillor Mark Perks - the new proposed amounts for land infill are still significant enough to cause major disruption and road pollution in Whittle le Woods.

Access along Chorley Old Road and Hill Top Lane are only single carriageway due to parked vehicles at the road side. Residents have already experienced contamination of the road surface from quarry vehicles. The drainage from the site is causing surface water to discharge on to the local highway. Surface water from the site needs careful management. The owners of the canal bridge on Chorley Old Road must be made aware of the expected vehicles and their weight, as it is suspected the vehicles will have an impact on the structure and maintenance requirements on that bridge. The application should be refused and the quarry left undisturbed, to allow for natural stabilisation and to allow local residents some quality of life from what has been a nightmare of infilling at this quarry.

Chorley Councillor Eric Bell – Objects to the application.

Advice

Planning permission has previously been granted at this site to allow for the importation and deposit of inert waste materials to create a landform for a dry ski slope and also to stabilise the quarry faces.

The applicant has stated that in the intervening years since permission was granted for the dry ski slope, technology has changed such that a dry ski slope is no longer a commercial proposition.

In 2103 the Borough Council granted outline planning permission on this site for up to 85 dwellings including means of access. The site is also now subject of a housing site allocation in the Chorley Local Plan (Policy HS1). The outline planning permission is subject to a number of conditions, including a requirement that the stability of the site be assessed. Through initial geo-technical assessment, the applicant concluded that additional material needs to be deposited at the site to provide a higher level of assurance that the site would be stable prior to any housing development and in general.. The importation and deposit of additional inert waste materials would constitute development in itself and is not provided for within the outline permission for housing. Hence this separate planning application.

Irrespective of the proposed housing development, the County Planning Authority must be satisfied that the proposal is acceptable in planning terms and there must be an alternative acceptable restoration scheme for the site including any landscaping should the housing scheme not be taken forward.

The applicant's proposed solution to address the stability issues has been revised over a series of proposals culminating in the current application. An application was initially submitted in 2015 (ref LCC/2015/0081) for the importation of approximately 100,000m³ of additional soils/inert waste but was subsequently withdrawn following the submission of application ref LCC/2016/0038 (and now this application). Following geotechnical re-evaluation the applicant has stated that a stable profile could be achieved through the removal of 56,000m³ of rock material, which would be used on site for engineering works, localised re-profiling, and the importation of some 25,000m³ (approximately 47,000 tonnes) of restoration soils.

The proposed development has generated significant local interest and concerns are raised particularly in relation to highway matters and the use of Chorley Old Road to access the site in order to import the additional waste materials.

It is necessary to assess the need for the proposed development along with an assessment of the potential impacts of the proposal on the local environment including impacts on the public highway, and the amenity of the residents who live nearby. Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Geo-technical issues

Geotechnical assessment showed that a failed sandstone block at the north of the site is unstable along with the existing slope profiles and a cliff face to the east. Initial recommendations suggested importing significant volumes of additional fill to stabilise the site. The approach was questioned and other possible solutions requested. A revised geotechnical assessment examined the opportunity to cut back the upper section of the failed sandstone block to reduce the potential for further failure, and thereby reduce the need to import large volumes of soil material.

The geotechnical assessment has been comprehensively scrutinized by County Council officers and numerous questions have been raised regarding the approach taken and the conclusions reached. It is now considered that the applicant has satisfactorily demonstrated that the proposed approach to stabilizing the site is both necessary and appropriate for the purposes of this application. If the additional material cannot be imported to the site then there must be some doubt as to the feasibility of this site being brought forward for housing development. However, further scrutiny of earthworks specification and compliance may be required as part of the conditional requirements of the residential development permission to ensure that the site would be suitable for that use. A condition is recommended for this proposal to restrict imported material to uncontaminated soils.

Impact upon local amenity

The National Planning Policy Framework and the Joint Minerals and Waste Local Plan recognise that minerals and waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise and dust. More specifically, Policy DM2 of the Joint Minerals and Waste Local Plan 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.

With regard to pollution control, paragraph 122 of the National Planning Policy Framework makes it clear that local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to

approval under pollution control regimes. There is no certainty at this stage that the proposal would require an Environmental Permit.

In terms of noise, paragraph 123 states that *planning policies and decisions should aim to:*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

Assessment of 'significant adverse impacts' is directed to the DEFRA publication *Explanatory Note to the Noise Policy Statement for England*.

In the accompanying practice guidance for the Framework the management of the noise associated with particular development types is considered in a number of separate documents. For minerals development there is *National Planning Practice Guidance: Minerals* (*Planning Practice Guidance*).

In relation to noise the guidance states that applicants *should carry out a noise impact assessment, which should identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighbourhood.*

Proposals for the control or mitigation of noise emissions should:

- *consider the main characteristics of the production process and its environs, including the location of noise-sensitive properties and sensitive environmental sites;*
- *assess the existing acoustic environment around the site of the proposed operations, including background noise levels at nearby noise-sensitive properties;*
- *estimate the likely future noise from the development and its impact on the neighbourhood of the proposed operations;*
- *identify proposals to minimise, mitigate or remove noise emissions at source;*
- *monitor the resulting noise to check compliance with any proposed or imposed conditions.*

The guidance continues by adding that *Mineral planning authorities should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operations would:*

- *give rise to a significant adverse effect;*
- *give rise to an adverse effect; and*
- *enable a good standard of amenity to be achieved.*

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

The guidance recommends appropriate noise standards and advises that *Mineral planning authorities should aim to establish a noise limit, through a planning condition, at noise-sensitive property that does not exceed the background noise level ($L_{A90,1h}$) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) $L_{Aeq, 1h}$ (free field).*

For particularly noisy short term events such as soil stripping and road construction the guidance advises:

Increased temporary daytime noise limits of up to 70dB(A) $L_{Aeq 1h}$ (free field) for periods of up to eight weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs.

Where work is likely to take longer than eight weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits. Within this framework, the 70 dB(A) $L_{Aeq 1h}$ (free field) limit referred to above should be regarded as the normal maximum.

The applicant has submitted a noise assessment that considers local ambient noise levels and predicted noise levels from site operations. It is concluded that in worst case scenario operational development close to residential properties that border the site (including Whittle Hills Close and properties off Chorley Old Road and Hill Top Lane), there could be potential for short term higher levels of noise associated with earth moving activities as is recognized in Government guidance. The report concludes that noise levels could be reduced through the provision of bunds and moveable barriers when necessary and this is proposed by the applicant. Planning conditions are recommended in relation to noise limits based on Government guidance and also in relation to reversing alarms and hours of operation to seek to

ensure that noise would be controlled to reasonable levels. On this basis, there are unlikely to be unacceptable adverse noise impacts.

The proposed restoration works would have limited visual impact when seen in the context of the existing site and the location of neighbouring properties.

Highway Matters

The policies of the Development Plan in particular Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan seek to ensure that proposals for minerals and waste development do not give rise to unacceptable traffic and road safety problems or unacceptable effects on amenity along the routes used. The application site is a former quarry and landfill that now has outline planning permission for residential development. The importation of further restoration soils has the potential to generate detrimental impacts on the local area as a consequence of HGV movements through Whittle-Le-Woods particularly along Chorley Old Road. Consequently, there has been considerable focus on seeking to ensure that the volume of material the applicant wishes to import to the site is minimised. Following a request for the geotechnical assessment to be re-evaluated, the volume of material to be imported is now approximately 47,000 tonnes over a period revised down to 12 months. This relates to an average of approximately 18 HGV movements each day (9 in and 9 out). The applicant has also proposed a maximum of 50 HGV movement each day (25 in and 25 out).

Historically, the quarry/landfill permission has permitted up to 100 HGVs to leave the site during any weekday and 50 HGVs on the half day Saturday. This is considerably in excess of the levels of HGV movements now proposed. LCC Development Control Highways has raised no objection in terms of highway safety and are satisfied that the local highway network could accommodate the proposal (albeit the comments are based on average vehicle movement figures over a two year operation, which has now been reduced to one year). Nevertheless, from a local amenity perspective there could still be disturbance caused by the passage of vehicles in close proximity to residential development and parked cars particularly along Chorley Old Road. For this reason, conditions are recommended to seek to prevent HGVs turning left from the site exit onto an unsuitable section of Hill Top Lane as in previous planning permissions but also to seek to prevent HGVs turning left out of Hill Top Lane onto Chorley Old Road. The operator agrees that the preferred HGV routeing is turning right onto Chorley Old Road towards Radburn Brow and the A6 due to the ease of access and less constricted road for the majority of the journey, regardless of any planning restrictions. The recommended conditions would be a precautionary approach and as a minimum would reduce the likelihood of HGVs meeting each other through narrower sections of Chorley Old Road.

The proposed development includes extraction of rock from a sandstone block. However, this material would be used as drainage and restoration material and would not be taken off-site. A condition is recommended in this respect.

Historically, there have been complaints and objections in relation to vehicle movements from the quarry. There was reliance historically on one wheel bath and this was increased to two along with a better surfaced internal road. Nevertheless,

mud and dust episodes still occurred occasionally. To overcome this risk, the applicant is now proposing to provide a defined surfaced area of the site for deliveries only and no HGVs would access the earthworks area of the site to tip imported materials. With this method of operation, HGVs should not be exposed to mud or dust from the site and therefore should reduce the likelihood of tracking mud onto the highway.

Concern has been raised that the route of HGVs via Radburn Brow may not be appropriate as there is a weight restriction for the bridge over Carr Brook. However, records indicate that this is not the case.

Overall, with regards to highway matters, and in view of the demonstrated need for the proposed development it is considered that the likely impact of HGVs would be acceptable subject to a condition controlling vehicle numbers and other highway matters.

Water Management

Surface water at the site has traditionally infiltrated into the ground or flowed into a centrally located pond and gully. From there surface water has been pumped off site into a drain at Hill Top Lane. There has been an ongoing issue regarding surface water flooding at the corner of Hill Top Lane. Water occasionally spills out of a gully and flows over Chorley Old Road and then down Hillside Crescent leading to hazardous conditions and deterioration of the road surface.

Following recent investigations it appears that a scheme for improvements to Hill Top Lane, including kerbing and drainage was approved under the provisions of planning permission 09/96/234 relating to the quarry and landfill. There are no flow restrictions on the volume of surface water that can be discharged from the quarry into the gully and there are currently no blockages and therefore the drainage arrangements may be undersized at higher discharge rates. The proposed development would involve the loss of the existing pond ditch arrangement as ground levels would increase to provide the development platform. Alternative drainage arrangements would be required on site and a new drainage pond has been proposed close to the site entrance. Further assessment of the surface water management arrangements, flow restrictions and suitability of discharge points is required and consequently a condition is recommended to cover this issue. The Environment Agency and Canal and River Trust have raised no objection.

Protected Species, landscaping and Habitats

The existing site includes a section of exposed sandstone cliff face to the east, a land slipped area to the north, and a large slope and depression comprising imported soil based material. There is a range of vegetation types including, scrub, bramble scrub, rank grassland and tall-herb vegetation, unmanaged grassland and very locally abundant heather. A bat assessment has been undertaken to examine whether there is evidence of bats in the cracks and fissures of the rock outcrops and cliff faces and also in trees and scrub. No evidence of bats was found.

Outline permission is in place for residential development following the creation of a suitable platform that would be achieved through this application. In the event that residential development does not take place in future there still needs to be an appropriate restoration and landscaping scheme for the whole of the site. The applicant has proposed an outline landscape masterplan that includes a grassland area on the lower platform (that could become houses, garden and estate roads) and a peripheral area of native tree and shrub planting, wetland planting, heather rich lowland acidic heath and restored farmland to the north. The principle of the masterplan is considered appropriate and would satisfactorily replace the habitats that have emerged through natural regeneration but would be lost as a result of the earth works. However, a condition is recommended to address the finer details of the working and restoration scheme to require details of soil types, soil placement, tree and shrub planting, habitats, and aftercare.

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 to the law and as is proportionate.

This application were it to be approved would be unlikely to generate a degree of impact on neighbouring properties which would breach these rights. It is considered that any potential impacts could be controlled by condition.

Conclusion

The proposed development would allow the site to be satisfactorily stabilized and restored. The proposed restoration levels and landscaping works should result in a sustainable environment for the local area regardless of whether or not the outline planning permission for residential development is taken forward. The proposed operations would be unlikely to generate unacceptable levels of impact on neighbouring residents in terms of noise, air quality issues, highway matters or the environment. Subject to recommended conditions the proposal would comply with the policies of the National Planning Policy Framework and the Development Plan.

Recommendation

That planning permission be **Granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

2. The mining, landfilling and earthworks operations authorised by this permission shall cease not later than 12 months from the date of commencement of development. Thereafter, the site shall be finally restored and landscaped in accordance with the conditions to this permission within a further 12 months.

Reason: Imposed pursuant to schedule 5 of the Town and Country Planning Act 1990 and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

3. Written notification of the date of commencement of the development shall be sent to the County Planning Authority within 7 days of such commencement.

Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Working Programme

4. 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 form dated 6th December 2017

b) Submitted Plans and documents:

Location Plan - Land at Little Quarry (dated 17/05/2016)

Drawing no. 001 - Indicative Volumetrics Plan

Drawing no. 002 - Proposed and Existing Section Location Plan

Drawing no. 002 - Isopachyte Between Topographical Survey and Final Finished Levels Plan

Drawing no. 003 - Proposed and Existing Cross Sections

Drawing no. 005 - Proposed and Existing Section Location Plan (Eastern Boundary)

Drawing no. 005 - Proposed and Existing Cross Sections (Eastern Boundary)

c) All details approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, Policy 29 of the Central Lancashire Core Strategy, and Policies BNE1, BNE9 and HS1 of the Chorley Local Plan.

5. No mining operations, landfilling or earthworks shall take place except between the hours of:

0730 to 1800 hours, Mondays to Fridays

0800 to 1400 hours on Saturdays

No mining operations, landfilling or earthworks 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 comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy EP20 of the Chorley Local Plan.

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

Reason: To protect nesting birds and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

7. No minerals shall be exported from the site.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land-users, to seek to ensure a satisfactory restoration of the site, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

8. No materials other than uncontaminated soils for restoration shall be imported to the site in accordance with condition 22.

Reason: To safeguard the environment, the amenity of local residents and adjacent properties/landowners and land-users, to seek to ensure a satisfactory restoration of the site, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

9. No heavy goods vehicles, as defined in this permission, shall turn left out of the site exit. Signage on the site prohibiting a left turn out of the quarry shall be provided at all times during the development while heavy goods vehicle movements are taking place.

Reason: In the interests of highway safety and 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

10. No heavy goods vehicles, as defined in this permission, that leave the site, shall turn left from Hill Top Lane onto Chorley Old Road, Whittle-Le-Woods. Signage on the site advising of this restriction shall be provided at the egress

from the site at all times during the development while heavy goods vehicle movements are taking place.

Reason: In the interests of highway safety and 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

11. No more than 25 heavy goods vehicles, as defined in this permission, shall exit the site in any one day during Mondays to Fridays, inclusive (except Public Holidays). No more than 12 heavy goods vehicles shall exit the site on Saturdays. No such vehicles shall exit the site on Sundays or Public Holidays.

Reason: In the interests of highway safety and 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.

12. No development shall commence until details of measures to prevent mud, debris and dust being tracked out of the site have been submitted to and approved in writing by the County Planning Authority. Thereafter, the approved measures shall be employed for the duration of operations when heavy goods vehicles enter or leave the site.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land-users, prior to development commencing, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

13. Noise emitted from the site shall not exceed 55 dB Aeq (1 hour) (free field), as defined in this permission, when measured at any occupied neighbouring property.

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.

14. The noise limits set out in the preceding condition shall not apply during the stripping of soils and overburden at the site, the construction of storage mounds and bunds and their regrading during the restoration of the site, or the construction of landscape or baffle mounds. Noise from any of these activities shall not exceed 70dB LAeq (1 hour) (free field) when measured at any occupied neighbouring property. For these activities the 55dB LAeq (1 hour) (free field) limit shall not be exceeded for more than 51 days in any one calendar year, unless otherwise agreed in writing by the County Planning Authority. A written record shall be made of the dates that these activities are taking place and shall be made available to the County Planning Authority on request.

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.

15. Where reversing alarms are employed on site on mobile plant, vehicles and equipment, only broadband multi-frequency sound alarms (white sound) shall be used.

Reason: 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.

16. Measures shall be taken to ensure that no dust or wind blown material is carried on to adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps or areas as necessary during dry weather conditions.

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

17. No development shall commence until details of a surface water sustainable drainage system have been submitted to and approved in writing by the County Planning Authority. The details shall include:
- a) Information about design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), surface water discharge point(s) and the methods employed to delay and control surface water discharged from the site.
 - b) Demonstration that the surface water run-off will not exceed greenfield runoff rate.
 - c) Details of flood water exceedance routes, both on and off site.

The approved surface water sustainable drainage system shall be implemented prior to the importation of soils and thereafter operated and maintained during the development and aftercare of the site subject of this permission.

Reason: To seek to ensure that drainage from the site can be adequately controlled and to minimise flood risk before development commences, and to conform with Policy 29 of the Central Lancashire Core Strategy.

18. 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.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy 29 of the Central Lancashire Adopted Core Strategy.

19. All foul drainage shall be discharged to a public sewer or else to a sealed tank and the contents of the tank shall be removed from the site to a licenced disposal facility.

Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourse or groundwater resource or adjacent land, and to conform with Policy 29 of the Central Lancashire Adopted Core Strategy.

20. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers total volume and shall enclose within their curtilage all fill and draw pipes.

Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourse or groundwater resource or adjacent land, and to conform with Policy 29 of the Central Lancashire Adopted Core Strategy.

21. Secure stock-proof fencing, walls and/or gates shall be erected around the site boundary and maintained throughout the period of mineral extraction, landfilling, restoration and aftercare.

Reason: In the interests of public safety and local agriculture, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

22. No restoration materials shall be deposited temporarily on any part of the site at a level more than 3 metres above the proposed levels shown on drawing no. 002, rev 3 - Proposed and Existing section Location Plan.

Reason: To ensure satisfactory restoration of the site and safeguard the amenity of the local residents and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

23. A topographical survey of the site relating to the completion of mining, and landfilling and re-profiling operations shall be submitted to the County Planning Authority within two months of the completion of mining, landfilling and re-profiling operations. The survey shall consist of a plan drawn to a scale not less than 1:1250 which identifies all surface features within the site and a 10 metre grid survey identifying levels related to ordnance datum.

Reason: To enable the planning authority to monitor the site and to ensure compliance with the planning permission and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

24. Notwithstanding the information shown on the submitted Landscape Masterplan, no development shall commence until details of the working, restoration, landscaping, and aftercare of the site have been submitted to and approved in writing by the County Planning Authority.

The submitted details shall include:

- a) The removal of any plant, machinery, erections and their foundations, including the removal of all internal haul roads, subsidiary site roads and hardstanding areas;
- b) The final configuration of the mineral excavated areas;
- c) Details of the nature of the proposed soil types to be imported to the site and proposed treatment and depths within surface horizons to demonstrate that the soils will be suitable to stabilise the site and capable of supporting the desired habitats and plant communities.
- d) The provision and management of silt traps, lagoons and water areas;
- e) Types of native trees, shrubs and plants, seed specification and planting densities;
- f) The methods to be employed to promote normal plant growth;
- g) Full detail of habitat establishment (including details for bat boxes), and management methods.
- h) The maintenance and aftercare of the site for a period of 5 years following the completion of restoration, as defined in this permission.
- i) A schedule of management prescriptions during the aftercare period.

Thereafter the restoration and aftercare of the site shall be carried out in accordance with the approved details.

Reason: The development is a restoration scheme to be completed in a short timeframe and therefore details are required prior to the commencement of development to secure the proper restoration of the site and to ensure and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy 22 of the Central Lancashire Core Strategy.

25. Upon certification in writing by the County Planning Authority of the completion of restoration in accordance with the approved details of this permission, aftercare of the site to promote the amenity afteruse of the site shall be carried out in accordance with the conditions of permission for a period of five years.

Reason: To secure the proper aftercare of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Definitions

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

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

Notes

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

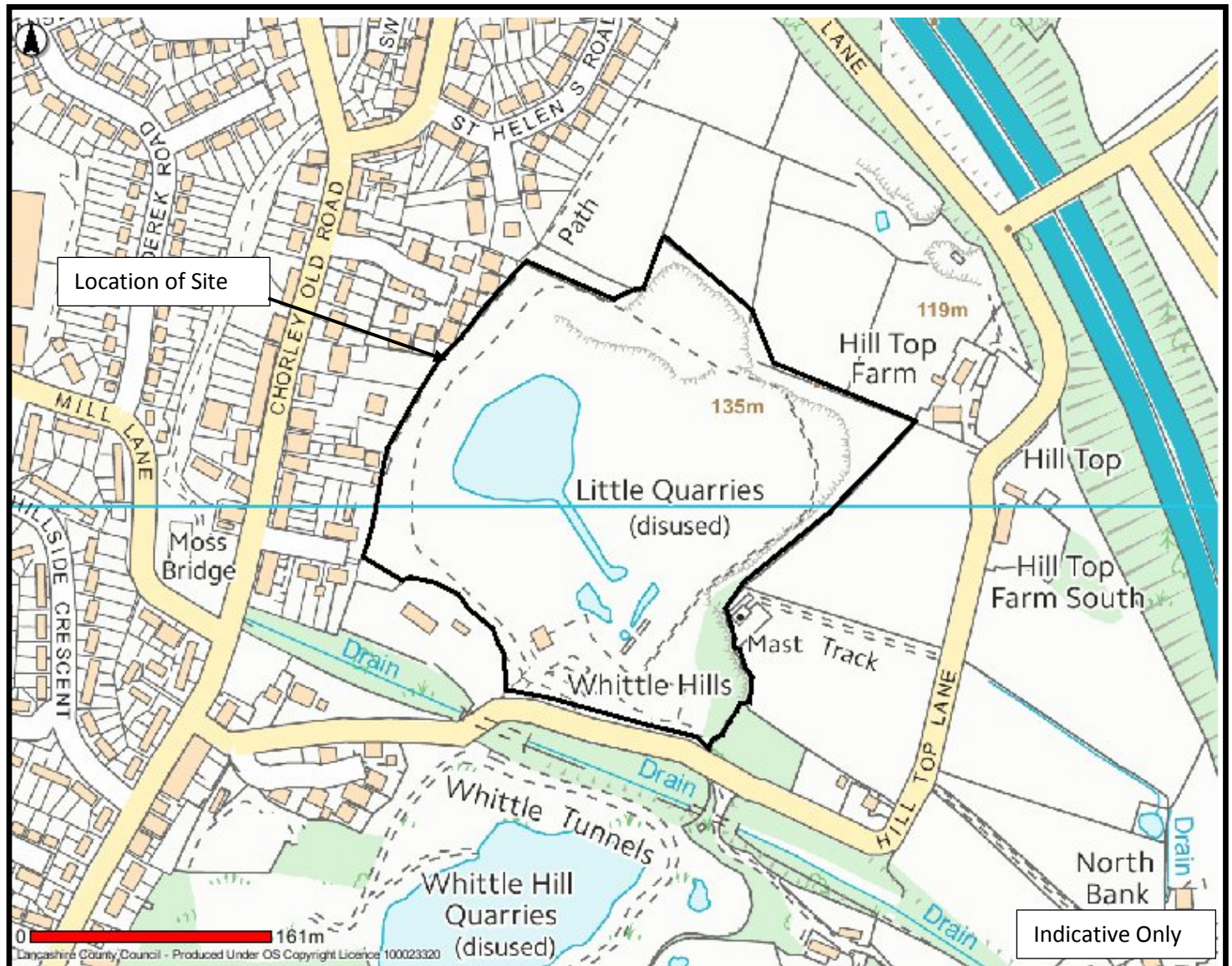
Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/telephone
LCC/2017/0095	April 2018	R Hope/01772 534159

Reason for Inclusion in Part II, if appropriate

N/A

APPLICATION LCC/2017/0095 APPLICATION FOR THE IMPORTATION OF SOILS TO MEET STABILITY REQUIREMENTS FOR APPROVED RESIDENTIAL DEVELOPMENT AND CUTTING BACK OF ROCK OUTCROP TO PROVIDE A STABLE LANDFORM. LAND AT LITTLE QUARRY, HILL TOP LANE, WHITTLE-LE-WOODS



Development Control Committee

Meeting to be held on 23rd May 2018

Electoral Division affected:
Burscough and Rufford

West Lancashire Borough: Application Number. LCC/2018/0001

Replacement 2.4m high fencing and gates to the front of the school and 2.4m high fencing adjacent to the bins store.

Burscough Village Primary School, Colburne Close, Burscough.

Contact for further information:

Faiyaz Laly, 01772 538810

DevCon@lancashire.gov.uk

Executive Summary

Application - Replacement of 2.4m high fencing and gates to the front of the school and 2.4m high fencing adjacent to the bins store. Burscough Village Primary School, Colburne Close, Burscough.

Recommendation - Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, colour of fencing and gates and protection of landscaping.

Applicant's Proposal

Planning permission is sought for the erection of 2.4m high Baroform hollow bar security fencing and gates which would be located to the western boundary of Burscough Village Primary School, Colburne Close, Burscough. The proposed fencing and gates would cover a linear distance of approximately 25m to the front of the school site and would be galvanised polyester powder coated Green (RAL 6005). Further fencing in the same colour and design is proposed to be erected around an existing bin store within the school premises.

Description and Location of Site

Burscough Village Primary School is located off Colburne Close, approximately 4.6km from Ormskirk town centre. The development would be located on the Colburne Close boundary of the school, replacing existing 1.2m high fencing and would cover a linear distance of approximately 25m to the front of the school site. The nearest residential properties are located approximately 15m away on Colburne Close.

Planning permission was granted in November 2015 for a modular building with decking area and access ramp. (LCC/2015/0078)

Planning Policy

National Planning Policy Framework

Paragraphs 11 -14 and 56 - 64 are relevant and set out the presumption in favour of sustainable development and the need for high standards of design.

West Lancashire Local Plan 2012- 2026

Policy GN3 - Design of Development

Policy SP1 - Key Service Centre

Consultations

West Lancashire Borough Council - West Lancashire Borough Council object on the grounds that the development is contrary to Policy GN3 of the West Lancashire Local Plan in that the proposal is out of character and incongruous within the street scene due to its size, design and position adjacent to the pavement.

Burscough Parish Council - No observations received.

LCC Highways Development Control - No objection.

Representations - The application has been advertised by site notice and neighbouring residents have been informed by individual letter. No representations have been received.

Advice

The proposal is to erect a 25m length of 2.4m high fencing and gates which would be sited to the western boundary of Burscough Village Primary School on Colburne Close. The school have stated the development is required as there has been an increase in anti-social behaviour on the school grounds, with groups of young people gathering on the site when the school is closed. Neighbouring residents have raised concerns with the school on many occasions and the proposal is intended to eliminate these issues.

Paragraphs 56 - 64 of the National Planning Policy Framework seek to achieve a high quality of design for all new development proposals that are in keeping with the character of the surrounding area. Policy GN3 of the West Lancashire Local Plan, states that proposals for development should have regard to visual amenity and complement or enhance any attractive attributes and / or local distinctiveness within its surroundings through sensitive design, including appropriate siting, orientation, scale, materials, landscaping, boundary treatment, details and use of art features where appropriate.

West Lancashire Borough Council have raised an objection to the proposal stating the fencing is out of character and incongruous within the street scene due to its size, design and position adjacent to the pavement. The existing 1.2m high fencing is not sufficient to secure the school premises and the increase in height of the fencing is required to deter individuals to climb over the fence.

The initial planning application proposed to erect 2.4 metre high mesh fencing, which would not have matched the existing fencing around the school. The applicant has now submitted a revised fence design with a hollow bar railing design which would match the design and colour of the existing fencing at the school and is preferable to the mesh fencing that was originally proposed. With the changes to the design of the proposed fencing it is considered that the proposal is acceptable in terms of the impact on the visual amenities of the area and complies with Policy GN3 of the Local Plan. The objection of the Borough Council is therefore not supported. The fencing would be directly opposite houses on the east side of Colburn Close but no representations have been received in response to the consultation exercise.

To protect the amenities of the area, conditions should be imposed requiring the retention of trees along the boundary where the fencing is located and specifying the colour of the fencing to match the existing fencing at the school site.

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

Recommendation

That planning permission be **Granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

Working Programme

2. The development shall be carried out in accordance with the following documents:
 - a) The Planning Application received by the County Planning Authority on 3rd January 2018.
 - b) Submitted Plans and documents:

Drawing No - B02 / Rev D3 - Existing and Proposed Plan

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy SP1 of the West Lancashire Local Plan.

Colour of Fencing and Gates

3. The fencing shall be coloured Green (RAL 6005) and shall be retained in that colour thereafter.

Reason: In the interests of the visual amenities of the area and to conform with Policy GN3 of the West Lancashire Local Plan.

Landscaping

4. No trees within the site shall be removed or damaged to accommodate the development.

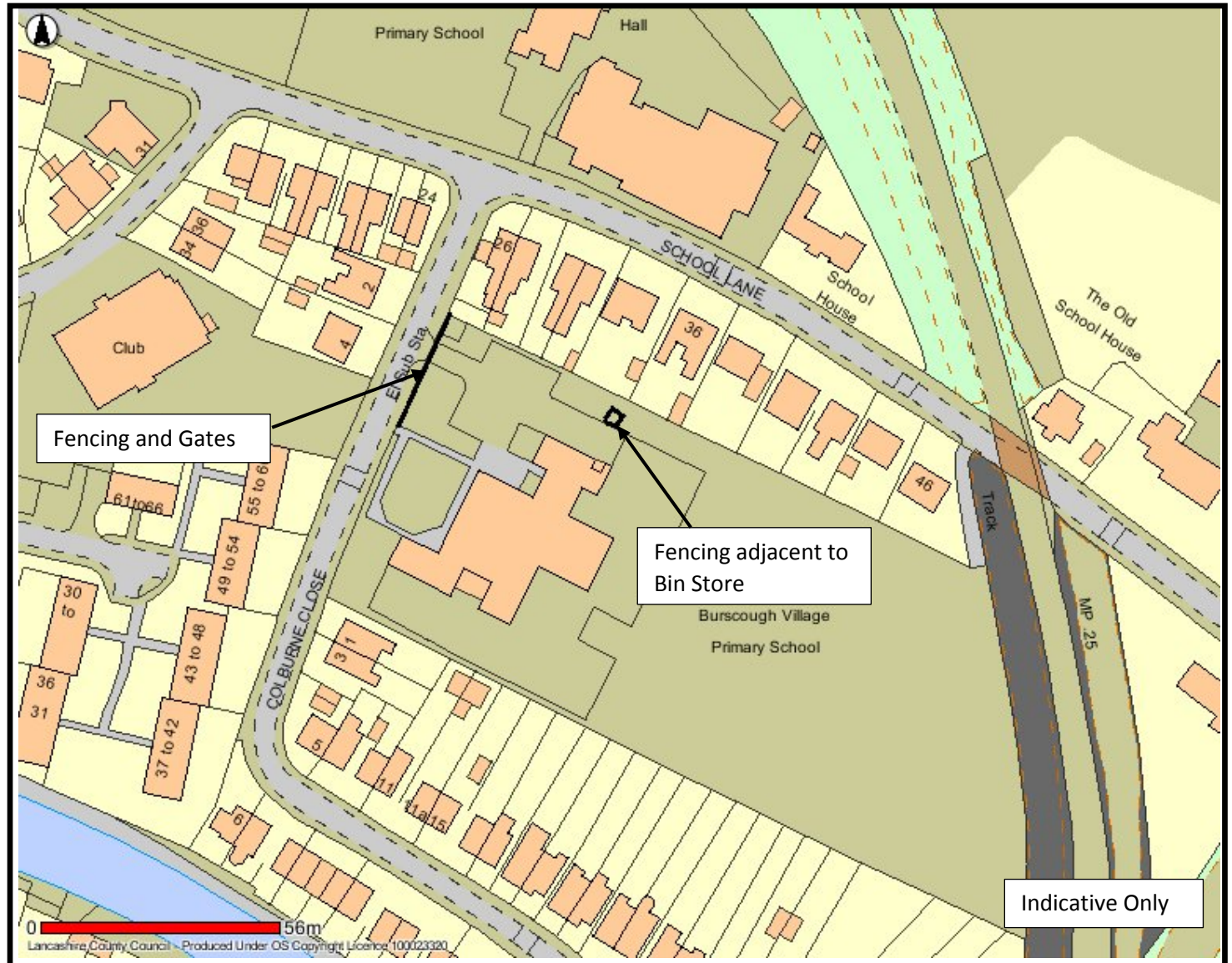
Reason: In the interests of visual and local amenity and to conform with Policy GN3 of the West Lancashire Local Plan.

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

Paper	Date	Contact/Ext
LCC/2018/0001	April 2018	Faiyaz Laly / Planning and Environment / 01772 538810

Reason for Inclusion in Part II, if appropriate
N/A

**APPLICATION LCC/2018/0001 APPLICATION FOR THEREPLACEMENT 2.4M
HIGH FENCING AND GATES TO THE FRONT OF THE SCHOOL AND 2.4M HIGH
FENCING ADJACENT TO THE BINS STORE. . BURSCOUGH VILLAGE
PRIMARY SCHOOL, COLBURNE CLOSE, BURSCOUGH.**



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Development Control Committee

Meeting to be held on 23rd May 2018

Electoral Division affected: Ribble Valley North East
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Ribble Valley Borough: Application Number. LCC/2018/0003

Detached new build classroom with toilets and ancillary rooms and single storey extension to existing school building to provide a new library and construction of a multi-use games area. Whalley C of E Primary School, Church Lane, Whalley, Clitheroe.

Contact for further information:

Faiyaz Laly, 01772 538810

DevCon@lancashire.gov.uk

Executive Summary

Detached new build classroom with toilets and ancillary rooms and single storey extension to existing school building to provide a new library and construction of a multi-use games area. Whalley C of E Primary School, Church Lane, Whalley, Clitheroe.

Recommendation - Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, hours of working, building materials, fencing colour, landscaping, highway matters and archaeology scheme.

Applicant's Proposal

The application is for the erection of a detached single storey new build classroom, a single storey extension to provide a new library and creation of a multi - use games area. The development proposals would allow the yearly intake at the school to be increased from 40 to 45 pupils in each year group. This would increase the total number of pupils at the school from 280 to 315.

The detached single storey building would measure approximately 23m x 8m with a maximum height of 6m. The external elevations would consist of a combination of natural spilt faced stone finished with rendered blockwork coloured white. The building would have a pitched roof covered with slate and aluminium coated windows and doors coloured white.

The single storey extension would measure approximately 8m x 4m with a monopitch roof to a maximum height of 5m. The materials for the external elevations of the single storey extension would match the proposed new build detached classroom.

Part of the development proposal includes the creation of a multi - use games area, which would cover an area of approximately 26.5m x 18m and would include perimeter 1.2m high bow stop fencing coloured green (RAL 6005). The multi - use games area would consist of a rubber polymeric surface coloured green.

Description and Location of Site

Whalley Church of England Primary School is located 250 metres to the south of Whalley town centre approximately 3km south from Clitheroe. The existing school site consists of a single storey stone and rendered building on the northern side of the site with a hard / soft play area to the south.

The proposed detached new build classroom and single storey extension would be located on existing hardstanding areas in close proximity to the existing school buildings. Church Lane forms the northern and western sides of the site from where pedestrian access is gained. The nearest residential properties are located approximately 40m away from the proposed development on The Sands. There are also properties on the opposite side of Church Lane from the school.

The whole school site is located within the Whalley Conservation area. The southern boundary of the school is formed by the North Courtyard Range of the Whalley Abbey, a Scheduled Monument and Grade I Listed Building which is located approximately 10m away from the proposed site of the multi use games area. To the east of the school site is the Church of St Mary and all Saints which is also a Grade I Listed Building.

Background

The site is an established educational facility.

Planning permission was granted at Whalley C of E Primary School for the enclosure of the existing canopy with aluminium bi-fold doors and full height glazing including relocation of existing play train in June 2015 (Ref 3/2015/0454).

Planning Policy

National Planning Policy Framework

Paragraphs 7 - 14, 17, 56 - 65, 72 - 74 and 126 - 136 of the National Planning Policy Framework are relevant with regards to the definition of sustainable development, core planning principles, requiring good design, the need for new school places and impacts on heritage assets.

Ribble Valley Core Strategy

Policy DMG1 - General Considerations

Policy DS2 - Sustainable Development

Policy DME1 - Protecting Trees and Woodlands

Policy DME3 - Site and Species Protection and Conservation

Policy DME4 - Protecting Heritage Assets

Consultations

Ribble Valley Borough Council – The Borough Council consider that the development is very harmful to the character and appearance of the Whalley Conservation Area and the setting of Whalley Abbey. The new classroom block and MUGA would intrude into the green space adjacent to the main public access to the Abbey and would therefore impact upon the setting. The Borough Council also comment upon impacts on the root protection areas of trees which are proposed to be retained.

Whalley Parish Council - Objection raised - the development should be located elsewhere due to the lack of infrastructure in the area and the impacts the development would have on Whalley Abbey.

Sport England - No comments to make – advice should be sought from the County Council's own conservation and archaeological advisors

Historic England - No comments.

Lancashire Archaeological Advisory Service - Due to the proposed site in close proximity to heritage assets a condition should be added that prior to site clearance and preparation a programme of archaeological work with a written scheme of investigation should be submitted and approved by the local planning authority.

LCC Highways Development Control - Initially raised objection due to the additional traffic which would be generated by the proposed development. However the objection has now been removed as the applicant has submitted a transport assessment with proposed mitigation measures to offset the increase in parking demand including walking bus provision and traffic calming measures on the surrounding highway network. LCC Highways request conditions to be added for details for the construction of the site access and details for offsite highway improvements prior to the proposed development being used, a construction management plan and school travel plan.

County Ecology Service - Due to the loss of green space from the proposed multi - use games area, replacement landscaping should be secured through planning condition.

Lead Local Flood Authority - No comments received.

Representations - The application has been advertised by press, site notice and neighbouring residents have been informed by individual letter. 7 representations have been received raising objection to the development which can be summarised as follows:

- The increase of pupils resulting from the proposed development would cause disruption to the surrounding highway network and create further parking issues within the local area.
- The development should be located on another site which would reduce the impact to the local area.
- The development would have adverse impacts on Whalley Abbey and the Whalley Conservation area.

Advice

The need for the proposed development

Planning permission is sought for the erection of a detached single storey new build classroom, a single storey extension and creation of a multi - use games area at Whalley Primary School.

Lancashire County Council has a statutory duty to provide a school place to every child of statutory school age living in Lancashire. The need for the new primary school places has been identified through a basic needs assessment which has been undertaken to establish the future demand for primary school places in this area. On 5 November 2015, the Cabinet Member for Children, Young People and Schools approved a capital improvement programme that would provide additional places to regularise admission numbers in areas of growth. At the time, the Langho and Whalley planning area was identified as an area where local primary schools had admission numbers that were difficult to manage and the significant level of housing development planned in the area within the next five years combined with new births would result in a shortage of primary school places. The pupil projections have been monitored and, as a result, an initial shortfall in school places is anticipated to occur from September 2018.

As a result, at a meeting on 7 December 2016, it was agreed that proposals be put forward to increase the number of pupils admitted to Reception Class at the following primary schools which serve the Whalley area:-

- Langho and Billington St Leonard's Church of England (CE) Primary School from 40 to 45 pupils from Reception Class onwards with effect from September 2018 and for each subsequent year.
- Whalley CE Primary School from 40 to 45 pupils from Reception Class onwards, with effect from September 2019 and for each subsequent year.
- Langho St Mary's Roman Catholic (RC) Primary School from 40 to 45 pupils from Reception Class onwards, with effect from September 2019 and for each subsequent year.

Paragraph 72 of the National Planning Policy Framework states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It requires that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education.

The National Planning Policy Framework states that great weight should be given to the need to create, expand or alter schools.

The county council has a statutory duty to ensure a sufficient supply of school places. It aims to provide additional places at existing schools rather than commission new provision in order that new places can be delivered more quickly and to achieve best value for money by reducing infrastructure and land acquisition costs. The proposed expansion of Whalley C of E Primary School would help accommodate the need for additional school places in this area and would be supported by the policy in the National Planning Policy Framework to which great weight should be attached. However, it is also important to balance the need for the accommodation against the impacts of the development which relate to traffic and associated impacts on highway safety and residential amenity and impacts on the heritage assets adjacent to the school.

Location and design of development

Policy DMG1 of the Ribble Valley Core Strategy identifies the general considerations that development proposals must comply with. This includes a high standard of building design which is sympathetic to existing and proposed land uses in terms of size, intensity, nature, scale, style and use of building materials. There should be consideration of traffic and parking issues, and there should be no adverse effect on and the environment or heritage assets. The policy also requires that consideration should be given to the likely effect on existing trees and other natural features on the site, visual appearance and relation to surroundings and local landscapes and landscaping.

The existing school site consists of a single storey building which is predominantly a traditional stone building with later additions using more modern materials such as brick and render. The school buildings are located on the northern side of the site with a hard / soft play area to the south. The proposed detached classroom block would be single storey and located on the existing playground. The extension building would be on the site of an existing flat roofed building which is located within a courtyard partially enclosed by other buildings and would therefore have very limited visual impact when seen from The Sands. The elevations and materials for both parts of the development have been chosen to match and complement elements of the existing school building and are therefore considered acceptable and would be reflective of the materials used elsewhere on the school and surrounding buildings within the Conservation Area. A condition can be included on any planning permission to control the details of building materials.

The proposed multi - use games area would provide a replacement sports facility due to the loss of the existing hard play area through the proposed new classroom. Due to the proposed site of the MUGA being located in close proximity to some trees, a tree survey has been submitted with the application which has confirmed that no trees would be lost and includes outline mitigation measures such as erecting a tree protection fence during construction to protect the retained trees. These measures could be secured through planning condition. Overall the location and scale of the development is considered acceptable in terms of its visual impact on the nearest properties.

Heritage impacts

The whole school site is located within the Whalley Conservation area and the southern boundary of the site is formed by the North Courtyard Range of Whalley Abbey which is a Scheduled Monument and Grade I Listed Building. No part of the development would directly affect the Abbey but the MUGA would be located approximately 8m away from the stone wall forming northern elevation of the Abbey. The new classroom block would be approximately 27 metres from the Abbey wall. Concerns have been raised by Ribble Valley Borough Council and local residents that the siting of the proposed development would affect the setting of the Whalley Abbey. It should be noted Historic England raised no comments when consulted on the proposed development.

Policy DME4 of the Ribble Valley Core Strategy requires that listed buildings of local heritage interest or development proposals on sites within their setting which cause harm to the significance of the heritage asset will not be supported. Paragraph 133 - 134 of the National Planning Policy Framework states where development will lead to substantial harm or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Also where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal. The National Planning Policy Framework requires that great weight be given to the conservation of heritage assets with greater weight being attached to the more important assets. Whalley Abbey is grade 1 listed which is therefore the highest level of protection.

The MUGA would occupy an area of existing grass directly adjacent to the Abbey walls. The site is screened from the main approach to the Abbey by an existing high stone wall and the main impact on setting of the Abbey is only really appreciated in views from the The Sands adjacent to the existing school building. However, it is important to recognise that the proposed MUGA would be of limited scale with no high perimeter fencing or floodlighting and therefore its impact on the setting of the Abbey is considered to be limited and less than substantial

The new classroom block would have a greater presence and would perhaps have more impact on the setting of the Abbey. The location of the new classroom block has been chosen following a design process that has considered six different locations or building configurations within the school site. Whilst other locations may have reduced the potential level of harm to designated heritage assets, they were rejected as they would have adversely affected fire escapes and fire engine access or would have impacted upon an existing sewer. The proposed location for the building is located approximately 27 metres from the walls of the Abbey and would benefit from the screening provided by the existing trees all of which would be retained. Whilst there would some impact on the setting of the Abbey when viewed from locations adjacent to the school, the impacts are considered to be limited and would be less than substantial in terms of the policy set out in paragraph 134 of the National Planning Policy Framework. However, it is considered that the elevations of the building that would be most prominent (on the western side) should be faced with

stone rather than the white render currently proposed so the impacts of the new building are reduced as far as possible

Potential archaeological interest in the site could be safe-guarded through a planning condition requiring a programme of archaeological work to be submitted, comprising of a strip, map and record of the MUGA site in the first instance, with further work being undertaken if necessary. Overall no works are proposed in the scheduled area and there are no changes are proposed to the physical fabric of Whalley Abbey. Construction methods would be used to minimise the potential for indirect construction impacts as a result of vibrations. With the imposition of these conditions it is considered the development would be acceptable.

Traffic Impacts

This proposal also raises impacts in relation to traffic and impacts on highway safety and residential amenity. Objections have been raised by local residents that the increase of pupils at the school would increase dangers on the surrounding highway network particularly during school drop off and pick up times. The school currently has no parking spaces within the school site.

The school is located on The Sands / Church Lane which is a single carriageway road of variable width around the school frontage and is within a 20mph speed limit zone. There are 'school keep clear' zig-zag markings on The Sands across both site entrances and also on the opposite side of the road at the main site entrance. To the east of the school, Church Lane narrows to approximately 4m wide and forms a priority T junction with Kings Street approximately 110m from the school. King Street is the main route through Whalley village. To the west of the school, The Sands becomes Ridding Lane before passing under Whalley Viaduct and the A59 and turning north to become Broad Lane and joining the B6246 Station Road at a priority crossroads junction.

In order to assess the traffic impacts of the school, a travel survey of existing travel patterns was undertaken which states that the school currently has 274 pupils, from 204 family groups, and employs 29 members of staff. The survey shows that 73% of pupils travelled by car whilst 27% either walked or cycled. It should be noted that a breakfast club at the school is currently attended by around 40 pupils each day. The afterschool club runs from 15:25 to 18:00 and is attended by an average of 50 pupils and in addition about 30 pupils attend after school activities. The breakfast club and afterschool provision lessens the traffic impacts during peak drop off and pick up times.

Travel survey projections which have taken into consideration pupils attending breakfast and after school clubs, siblings and mode of travel, show that existing pupils generate 127 car trips (254 two-way) and 105 car trips (210 two-way) during the drop of and pick up times respectively. With the addition of the increase of pupils from the development which would be a phased increase of 5 pupils a year, the development would result in an estimated additional 14 -15 vehicle movements during peak times, once the full phase of pupils joining the school has been completed.

The school have proposed measures to reduce the traffic impacts from the proposed development. These include creating 4 parking spaces to the western boundary of the school which currently has zig zag markings which could be removed and the implementation of a walking bus and submission of school travel plan to increase awareness of parents and staff to use forms of transport other than the car to decrease the amount of vehicle movements during peak times. These matters can be the subject of planning conditions. The school are also negotiating with The Whalley Arms public house which is being converted to a Co-Op convenience store located 130m east to the school site, to provide some of their 40 - 45 parking spaces during peak times. However these proposals have not been finalised and would be outside of planning control and to which no weight can be attached.

LCC Highways Development Control initially raised objection due to the additional traffic which would be generated by the proposed development. However the objection has now been removed as the applicant has proposed mitigation measures to offset the increase in parking demand including walking bus provision and traffic calming measures on the surrounding highway network. They have also requested conditions to be added for details for the construction of the site access and full details for offsite highway improvements prior to the proposed development being used. A construction management plan and school travel plan should also be subject to planning conditions if permission is granted.

Any parking issues that are currently experienced by residents close to the school would not be made materially worse by the development as the increase in pupil numbers is not significant. The effect of the increase in pupils would probably be to extend the existing parking impacts over a wider area. During peak times parents currently park on The Sands/Church Lane as well other roads in the area including George Street, Green Park, Abbey Road, Abbey Fields and Abbots Croft. There is ample spare capacity for additional parking in the area particularly on Abbey Fields and Abbots Croft located north of the school. There is also parking available within public car parks in Whalley town centre which are only 140 metres from the school.

Overall there will be some impacts on the highway and the amenity of local residents. However, these would only occur for relatively short periods in each day and are not considered to be of such severity that the development is unacceptable. Whilst these impacts cannot be fully mitigated, due to the scale of the development it is considered that the need for the additional school places carries substantial weight which is sufficient to outweigh the highway impacts of the development.

Conclusion

The development would have some impact on the setting of Whalley Abbey. However, given the scale and design of the development, the impacts on the setting of the listed building are considered to be less than substantial. In such cases the harm has to be weighed against the public benefits of the proposal.

The National Planning Policy Framework states that great weight should be given to the need to create schools to ensure sufficient choice of school places to meet the needs of existing and new communities. Lancashire County Council has a statutory duty to provide a primary or secondary school place to every child of statutory school

age, living in Lancashire who requests one. A combination of sustained increase in the number of births together with the development of housing in the area means that as local children reach statutory school age there is a need to accommodate for the demands for school places in this area which current primary schools in the area cannot accommodate. The provision of the additional school places to which great weight should be attached coupled with the lack of alternative sites is considered to outweigh any harm to the designated heritage asset.

The impacts in terms of highways would have a comparatively short duration and are not considered to be of such severity that the development is unacceptable.

Overall through the imposition of planning conditions, the disruption to local residents from the proposed development would be minimised and would be acceptable. It is therefore considered that the proposal is acceptable in terms of the policies of the Development Plan.

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

Recommendation

That planning permission be **Granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

Working Programme

2. The development shall be carried out in accordance with the following documents:

a) The Planning Application received by the County Planning Authority on 18th January 2018.

b) Submitted Plans and documents:

Drawing No - A08 - Rev C / Proposed Site & Location Plan

Drawing No - A09 / Proposed Work Area 1 Plan / Section AA/BB and Elevation A

Drawing No - A12 / Proposed Work Area 4 Plan / Elevations

Drawing No - L02 - Rev E / Proposed External Works Layout

Drawing No - L04 / Proposed Extent of Tarmac Resurfacing Works

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

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy DMG1 of the Ribble Valley Core Strategy.

Hours of Working

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

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

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

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

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DMG1 of the Ribble Valley Core Strategy.

Building Materials

4. No development shall commence until details of the materials to be used for the external elevations of the detached new build classroom and single storey extension have been submitted to, and approved in writing by the County Planning Authority. Thereafter only those materials approved shall be used in the development.

Reason: To protect the visual amenities of the area and to conform with Policy DMG1 of the Ribble Valley Core Strategy.

Fencing

5. The 1.2m fencing and goal posts around the perimeter of the multi - use games area shall be coloured dark green (RAL colour code 6005) and retained in that colour thereafter.

Reason: In the interests of the visual amenities of the area and to conform with Policy DME4 of the Ribble Valley Core Strategy.

Landscaping

6. No development shall commence until a scheme and programme of landscaping has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include details of location of planting, numbers, sizes and types of species, planting techniques and protection measures.

The approved landscaping works shall be undertaken in the first planting season following completion of construction works and shall thereafter be maintained for a period of five years including weed control, replacement of dead and dying trees and maintenance of protection measures.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy EN2 of the Ribble Valley Core Strategy.

7. All trees on the site shall be retained and protected from damage throughout the duration of construction works with protection measures being implemented prior to the commencement of any excavation works as detailed in the Arboricultural Development Report - Summary Conclusions and Recommendations Relating to Trees / Section 3.

Reason: To protect existing trees within or adjacent to the site in the interests of the visual amenities of the area and to conform with Policy DME1 of the Ribble Valley Core Strategy.

8. Any trees or hedgerow which are either removed or damaged at any time during the development as provided for in this permission shall be replaced during the first available planting season following completion of the development, as defined in this permission. Any trees or hedgerows shall be replaced with trees of a similar type, number and species.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy EN2 of the Ribble Valley Core Strategy.

Highway Matters

9. No development shall commence until a construction management plan has been submitted to and approved in writing by the County Planning Authority. The construction management plan shall contain details of the following:-

- a) details for the routing of construction vehicles to the site
- b) measures to be taken to control the timing of HGV movements to avoid school opening and closing times
- c) details for the parking of construction traffic

The measures contained in the approved scheme shall be implemented at all times during the duration of construction works.

Reason: In the interests of highway safety and local amenity and to conform with Policy DMI2 of the Ribble Valley Local Plan.

10. Measures shall be taken at all times during construction works to ensure that no mud, dust or other deleterious materials are tracked onto the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and local amenity and to conform with Policy DMI2 of the Ribble Valley Core Strategy.

11. Within three months of the development being brought into use, a School Travel Plan, as defined by this permission, shall be submitted to the County Planning Authority for approval in writing

The School Travel Plan shall include details of the measures to be implemented to reduce the highway impacts of the school and to encourage sustainable modes of travel and shall include:

- a) A brief description of the school, its location and a summary of the particular transport and road safety issues at the site;
- b) Evidence and results of consultation with staff, parents and other interested parties;
- c) Targets and measures to minimise the impact of/reduce private car use for the journey to and from the site by staff, parents and other visitors;
- d) A summary of the school's current road safety policies and practices, details of any new or proposed initiatives including a planned timetable of introduction;
- e) Proposals for monitoring progress of the School Travel Plan including a timetable for its review.

The measures contained in the approved travel plan shall thereafter be implemented during the operation of the school.

Reason: In the interests of highway safety and to conform with Policy DMI2 of the Ribble Valley Core Strategy.

12. Within six months of the date of this permission, a scheme and programme of traffic management measures shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall include details of the following:-

- a) Details for the removal of the 'School Keep Clear Markings' on Church Lane and their replacement with staff parking places.
- b) Details for a raised crossing on Church Lane and additional traffic calming features to assist pedestrian movements

The traffic management measures contained in the approved scheme shall be implemented within one year of the development being brought into use.

Reason: In the interests of highway safety and to conform with Policy DMI2 of the Ribble Valley Core Strategy.

Archaeology

13. No development or site clearance works shall take place until a scheme and programme for archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the County Planning Authority. The programme of works shall include an initial phase of 'Strip, Map and Record' and the compilation of an appropriate report on the work undertaken and the results obtained.

The development shall be thereafter be carried out in accordance with the approved details.

Reason: In the interests of archaeological investigation and to conform with Policy DME4 of the Ribble Valley Core Strategy.

Definitions

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

Notes

This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the County Council, as Highway Authority, must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Before any works to the access commence you should contact the East Area Manager quoting the planning permission reference.

Area Surveyor East: Riddings Lane, Whalley BB7 9RW
Tel: 01254 823831

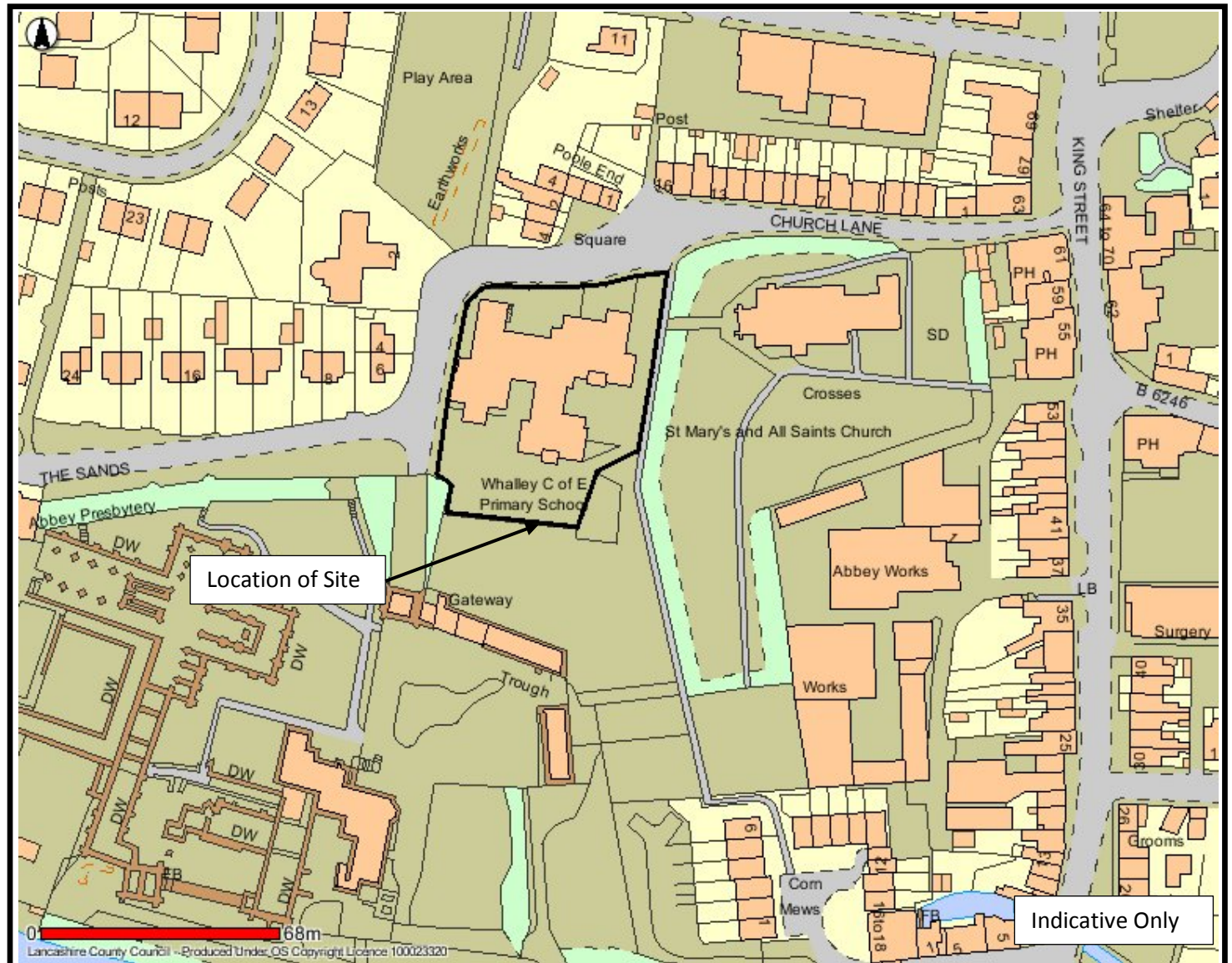
The applicant's attention is drawn to the requirements of the Equality Act 2010 and the British Standards Institution Code of Practice for Design of Buildings and their approaches to meet the needs of Disabled People (BS8300:2009). The design of the building will also need to comply with Part M of the Building Regulations 2010. In the case of educational buildings, the applicant's attention is drawn to the Special Educational Needs and Disability Act 2001 and the guidance prepared by the Department of Education and Skills Building Bulletin 91 (Access for the Disabled to School Buildings) and Building Bulletin 94 (Inclusive School Design).

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

Paper	Date	Contact/Ext
LCC/2018/0003	May 2018	Faiyaz Laly / Planning and Environment / 01772 538810

Reason for Inclusion in Part II, if appropriate
N/A

APPLICATION LCC/2018/0003 APPLICATION FOR A DETACHED NEW BUILD CLASSROOM WITH TOILETS AND ANCILLARY ROOMS. EXTENSION TO EXISTING SCHOOL IN FORM OF SINGLE STOREY LIBRARY BLOCK AND ERECTION OF MULTI USE GAMES AREA. WHALLEY C OF E PRIMARY SCHOOL, CHURCH LANE, WHALLEY



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Development Control Committee

Meeting to be held on 23rd May 2018

Electoral Division affected:
Morecambe South

Lancaster City: Application Number LCC/2018/0006

Provision of two timber garden classrooms.

Morecambe Road Primary School, Morecambe Road, Morecambe.

Contact for further information:

Faiyaz Laly, 01772 538810

DevCon@lancashire.gov.uk

Executive Summary

Application - Provision of two timber garden classrooms. Morecambe Road Primary School, Morecambe Road, Morecambe.

Recommendation - Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, landscaping and ecology.

Applicant's Proposal

Planning permission is sought for the provision of two timber garden classrooms at Morecambe Road Primary School, Morecambe Road, Morecambe. The proposed classroom buildings would both measure approximately 7m x 4m with a maximum height of 2.73m. In between the two buildings, a 4m wide section of timber decking would be constructed for access purposes.

The external walls of the classroom buildings would be constructed from red cedar cladding (RAL 8029) and the roof would be constructed from a flat grey single ply membrane. Both buildings would be finished with black UPVC rainwater pipes and gutters with powder coated grey aluminium windows and doors. A 1.2m wide porous tarmac access path would be placed around the proposed development to provide access for pupils and staff from the main school building to the proposed outdoor classrooms.

Description and Location of Site

The proposed development is located within the boundary of Morecambe Road Primary School in a residential area approximately 2km to the east of the centre of Morecambe. Two main roads, A589 Morecambe Road and A683 Bay Gateway lie to the north east and south east respectively. The proposed development would be located north of the existing school buildings on the site of an ornamental pond and maintained amenity grassland. The nearest residential properties are located

approximately 50m to the north of the proposed development site on Stanhope Avenue.

Background

The site is an established educational facility.

Planning permission was granted in February 2015 for the formation of an internal road along and inside the northern boundary of the school between the vehicle entrance and the west side of the infant and junior playground to create a one-way system within the school site and the creation of a new parking area to provide 3 minibuss parking spaces. (LCC/2015/0006)

Planning Policy

National Planning Policy Framework

Paragraphs 11 - 14, 17, 56 - 66 and 74 are relevant in terms of the presumption in favour of sustainable development and the need for high standards of design.

Lancashire District Core Strategy

Policy SC1 - Sustainable Development

Policy SC5 - Quality in Design

Lancaster District Local Plan (Development Management DPD)

Policy NPPF1 - Presumption in favour of Sustainable Development

Policy DM25 - Green Spaces and Corridors

Policy DM27 - Protection and Enhancement of Biodiversity

Policy DM29 - Protection of Trees, Hedgerows and Woodland

Policy DM35 - Key Design Principles

Consultations

Lancaster City Council - Lancaster City Council object to the development due to close proximity to root protection areas of trees which are proposed to be retained. However they have stated if the application is approved then conditions should be added for protection measures to be put in place to ensure these trees are protected. Also conditions should be added that the development should be carried out in accordance with the protection measures outlined in the Arboriculture Survey, Implications Assessment and Tree Protection document submitted with the application.

Morecambe Town Council - No observations received.

County Ecology Service - The proposals would result in the loss of a pond / wetland feature and two trees, therefore details of replacement landscaping and a wetland area should be secured by planning condition. Due to the planning history of the site and records of pond assessments which have been carried out it is accepted there

would be low risk impacts on great crested newts, therefore surveys would not be required prior to determination and potential risks could be dealt with the through Non-Licensed Reasonable Avoidance Measures (RAM's) through planning condition.

LCC Highways Development Control - No objection.

Representations - The application has been advertised by site notice and neighbouring residents have been informed by individual letter. No representations have been received.

Advice

Morecambe Road Primary School is a specialist school which caters for children with special educational needs. The school are applying for the provision of two timber garden classrooms which would be used as an outdoor learning space and would utilise the wider green space located at the school. The proposed classrooms would be sited within an area that is currently occupied by a pond. It is proposed to infill the pond to create a platform for the new buildings.

Policy DM35 of the Lancaster City Local Plan seeks to ensure that there is no significant impact in relation to overshadowing and loss of visual amenity from development. Similarly Policy DM36 states that councils should be supportive of proposals which deliver high standards of design and construction. Due to the distance to the nearest residential properties and the scale and design and materials chosen, it is considered that the development would be acceptable in terms of visual and residential amenity.

Overall due to the small scale and location of the development, it is considered that the proposed classrooms would not cause harm to green space as it would leave a significant amount of green space at the school. However it is important to balance the need for the development against the environmental impacts of the proposed development.

Policy DM27 of the Lancaster City Development Management DPD requires the applicant to demonstrate how impacts on biodiversity have been minimised and that development proposals which have potential to affect protected habitats or species are accompanied by assessments detailing any mitigation or compensatory measures.

The application would involve the infilling of an ornamental pond. To assess the potential impacts of the development on ecology, the applicant has submitted an ecological appraisal which recommends a survey for great crested newts to be carried out due to the loss of pond. Due to the planning history of the site and numerous records of pond assessments which have been previously carried out, the LCC Ecologist considers there would be a low risk impacts on great crested newts and potential risks could be dealt with the through Non-Licensed Reasonable Avoidance Measures (RAM's) which could be secured through planning condition.

The proposal would result in the loss of two trees and some scattered scrub. The trees which are proposed to be removed include a Goat Willow which is currently

located on the west side of the proposed site and a small Black Cherry which would be removed on the north side of the proposed site. These trees are of limited amenity value. The applicant has proposed to compensate for this loss with the planting of 6 new trees to north of the development site, to include 3 Alder and 3 Black Cherry trees, the implementation of which can be secured through planning condition. The loss of a small number of minor trees is considered acceptable.

Policy DM29 of the Lancaster Local Plan states that the council will support the protection of trees and hedgerows which positively contribute, either as individual specimens or as part of a wider group, to the visual amenity or environmental value of the location. Lancaster City Council have raised an objection to the development due to the proposed buildings being located in close proximity to the root protection areas of a number of trees.

The applicant has submitted a tree survey which outlines measures which they would put in place to protect existing trees around the proposed site. The applicant has also confirmed they are to reposition the siting of a shallow inspection chamber to minimise the risk of impacts to the roots of nearby trees. It is also proposed to site the buildings on foundation columns which would minimise the need for mechanical excavation and therefore risk of damage to tree roots. On this basis, it is considered that the development is acceptable in relation to adjacent trees and the requirements of Policy DM29.

In conclusion, the development would provide additional teaching areas which would utilise the wider green space at the school. The applicant has confirmed there are no land drains within the pond which is due to be infilled therefore drainage impacts would be negligible. The increase in pupil numbers at the school from the development would be minimal and therefore any additional highway impacts would be limited. The layout, scale and design of the development would be acceptable in terms of visual amenity and complies with the policies of the development plan.

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

Recommendation

That planning permission be **Granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

Working Programme

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

a) The Planning Application and supporting statement received by the County Planning Authority on 21st February 2018.

b) Submitted Plans and documents:

Drawing No - MRS / NGC18 / JH / 1 - Rev B / Site Plan Showing Position of New Garden Classrooms

Drawing No - MRS / NGC18 / JH / 2 / Floor Plan of Garden Classrooms, Decking and Surrounding Area and Elevations

Drawing No - F325-21-D01 - Tree Constraints Plan

Drawing No - F325-21-D02 - Arboricultural Impact Assessment

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy SC5 of the Lancaster District Core Strategy.

Landscaping

3. No trees other than those identified for removal outlined in Section 12.7 of the Arboricultural Survey, Implication Assessment and Tree Protection Document shall be removed as part of the development. All other trees shall be retained and protected from damage throughout the duration of construction works with protection measures being put in place prior to the commencement of any excavation works as detailed in the Arboricultural Recommendations - Section 11.

Reason: To protect existing trees within or adjacent to the site in the interests of the visual amenities of the area and to conform with Policy DM29 of the Lancaster District Local Plan (Development Management DPD).

4. No development shall commence until a scheme and programme of replacement tree planting has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include details of location of planting, numbers, sizes and types of species, planting techniques and protection measures.

The approved landscaping works shall be undertaken in the first planting season following completion of construction works and shall thereafter be maintained for a period of five years including weed control, replacement of dead and dying trees and maintenance of protection measures.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM27 of the Lancaster District Local Plan (Development Management DPD).

5. Any trees or hedgerow which are either removed or damaged at any time during the development as provided for in this permission shall be replaced during the first available planting season following completion of the development, as defined in this permission. Any trees or hedgerows shall be replaced with trees of a similar type, number and species.

Reason: To ensure that any trees or hedgerows removed as part of the development are replaced in the interests of visual amenity and to conform with Policy DM27 of the Lancaster District Local Plan (Development Management DPD).

Ecology

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

Reason: To protect nesting birds and to conform with Policy DM27 of the Lancaster District Development Management Document.

7. The Non - Licensed Reasonable Avoidance Measures in the LCC Ecology Response letter dated 12th March 2018 shall be undertaken prior to the commencement of the development and maintained throughout the duration of the development.

Reason: In the interests of ecology and to conform with Policy DM27 of the Lancaster District Development Management Document.

Definitions

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

Notes

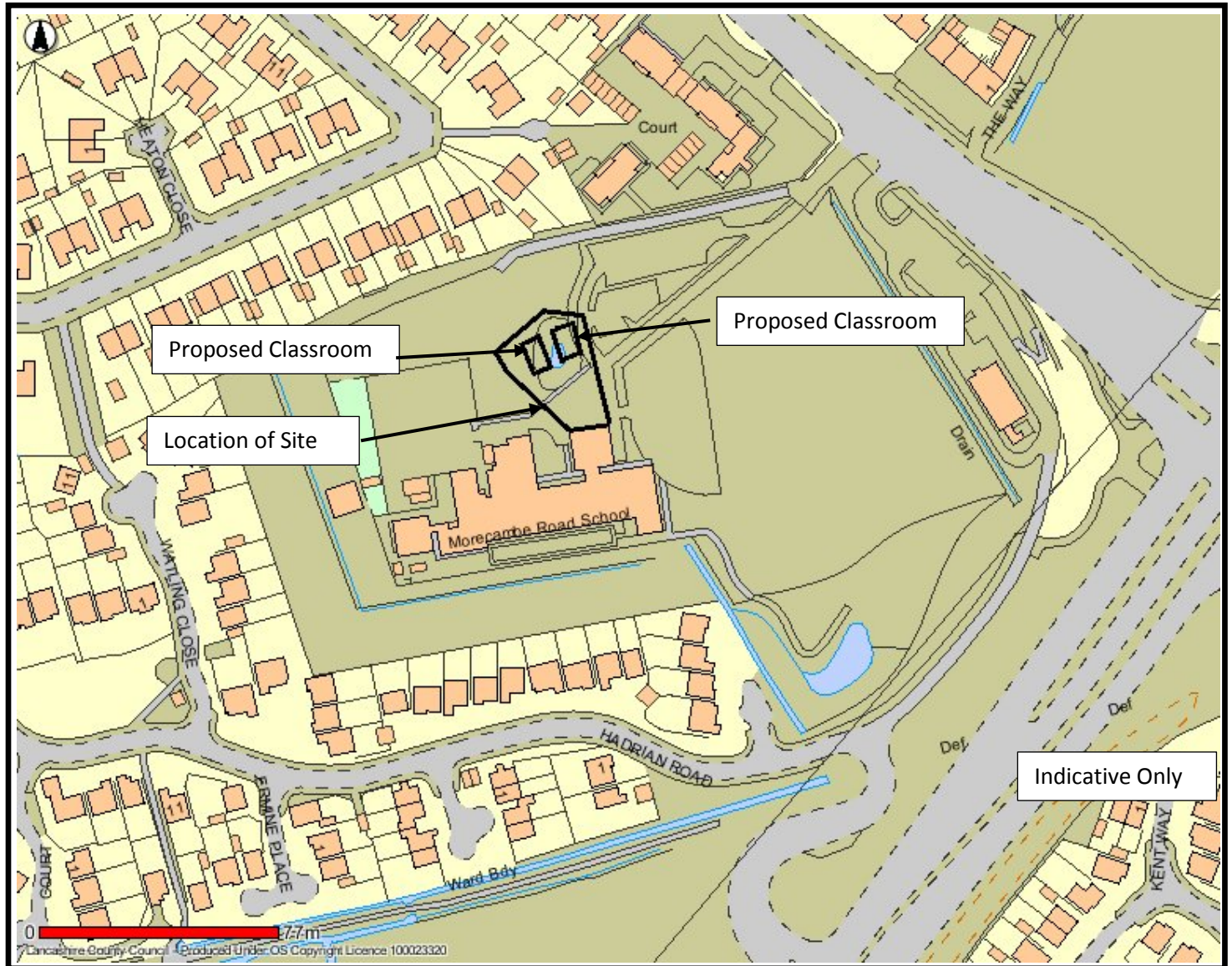
The applicant's attention is drawn to the requirements of the Equality Act 2010 and the British Standards Institution Code of Practice for Design of Buildings and their approaches to meet the needs of Disabled People (BS8300:2009). The design of the building will also need to comply with Part M of the Building Regulations 2010. In the case of educational buildings, the applicant's attention is drawn to the Special Educational Needs and Disability Act 2001 and the guidance prepared by the Department of Education and Skills Building Bulletin 91 (Access for the Disabled to School Buildings) and Building Bulletin 94 (Inclusive School Design).

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

Paper	Date	Contact / Ext
LCC/2018/0006	April 2018	Faiyaz Laly / Planning and Environment / 01772 538810

Reason for Inclusion in Part II, if appropriate - N/A

**APPLICATION LCC/2018/0006 APPLICATION FOR THE PROVISION OF TWO
TIMBER GARDEN CLASSROOMS. MORECAMBE ROAD PRIMARY SCHOOL,
MORECAMBE ROAD, MORECAMBE**



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Development Control Committee

Meeting to be held on 23 May 2018

Electoral Division Affected: All

Planning applications determined 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

Executive Summary

Planning applications determined 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 7 March 2018, the following decisions on planning matters have been taken in accordance with the County Council's Scheme of Delegation.

Wyre

Application: No. LCC/2017/0091
Garstang Waste Water Treatment Works, Ainspool Lane, Churchtown, Preston,
Proposed new control kiosk to house electrical equipment for new phosphorous dosing plant.

Lancaster

Application: No. LCC/2018/0007
Bleasdale School, Emesgate Lane, Silverdale
Erection of a single storey rebound therapy room with ramp access.

Preston City

Application: No. LCC/2018/0008
46 Henderson Street, Preston
Change of use from residential to education for the teaching of life skills, erection of a conservatory to rear, rebuilding of boundary wall to side elevation and creation of an access gate from the back yard to the public footpath.

South Ribble

Application: No. LCC/2017/0029/4

Blackburn Waste Water Treatment Works, Cuerdale Lane, Samlesbury

Application for the approval of details reserved by condition 11 of permission LCC/2017/0029 - Details of construction of the site access.

Application: No. LCC/2017/0029/3

Blackburn Waste Water Treatment Works, Cuerdale Lane, Samlesbury

Application for the approval of details reserved by condition 16 of permission LCC/2017/0029 in relation to archaeological survey.

Application: No. LCC/2017/0029/2

Blackburn Waste Water Treatment Works, Cuerdale Lane, Samlesbury

Application for the approval of details reserved by condition 18 of permission LCC/2017/0029 in relation to temporary storage mounds.

Application: No. LCC/2017/0029/1

Blackburn Waste Water Treatment Works, Cuerdale Lane, Samlesbury

Application for the approval of details reserved by condition 13 of permission LCC/2017/0029 in relation to a remediation strategy.

Rossendale

Application: No. LCC/2018/0005

Crawshawbooth Primary School, Burnley Road, Rawtenstall.

Creation of a hardstanding and installation of a domed roof canopy.

Recommendation

That the report be noted.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper

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LCC/2017/0091

LCC/2018/0007

LCC/2018/0008

LCC/2017/0029/4

LCC/2017/0029/3

LCC/2017/0029/2

LCC/2017/0029/1

LCC/2018/0005