

# Lancashire County Council

## Development Control Committee

Wednesday, 11th September, 2019 at 10.30 am in Cabinet 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 24 July 2019** (Pages 1 - 6)

The Committee are asked to agree that the Minutes of the last meeting held on 24 July 2019 be confirmed and signed by the Chair.

4. **Hyndburn Borough: application number** (Pages 7 - 14)

**LCC/2019/0018**

**Erection of new building over the existing plant, ancillary to the existing recycling use at Unit 12, Riverside Industrial Estate, Hermitage Street, Rishton.**

5. **Site Visit - Lancaster City: Ellel Crag Quarry** (Pages 15 - 20)  
1) **Proposed eastern lateral extension to the existing gritstone and shale quarry followed by infilling of the excavation with imported inert waste to be completed and restored by the 30 June 2039, together with the rebuilding and extension of the derelict farmhouse for use as site office accommodation (Application ref LCC/2019/0030)**  
2) **Time extension for existing landfill operations until 30th June 2039 (Application ref LCC/2019/0040)**  
3) **Time extension for existing waste transfer operations until 30th June 2039. (Application LCC/2019/0041)**
6. **Site Visit - West Lancashire Borough: application number LCC/2019/0037 -** (Pages 21 - 26)  
**Construction of a temporary wellsite and associated access track, drill, hydraulically stimulate and test two petroleum exploration boreholes including drilling rig (maximum height 60m) and associated plant and equipment, followed by wellsite restoration.**  
**Land off Sutton's Lane, Great Altcar**
7. **Preston City and Fylde Boroughs: application numbers LCC/2016/0046/1, 2 and 3. Details submitted to comply with conditions 5 and 22 of planning permission LCC/2016/0046 - Preston Western Distributor Road and East - West Link Road.** (Pages 27 - 34)  
  
**Land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston.**
8. **Preston City: application number LCC/2019/0006** (Pages 35 - 48)  
**Variation of condition 2 of permission 06/13/0528 for the amendment of the approved drawings to regularise departures from the approved design. Broughton Bypass, Preston.**
9. **Wyre Borough: application number. LCC/2019/0034** (Pages 49 - 56)  
**Erection of 1.8m high fencing.**  
**John Cross C of E School, Garstang Road, Bilborrow.**

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

(Pages 57 - 58)

**11. 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.

**12. Date of Next Meeting**

The next meeting of the Development Control Committee will be held on Wednesday 16 October 2019 at 10.30 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, 24th July, 2019 at 10.30 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

**Present:**

County Councillor Barrie Yates (Chair)

#### **County Councillors**

S Clarke	P Hayhurst
M Barron	A Kay
C Crompton	M Pattison
M Dad	A Schofield
B Dawson	C Towneley
J Eaton	

County Councillors B Dawson and C Towneley replaced County Councillors K Ellard and D Foxcroft on the Committee respectively.

**1. Apologies for absence**

None received.

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

None declared.

**3. Minutes of the last meeting held on 19 June 2019**

**Resolved:** That the Minutes of the meeting held on 19 June 2019 be confirmed and signed by the Chair of the Committee.

**4. Chorley Borough: application number LCC/2019/0015  
Installation of 3 control kiosks, pressure balance stack, ground re-profiling and access track, on land to south of Harrisons Farm, Old School Lane, Adlington, Chorley**

A report was presented on application for the installation of 3 control kiosks, pressure balance stack, ground re-profiling and access track, on land to south of Harrisons Farm, Old School Lane, Adlington, Chorley.

The report included the views of Chorley Borough Council, Adlington Town Council, the Environment Agency, the Coal Authority, the Lead Local Flood Authority, the County Archaeology Service and the County Ecology Service. It was noted that no letters of representation had been received.

The Development Management Officer presented a PowerPoint Presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown a site layout plan, illustrations showing the proposed building elevations and landscaping and photographs of the site and approach roads.

The officer reported orally that Lancashire County Council's Highways had raised no objection to the use of Park Road, The Common and Old School Lane by construction traffic but had submitted the following comments:

- Although Park Road is sufficiently wide to allow HGVs to pass, the width of the carriageway is often restricted by on street parking on both sides but the gap remaining is still adequate to allow HGVs to pass.
- Adlington Primary School is located on the access route and deliveries and construction traffic and should be avoided during school pick up and drop - off periods and the applicant should ensure material transport takes place during school holiday times.
- The access route involves crossing White Bear Canal Bridge which is inspected by LCC at regular intervals. In 1997 cracking was noted to the structure of the bridge but this does not appear to have worsened in subsequent surveys. In view of this and the nature of the other roads to be used, it is considered that appropriate conditions should be attached to any permission requiring an assessment of vibration impacts.
- The width of Old School Lane is also considered to be insufficient to accommodate two passing HGVs. Measures should therefore be put forward to safeguard ease of access including pruning some of the tree branches to facilitate HGV access.

A condition was also requested regarding wheel cleaning and restricting the access to the site via Old School Lane.

The following condition was therefore proposed:

15. Prior to the commencement of development, a construction and traffic management plan shall be submitted to and approved in writing by the County Planning Authority. The management plan shall include provision for the following:-
  - a) The undertaking of a road condition survey of Park Road, The Common and Old School Lane prior to the commencement of development the results of which shall be submitted to the County Planning Authority. The survey shall be repeated within six months of the completion of the development. The surveys shall identify the condition of the above roads including structural defects in the highway surface and any related structures

- b) A traffic management plan to include details for the routing of construction traffic to the site, details for how hauliers will be instructed on the routing and timing of vehicle movements and signage to inform drivers of the approved access and egress routes.
- c) The measures to be taken to ensure the safe movement of HGVs along School Lane including any tree works required.

The works included within the approved scheme shall be implemented prior to the commencement of the development and maintained throughout the duration of construction works.

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

The Committee noted that a condition was already proposed regarding wheel cleaning (no. 11) and the above condition (no.15) dealt with the control of HGV routing to the site.

The Committee also noted that it was proposed to modify the wording of condition 9 to prevent the movement of heavy good vehicles along Park Road, Adlington between 0830 to 0915 hours and 1500 to 1545 hours. However, following further discussion it was Moved and Seconded that:

"The wording of condition 9 be modified to prevent the movement of heavy good vehicles along Park Road, Adlington between 0830 to 0930 hours and 1430 to 1530 hours."

On being put to the vote the Motion was Carried whereupon it was:

**Resolved:** That subject to the inclusion of the additional condition (15) above and the amendment to condition 9 above, planning permission be **granted** subject to conditions set out in the report to the Committee.

**5. West Lancashire Borough: application number. LCC/2019/0028  
Proposed land restoration and regrading works using inert material,  
associated highway works including construction of a temporary  
public car park. Former Parbold Hill Quarry, Parbold Hill, Parbold.  
Site Visit**

A report was presented on a proposed site visit to the former Parbold Hill Quarry, Parbold Hill, Parbold.

The Development Management Officer explained that the application had generated a large number of representations and it was therefore considered to be appropriate for members of the Committee to visit the site prior to determining the application.

**Resolved:** That the Development Control Committee visit the site prior to determining the application.

- 6. Preston City: application number LCC/2019/0029**  
**Energy recovery facility fuelled by residual non-hazardous household, commercial and industrial waste and refuse derived fuel, and incorporating an energy recovery facility main building, air cooled condensers, weighbridges and gatehouse, site roads, landscaping including bunds, car parking, surface water swale and wetland, electricity sub-station building and switchyard, pump house, fire water storage tanks, other ancillary plant and equipment, fencing and site security, realignment of existing roadway and drainage ditch through the site, underground power cable network and a temporary construction compound. Land at Red Scar Industrial Estate, Longridge Road, Preston.**  
**Site visit**

A report was presented on an application for an energy recovery facility on land at Red Scar Industrial Estate, Longridge Road, Preston.

The Development Management Officer explained that the application had generated a large number of representations and it was therefore considered to be appropriate for members of the Committee to visit the site prior to determining the application.

It was also proposed to visit an operational Energy Recovery Facility/ Energy from Waste Plant similar to that proposed at Red Scar. This would hopefully provide the Committee with a clearer understanding of the development proposal, and any issues raised.

**Resolved:** That the Development Control Committee visit the site and an existing facility similar to that proposed at Red Scar prior to determining the application.

- 7. Preston City and Fylde Boroughs: application numbers LCC/2016/0046/1, 2 and 3. Details submitted to comply with conditions 4, 6, 7, 8, 9, 17, 19, 25, 26 and 28 of planning permission LCC/2016/0046 - Preston Western Distributor Road and East - West link Road.**

**Land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston.**

A report was presented on the submission of details to comply with conditions 4, 6, 7, 8, 9, 17, 19, 25, 26 and 28 of planning permission LCC/2016/0046 – Preston Western Distributor Road and East – West link Road.

The report included the views of the Environment Agency, the Lead Local Flood Authority and the Lancashire Archaeological Advisory Service.



The Development Management Officer presented a PowerPoint presentation showing an aerial view of the site and details of the proposed schemes.

**Resolved:** That the details submitted for the purposes of conditions 4, 6, 7, 8, 9, 17, 19, 25, 26 and 28 of planning permission LCC/2016/0046 be approved.

**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 19 June 2019, 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. Urgent Business**

There were no items of urgent business.

**10. Date of Next Meeting**

**Resolved:** That the next meeting of the Committee be held on Wednesday 11 September 2019 at 10.30am.

L Sales  
Director of Corporate Services

County Hall  
Preston



# Agenda Item 4

## Development Control Committee

Meeting to be held on 11 September 2019

Electoral Division affected: Great Harwood, Rishton And Clayton Le Moors
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### Hyndburn Borough: application number LCC/2019/0018

**Erection of new building over the existing plant, ancillary to the existing recycling use at Unit 12, Riverside Industrial Estate, Hermitage Street, Rishton.**

Contact for further information:

Robert Hope, 01772 534159

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

### Executive Summary

Application – Erection of new building over the existing plant, ancillary to the existing recycling use at Unit 12, Riverside Industrial Estate, Hermitage Street, Rishton.

### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling commencement and working programme.

### Applicant's Proposal

Planning permission is sought for the erection of a new building at an existing waste management facility to enable more operations to take place under cover. The building would measure 26m long x 10m wide x up to 7m high. The lower walls would be constructed with concrete panels and the roof and upper sections would be box profile metal sheets coloured juniper green.

### Description and Location of Site

The application site is at an existing waste management facility located within the Riverside Industrial Estate approximately 1km to the east of Rishton town centre. There are a number of mixed industrial uses on the estate to the south and west. To the north is agriculture land and woodland. The eastern boundary of the site adjoins the Hyndburn Brook watercourse. The site is within Green Belt. There are no residential properties in close proximity to the site. Access to the site is from Hermitage Street (A678).

### Background

History

The site has a long history associated with paper manufacturing, waste paper management and sorting of paper, cans and plastic.

## **Planning Policy**

National Planning Policy Framework

*Joint Lancashire Minerals and Waste Local Plan (JLMWLP)*

Policy DM2 – Development Management

*Hyndburn Borough Council – Core Strategy*

Policy Env4- Sustainable Development & Climate Change

Policy Env7 - Environmental Amenity

*Hyndburn Borough Council – Development Management DPD*

Policy DM20 – Flood Risk Management and Water Resources

Policy DM26 - Design Quality and Materials

Policy DM29 - Environmental Amenity

Policy DM34 – Development in the Green Belt and Countryside Area

## **Consultations**

Hyndburn Borough Council – No comments received.

Environment Agency – Object as it appears that it involves building within 8 metres of a Main River watercourse. As submitted, it is unlikely that the Environment Agency would grant a flood risk activity permit for this application. The proposed development would restrict essential maintenance and emergency access to the watercourse. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and/or improvement works. The proposed development is likely to adversely affect the stability of the riverbank, which will compromise its function. The building/structure may interfere with natural geomorphological processes and could be placed at risk of damage arising from channel migration/erosion. To overcome this objection, the applicant should relocate the proposed building at least 4m from the top of the riverbank. If this cannot be achieved, an objection is likely to be maintained.

In response to amended drawings from the applicant, the Environment Agency confirm that their objection is now withdrawn. They comment that a permit will be required for any new surface water outfall structure and for the erection of any structures within 8 metres of the river.

LCC Highways Development Control – There are no significant additional vehicle movements associated with this proposal. The site access remains unchanged and there are no collisions recorded on Hermitage Street in the vicinity of the site access within the previous 5 years. There is no objection to the proposal and no conditions are considered necessary.

Lead Local Flood Authority - The applicant has stated that it is not intended that new drainage will be installed for this building as the surface water runoff from the building roof will be allowed to runoff onto the ground, mimicking the existing scenario. This is not an adequate response as it does not address the issues of climate change, provision of sustainable drainage and maintenance of water quality.

The objection can be overcome by submitting a drainage strategy which includes sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + climate change), evidence that the surface water discharge is in accordance with the drainage hierarchy in the Planning Practice Guidance, details of the proposed sustainable drainage measures and details of water quality controls used to prevent pollutants from the roof of the proposed building discharging into Hyndburn Brook.

If this cannot be achieved there may be a need to maintain an objection to the application.

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

### **Advice**

The site is an existing waste paper recycling facility. The applicant is applying to the Environment Agency for an additional process and therefore needs to amend their existing environmental permit. A requirement of the amended Environmental Permit for the site will be that the paper screening machine, used to remove foreign material from the waste paper, is housed within a building. The proposed building is therefore required to address the requirements of the permit requirements and would have a number of general environmental benefits including reducing wind-blown litter from the site..

The application site is an existing industrial site located within the Green Belt. Paragraph 145 of the NPPF sets out exceptions to the general principles of inappropriate development in Green Belt and provides for the redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the green belt than the existing development. The site has a long history of industrial use and includes many large buildings, and surfaced yard area with outside storage of materials. The size and nature of the proposed building would have no greater impact on the openness of the green belt and is therefore appropriate development.

The applicant initially proposed to position the building close to the site boundary but the Environment Agency raised objection as it was too close to Hyndburn Brook. The applicant subsequently moved the proposed location of the building to 5.8m away from the top of the river bank and therefore at a greater distance than the 4m required to overcome the Environment Agency's objection. The Environment Agency in a further response have confirmed that this amendment has resolved their objection.

Policy DM26 of the Hyndburn Local Plan Development Management DPD seeks to ensure suitable and appropriate design quality and materials while Policy DM29 seeks to protect, and where possible improve, the amenity of surrounding existing and future residents. In these respects, the size, nature and selection of building materials would be appropriate on the industrial site and the purpose of the building should assist the developer in complying with the requirements of the Environmental Permitting regime and general planning requirements to minimise pollution from the site. Furthermore, paragraph 183 of the NPPF 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. The site operates under an Environmental Permit and it should be assumed that the permitting regime operates effectively.

The County Council as Lead Local Flood Authority has objected to the proposed development on the grounds that the applicant has not satisfactorily addressed the issues of climate change, provision of sustainable drainage measures and maintenance of water quality. The applicant has stated that it is not intended that new drainage will be installed for this building as the surface water runoff from the building roof will be allowed to runoff onto the ground. As the site is currently hardstanding, the applicant therefore states that construction of the building will not increase run off above existing rates

The proposed development would sit on an existing large concrete yard area where waste management operations currently take place in the open air. The Environment Agency have specified that these operations need to be within a building to prevent pollution. The Environmental Permit would set specific controls to seek to ensure the quality of foul and surface run-off and it is not anticipated that there would be any pollutants associated with run-off from the roof of the building.

Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Although the proposed development is classed as 'major development' as it relates to waste operations, the proposal would have a relatively insignificant impact on surface water flows particularly as the site area is already hard surfaced and therefore it is considered unreasonable to require the applicant to provide specific measures to attenuate the rates of surface water drainage from the building.

In view of the scale, location and nature of the proposed development, and the requirement for the developer to comply with other statutory controls, it is considered that no Convention Rights as set out in the Human Rights Act 1998 would be affected. The proposed development is considered to comply with the policies of the NPPF 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.*

### **Working Programme**

2. The development shall be carried out in accordance with the following documents:
  - a) The planning application dated 22<sup>nd</sup> February 2019
  - b) Submitted Plans:

Location Plan - Rev A, dated 23 May 2019

Drawing no. ML/RWP/5808, Rev A, dated 23 May 2019 - Erection of building over waste paper screening machine

*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 policies DM26 and DM29 of the Hyndburn Borough Council – Development Management DPD.*

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

None

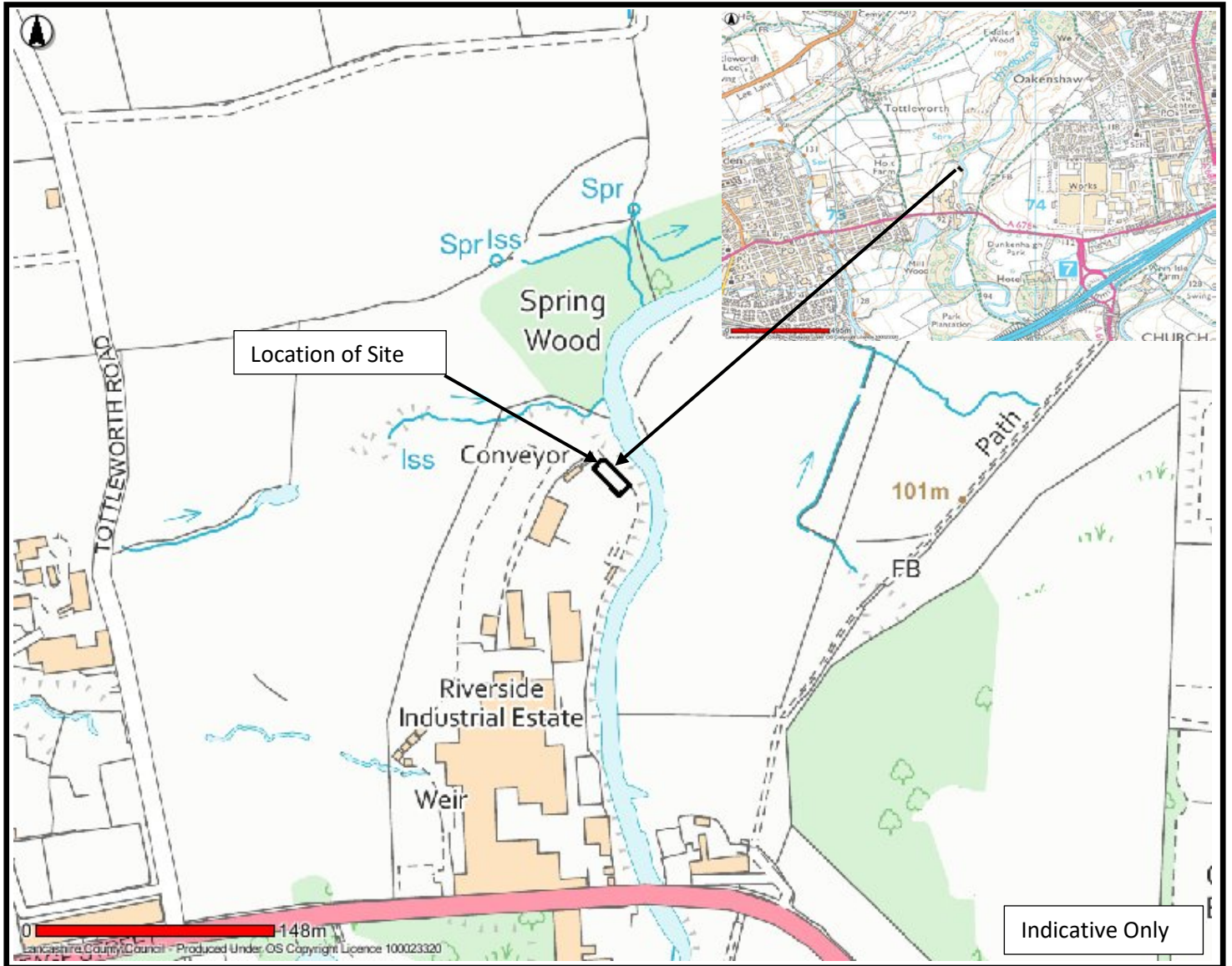
Reason for Inclusion in Part II, if appropriate

N/A





**APPLICATION LCC/2019/0018 ERECTION OF NEW BUILDING OVER THE EXISTING PLANT, ANCILLARY TO THE EXISTING RECYCLING USE. UNIT 12 RIVERSIDE INDUSTRIAL ESTATE, HERMITAGE STREET, RISHTON**



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# Agenda Item 5

## Development Control Committee

Meeting to be held on 11th September 2019

Electoral Division affected: Lancaster Rural East
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### Site Visit - Lancaster City: Ellel Crag Quarry, Lancaster

- 1) **Proposed eastern lateral extension to the existing gritstone and shale quarry followed by infilling of the excavation with imported inert waste to be completed and restored by the 30 June 2039, together with the rebuilding and extension of the derelict farmhouse for use as site office accommodation (Application ref LCC/2019/0030)**
- 2) **Time extension for existing landfill operations until 30<sup>th</sup> June 2039 (Application ref LCC/2019/0040)**
- 3) **Time extension for existing waste transfer operations until 30<sup>th</sup> June 2039. (Application LCC/2019/0041)**

Contact for further information:

Rob Jones, 01772 534128

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

#### Executive Summary

- 1) Proposed eastern lateral extension to the existing gritstone and shale quarry followed by infilling of the excavation with imported inert waste to be completed and restored by the 30 June 2039, together with the rebuilding and extension of the derelict farmhouse for use as site office accommodation (Application ref LCC/2019/0030)
- 2) Time extension for existing landfill operations until 30<sup>th</sup> June 2039 (Application ref LCC/2019/0040)
- 3) Time extension for existing waste transfer operations until 30<sup>th</sup> June 2039. (Application LCC/2019/0041)

Ellel Crag Quarry, Bay Horse Road, Ellel, Lancaster.

An Environmental Statement has been submitted which covers all three applications.

#### Recommendation – Summary

That the Development Control Committee visits the site before determining the applications.

## **Applicant's Proposal**

Planning application LCC/2019/0030 relates to a proposed lateral extension to the eastern edge of the Ellel Crag Quarry to permit the quarrying of gritstone and shale materials with the resultant void being restored to agricultural pasture by the landfilling of imported inert waste. It is proposed that all extraction and restoration operations would be completed by the 30 June 2039. It is also proposed to rebuild and extend a derelict farmhouse for use as office accommodation for the applicant's business.

The extension covers an area of 8.7 hectares. A total of 1.35 million cubic metres of material would be removed from the proposed extended area that would consist of 1.07 million cubic metres of quarried material (shale and gritstone) and 0.28 million cubic metres of overburden. The resultant void would be landfilled with imported inert waste.

There are also associated planning applications (refs LCC/2019/0040 and 0041) for a time extension for the continuation of the existing land fill and waste transfer activities at the site. It is proposed that these activities would continue through until the end date for the restoration of the extension area of June 2039.

## **Description and Location of Site**

The applications relate to Ellel Crag Quarry, a former sandstone and shale quarry that is now being restored by landfilling with inert waste. The quarry is located in open countryside on the east side of Bay Horse Road approximately 7km to the south of Lancaster City Centre. The internal site access road leading from Bay Horse Road is also a public right of way.

The proposed extension area is predominately agricultural land to the east of the existing quarry. The farmhouse proposed for use as site office accommodation is located along the south-eastern edge of the existing quarry off Starbank Lane.

The development would not directly affect any area of any landscape or ecological designations although is around 2km from the boundary of the Forest of Bowland Area of Outstanding natural Beauty.

The nearest residential properties are located 320 metres to the east of the proposed extension area.

A full description of the proposal and the site location will be provided when the applications are reported for determination.

## **Advice**

Application ref LCC/2019/0030 is for a major extension of the existing gritstone and shale quarry, and the subsequent landfilling of the void space with inert waste to be imported to the site.

The application for the extension of the site is expected to generate much interest with the potential for a number of representations to be received from local residents. Given the scale and likely impacts of the development together with the level of potential local interest, it is considered that members of the Committee should visit the site before determining the applications.

### **Recommendation**

That the Committee visit the site before determining the planning applications.

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

#### **List of Background Papers**

None

Reason for Inclusion in Part II, if appropriate

N/A



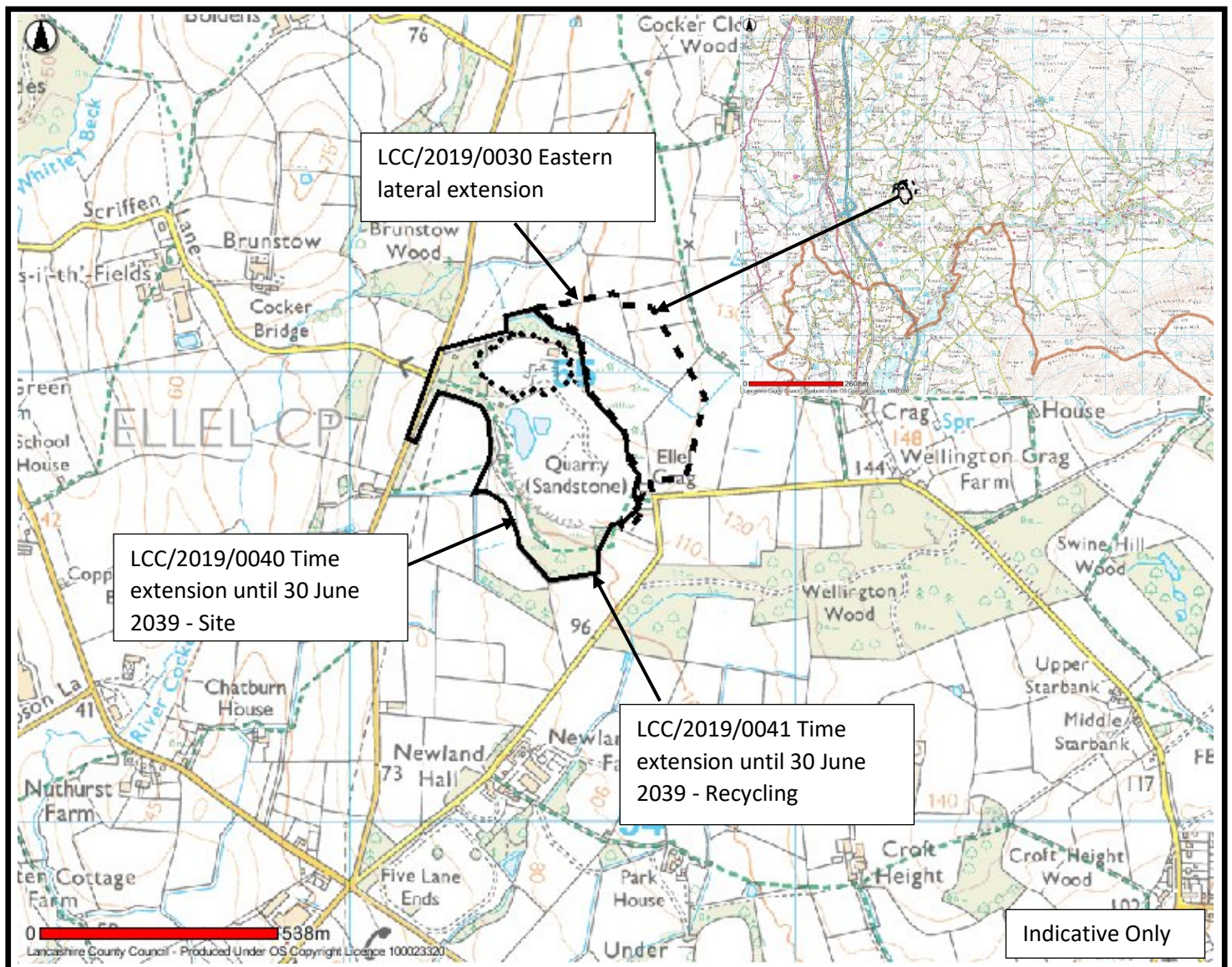
**COMMITTEE SITE VISIT:**

**APPLICATION LCC/2019/0030 PROPOSED EASTERN LATERAL EXTENSION.**

**APPLICATION LCC/2019/0040 TIME EXTENSION FOR SITE UNTIL 30 JUNE 2039.**

**APPLICATION LCC/2019/0041 TIME EXTENSION FOR INERT TRANSFER STATION AND RECYCLING, WOOD SHREDDING/CHIPPING OPERATIONS UNTIL 30 JUNE 2039**

**ELLEL CRAG QUARRY, BAY HORSE ROAD, ELLEL, LANCASTER**



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## Development Control Committee

Meeting to be held on 11th September 2019

Electoral Division affected: West Lancashire West
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**Site Visit - West Lancashire Borough: application number LCC/2019/0037 – Construction of a temporary wellsite and associated access track, drill, hydraulically stimulate and test two petroleum exploration boreholes including drilling rig (maximum height 60m) and associated plant and equipment, followed by wellsite restoration.**

**Land off Sutton's Lane, Great Altcar**

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

### **Executive Summary**

Application - Construction of a temporary wellsite and associated access track, drill, hydraulically stimulate and test two petroleum exploration boreholes including drilling rig (maximum height 60m) and associated plant and equipment, followed by wellsite restoration.

Land off Sutton's Lane, Great Altcar

### **Recommendation – Summary**

That members of the Committee visit the site before considering the application.

### **Applicant's Proposal**

The application is for the construction of an exploration well site to allow for the drilling and hydraulic fracturing of two boreholes to test for the presence of gas. The proposed development consists of eight principal phases as follows:-

- 1) Construction of an access track and the actual wellsite – the proposed wellsite would be accessed by following the existing Suttons Lane and then a new section of access track created across agricultural fields. The wellsite measuring 110 metres by 70 metres would then be constructed by laying lining membranes and aggregate material to provide a hard standing area suitable to accommodate the drilling rig, hydraulic fracturing and well testing equipment.
- 2) Drilling and coring of a vertical borehole. This well would be drilled to a depth of around 3000 metres below ground level using a rig with a height up to 60

metres. The borehole would allow cores to be taken at certain intervals (primarily in Carboniferous shales) for analysis and testing.

- 3) A second borehole would then be drilled using the same rig. The borehole would be drilled vertically to the target horizon selected on the basis of the cores taken from the first borehole and then drilled horizontally within this zone for up to 1500 metres. The works in phases 2 and 3 would take up to 10 months and drilling operations would be undertaken on a 24 /7 basis.
- 4) Phase 4 would involve the hydraulic fracturing of both boreholes. This would comprise a hydraulic fracturing fluid (comprised chiefly of water and sand) being pumped into the well at sufficiently high pressure to fracture the rock formation and push the fluid and sand into the fractures. Upon release of the pressure, a portion of fluid would flow back to the surface leaving the sand to prop open the fractures thereby allowing any hydrocarbons to flow to the surface via the borehole. These works would require a rig up to 37 metres in height and would take a maximum of 60 days.
- 5) Following fracturing, the wells would be subject to an initial flow test to determine whether natural gas and other hydrocarbons can flow to the surface and at what pressures and flow rates. Any gas would be flared and returned water and liquid hydrocarbons (oil) would be separated and sent for treatment or refining as relevant. The initial flow test would take up to 60 days to complete.
- 6) Depending on the results of the initial flow test, an extended flow test might be undertaken. The works would be similar to the initial flow test but would take up to 90 days to complete.
- 7) Following the extended flow test, the site would be decommissioned and the boreholes abandoned by plugging and sealing in accordance with relevant guidance. These works would take around 4 weeks to complete.
- 8) Upon the phase 7 works being completed, the site would be restored by removing all surface aggregate materials and sealing membranes. The topsoil would then be respread and cultivated to allow the existing agricultural use to resume. These works would take around 8 weeks to complete following which there would be a five year aftercare period.

A full description of the development including the traffic movements that would relate to each phase will be provided when the application is reported to Committee for determination.

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

The application site is located in an arable field immediately northwest of Suttons Lane, Great Altcar in West Lancashire. Suttons Lane is an agricultural track crossing agricultural land to the north of Great Altcar, a small settlement located approximately 9 km west of Ormskirk and 3 km east of Formby. The nearest properties to the site are located in Great Altcar approximately 1 km from the site.

Access to the site is gained from the A565 Formby Bypass and then via the B5195 in an easterly direction to the junction with Suttons Lane.

The site is located in Flood Zone 3 (area at highest risk of flooding). An area of agricultural land immediately to the north of the site is a Biological Heritage Site

designated for its over wintering bird interests. Land to the north is also a geological Site of Special Scientific Interest. The application site is also grade 2 agricultural land (best and most versatile).

### **Advice**

The applicant company holds a Petroleum Exploration and Development Licence (PEDL 164) which covers a large area of West Lancashire between Ormskirk and Formby. The licence requires the applicant to undertake a 3d geophysical survey over part of the licence block and to drill a well to test for the presence of hydrocarbons within the Carboniferous shales and associated strata at a depth of between 2000 to 3000 metres below ground level. A 3d survey of part of the licence block including the application site was undertaken in 2016

This area of Lancashire has a history of oil production in the 1930's and 40's although all the hydrocarbons that were extracted during this time were from shallow strata. However, the source rock for these discoveries is thought to be in the Carboniferous hence the current interest in exploring these strata using modern drilling and reservoir stimulation techniques.

The application for drilling and testing of two hydrocarbon exploration boreholes will give rise to a wide range of planning issues. Members will be aware of the level of public interest that has been generated by such proposals elsewhere in Lancashire and therefore it is considered that Members should visit the site before determining the application.

### **Recommendation**

That Members of the Committee visit the site before considering the application.

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

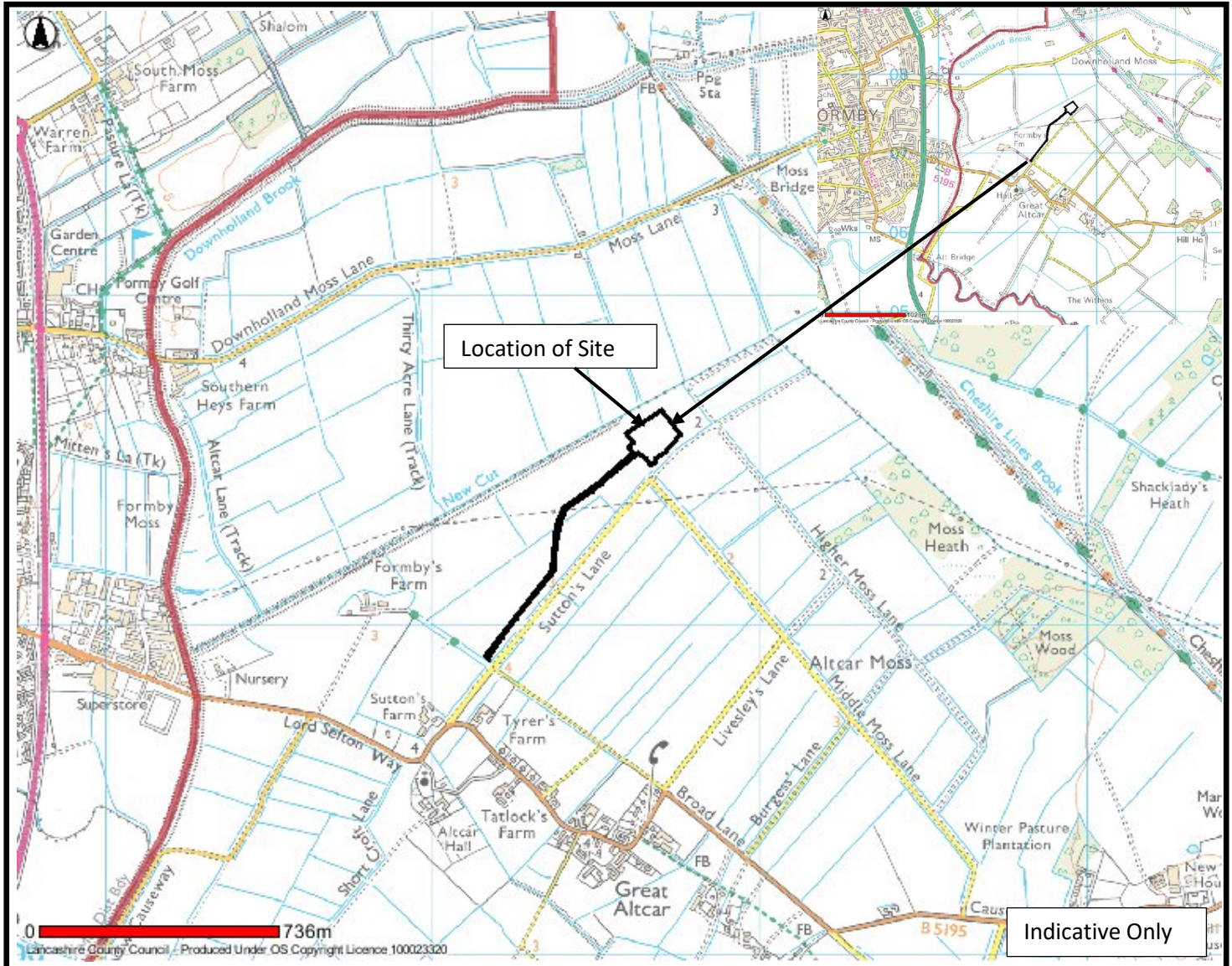
None

Reason for Inclusion in Part II, if appropriate

N/A



**APPLICATION LCC/2019/0037 CONSTRUCTION OF A TEMPORARY WELLSITE AND ASSOCIATED ACCESS TRACK, DRILL, HYDRAULICALLY STIMULATE AND TEST TWO PETROLEUM EXPLORATION BOREHOLES INCLUDING DRILLING RIG (MAXIMUM HEIGHT 60M) AND ASSOCIATED PLANT AND EQUIPMENT, FOLLOWED BY WELLSITE RESTORATION. ALT CAR MOSS WELLSITE, SUTTON'S LANE, GREAT ALT CAR**



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## Development Control Committee

Meeting to be held on 11 September 2019

Electoral Division affected: Preston West, Preston Rural, Preston South and Fylde East
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**Preston City and Fylde Boroughs: application numbers LCC/2016/0046/1, 2 and 3. Details submitted to comply with conditions 5 and 22 of planning permission LCC/2016/0046 – Preston Western Distributor Road and East – West Link Road.**

**Land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston.**

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

### **Executive Summary**

Application – Details submitted to comply with conditions 5 and 22 of planning permission LCC/2016/0046 – Preston Western Distributor Road and East – West Link Road.

Land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston.

### **Recommendation – Summary**

That the details submitted for the purposes of conditions 5 and 22 of planning permission LCC/2016/0046 be approved

### **Applicant's Proposal**

Planning permission for the construction of the Preston Western Distributor Road and East West link Road was granted on 19<sup>th</sup> November 2018. The Preston Western Distributor Road will be a new dual carriageway highway along the western side of Preston linking the M55 with the A583 to the south. The highway proposal also includes an east – west link road which connects the Preston Western Distributor with the existing Tom Benson Way on the north side of Preston and which runs through the north west Preston urban extension area.

The planning permission contains a number of conditions requiring further details to be approved before development can commence. The applicant has now submitted

information to discharge the requirements of conditions 5 and 22 of the planning permission.

The relevant conditions for the purposes of this report together with the applicant's proposals in respect of each condition are as follows:-

Condition 5 – 'No development shall commence until details of the facilities and measures to be taken to manage surface water run-off from the highway have been submitted to and approved in writing by the County Planning Authority. The submitted details shall include the following information:

- a) The location, design and landscaping of the surface water balancing ponds including capacity and designed outflow rates to prevent flooding on the receiving water course.
- b) The location and design of any watercourse diversions
- c) The measures including design to be incorporated into each discharge point from the highway into a surface water course to protect water quality in the receiving watercourse.

The facilities and measures contained in the approved details shall be installed prior to the highway being brought into use and shall be maintained in full working order thereafter.

Condition 22 – No development of the junction of the East West Link Road with Tabley Lane shall take place until a scheme and programme for the design of the junction has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:-

- a) Details of a gateway feature to be constructed at the junction of the East West Link Road and Tabley Lane including details of carriageway treatments and other highway infrastructure.
- b) Proposals for the implementation of a weight restriction along Tabley Lane south of the East West Link Road in order to control the use of the road by HGVs.

The measures contained in the approved scheme and programme shall be implemented prior to the junction being opened to traffic.

### **Relevant Planning Policy**

National Planning Policy Framework: Paragraphs 11, 47, 127 and 155 – 165 of the Framework are relevant with regards to achieving sustainable development, determining applications, quality of design and flood risk.

Central Lancashire Core Strategy

Policy 29 Water Management

Preston Local Plan 2012 – 2026 Site Allocation and Development Management Policies



Policy EN9 Design of new development

Fylde Local Plan to 2032

Policy GD7 Achieving good design in development

Policy CL1 Flood alleviation, water quality and water efficiency

Policy CL2 Surface water run off and sustainable drainage

## **Consultations**

Preston City Council: No observations received.

Fylde Borough Council; No observations received

Lead Local Flood Authority: In respect of condition 5, the LLFA initially stated that they were unable to recommend approval of the scheme as outfall details into the receiving water courses have not been provided. However, on provision of this information the LLFA have withdrawn their objection.

## **Advice**

The Preston Western Distributor road scheme is a major new highway for which planning permission was granted in November 2018. Compulsory purchase and side roads orders have also been confirmed and it is proposed that construction works will commence later in 2019.

The planning permission includes a number of conditions requiring further details to be submitted for the approval of the County Planning Authority before development can commence. Determination of details submitted under the requirements of planning conditions would normally be a matter that would be delegated to officers. However, in this case given that the scheme is the County Council's own proposal, it is considered that these matters should be reported to the Development Control Committee for determination.

The planning issues and advice for each of the submissions is as follows:-

Condition 5: The road scheme will require the creation of a number of outfalls to allow run off from the road to be discharged into existing water courses. The outfalls have to include measures to attenuate the rates of discharge so that creation of the outfalls does not result in flooding of the receiving watercourses.

The applicant's proposals include creation of a series of water attenuation ponds along the line of the road. Water collected in the road gullies would first be directed into one of these ponds before being discharged into an existing watercourse via a new outfall structure. The design of the ponds would be such that it would allow collected water during storm conditions to be temporarily stored before being discharged to the watercourse at a controlled rate therefore ensuring that there is no increase in flood risk to the downstream watercourse. The lagoons and associated

highway gullies would also incorporate facilities to collect oil and other contaminants in the event of an accident or spill therefore preventing pollution of watercourses.

The Lead Local Flood Authority initially responded that insufficient information had been submitted relating to the design of the outfalls to the water courses. However, this information has now been submitted which demonstrates that the outfall would be of a design that would prevent scour of the existing watercourses and would incorporate other measures to ensure satisfactory control of the discharge. On this basis, the LLFA have withdrawn their objection. The details that have been provided are considered to be satisfactory and conform with Policy 29 of the Central Lancashire Core Strategy and Policy CL1 and CL2 of the Fylde Borough Local Plan.

Condition 22: The East West Link Road would cut across the existing B5411 south of Tabley Lane. During determination of the planning application, concern was expressed by various local residents living on Tabley Lane that the construction of the scheme would lead to greater volumes of traffic using this road to the detriment of local amenity and highway safety. The planning permission therefore included a condition to require the construction of a gateway feature on Tabley Lane immediately south of the junction with the East West Link Road in order to discourage traffic from using this route and also to implement a weight restriction on the same length of road to prevent HGVs from using Tabley Lane South.

The proposed gateway feature would be comprised of new signage to the south of the link road. Additional 30 mph signage will be incorporated into the gateway features which will also include additional signage to encourage careful driving. This will be reinforced by painted road markings.

To meet the requirements of this condition, the applicant also proposes to promote a Traffic Regulation Order over that part of Tabley Lane from its junction with Sandy Lane to the north to its junction with Tag Lane at its southern end. The traffic regulation order would be in the form of a weight restriction for vehicles over 7.5 tonnes in weight. There is an existing haulage business located on the Melbourne Park Estate which would be within the restricted area. It is expected that most of the HGVs associated with that business would be able to access the estate using the Link Road / Tabley Lane junction, the junction having been designed to allow use by 40 tonne HGVs. However, it is known that one business on the estate does make occasional use of exceptional load vehicles larger than 40 tonnes which would be unable to make the right or left turn onto or from the link road. These vehicles would have to continue in a north / south direction using Tabley Lane South as they do at present and would not be in breach of any Traffic Regulation Order as they would be accessing a location within the restricted area. For other HGVs, the construction of the Link road would provide a much more convenient way to reach the primary road network than using Tabley Lane South as they do at present. The proposals should therefore discourage HGV and general movements along Tabley Lane South thereby helping to protect residential amenity and road safety on this section of highway.

In conclusion, the details that have been submitted to address the requirements of these conditions are considered acceptable and would ensure that the development does not increase flood risk or pollution impacts to local water courses and

incorporates the measures that are required to ensure that impacts on local amenity and the local environment are adequately mitigated for.

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

### **Recommendation**

That the schemes and programmes submitted to discharge the requirements of conditions 5 and 22 of planning permission LCC/2016/0046 are acceptable and should therefore be approved.

The development should be undertaken in accordance with the approved schemes and programmes.

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

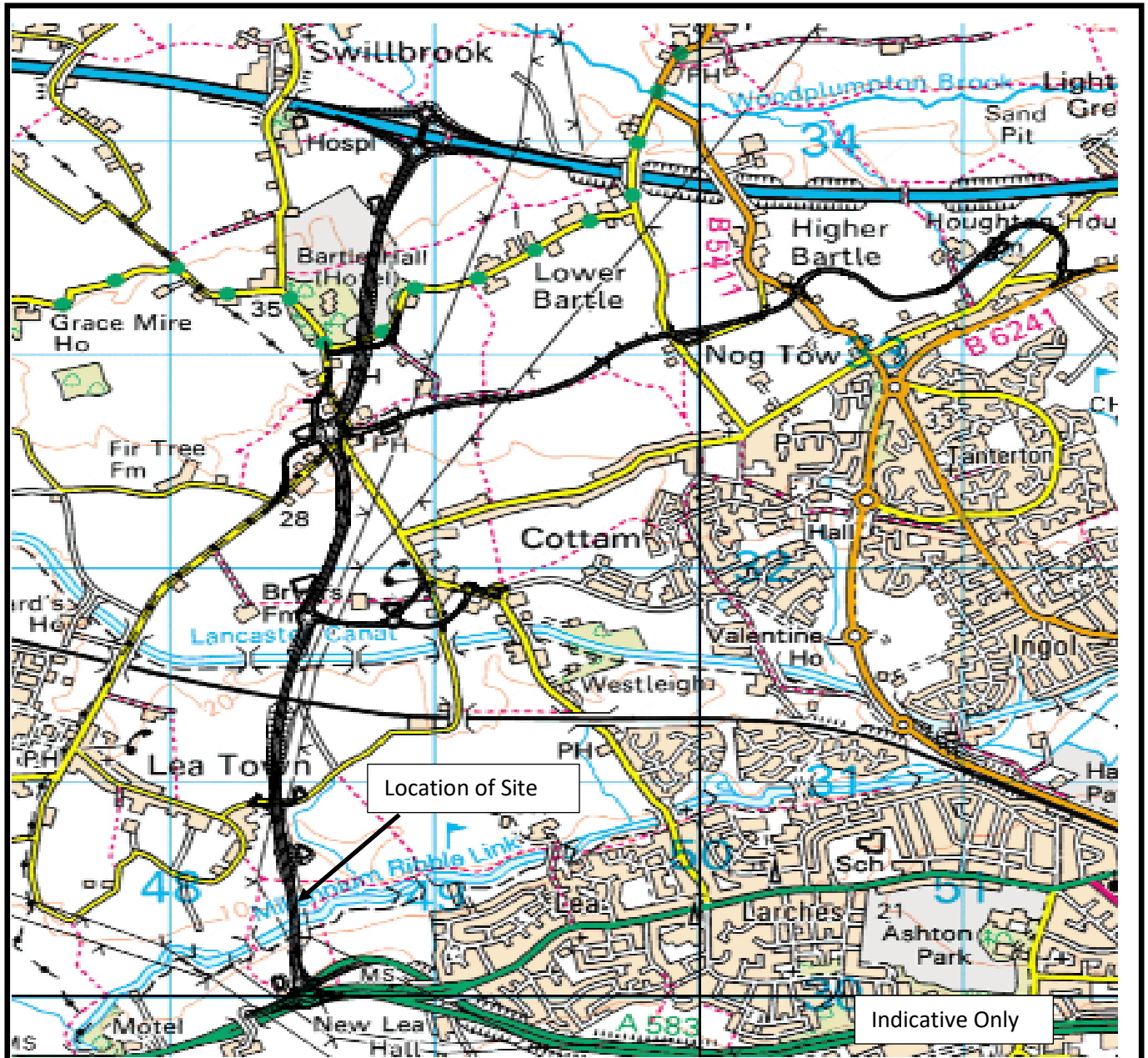
None

Reason for inclusion in Part II, if appropriate

N/A



**APPLICATION LCC/2016/0046/1 COMPLIANCE WITH CONDITIONS 4 - DETAILS OF DESIGN AND BUILDING MATERIALS FOR ELEVATIONS FOR ALL EXTERNAL STRUCTURES, CONDITION 6 - MEASURES TO ADDRESS FLOOD RISKS ARISING FROM CONSTRUCTION OF SAVICK BROOK VIADUCT AND CONDITION 8 - ARCHAEOLOGICAL INVESTIGATIONS FOR PERMISSION LCC/2016/0046. LAND IN LEA, COTTAM AND BARTLE AND TO THE WEST AND NORTH OF THE EXISTING BUILT UP AREA OF PRESTON.**



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# Agenda Item 8

## Development Control Committee

Meeting to be held on 11<sup>th</sup> September 2019

Electoral Division affected: Preston Rural
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### **Preston City: application number LCC/2019/0006**

**Variation of condition 2 of permission 06/13/0528 for the amendment of the approved drawings to regularise departures from the approved design. Broughton Bypass, Preston.**

Contact for further information:

Jonathan Haine, 01772 534130

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

### **Executive Summary**

Application - Variation of condition 2 of permission 06/13/0528 for the amendment of the approved drawings to regularise departures from the approved design. Broughton Bypass, Preston.

### **Recommendation – Summary**

That subject to the applicant first providing a section 106 undertaking to provide for the management of ecological mitigation measures for a period of 15 years in accordance with an approved environmental management plan, planning permission be **granted** subject to conditions controlling working programme, landscaping, drainage, traffic calming schemes and highway surfacing.

### **Applicant's Proposal**

The application is for a variation of condition 2 to planning permission 6/13/0528. Condition 2 lists the approved drawings for the design of the bypass.

However, some elements of the bypass have been constructed in a different way from those shown on the approved drawings. The purpose of the application is therefore to gain approval for an amended set of drawings in order to regularise the departures from the previously approved plans.

The principal departures from the approved drawings are as follows:-

- The carriageway layout on the section of bypass to the south of Whittingham Lane incorporates a central reserve. The approved design did not include provision for such a reserve.
- The southbound approach to the M55 roundabout has been widened within the original red line area to incorporate an additional filter lane onto the M55 sliproad.

- A turning head on Durton Lane has been relocated. In the approved design this turning head was located at the far western end of Durton Lane adjacent to the bypass. It has now been moved approximately 40 metres to the east to a location which also serves as a field access to the former construction compound area. Changes to the drainage arrangements in this area have also been made
- Changes to drainage facilities: these works relate to the incorporation of surface drainage channels in the embankment adjacent to the M55 roundabout in order to ensure stability. Minor amendments have also been made to the land around the outfalls into the Blundell Brook in order to ensure bank stability.
- Minor amendments to the landscaping of the area between the bypass and Greys Cottage off Durton Lane.
- Amendments to landscape planting off Whittingham Lane to improve screening for residents.
- An increase in the area of mounding at the south east corner of Whittingham Lane roundabout in order to accommodate excess fill materials.
- Amendment of the scheme boundary adjacent to no.39 Whittingham Lane. The original proposal required demolition of the garage belonging to no. 39 Whittingham Lane but during construction it was decided that it was preferable to leave the established boundary in place and not demolish the garage.
- Minor changes to the access track and drainage at Helms Farm to accommodate the route of an existing electricity cable and to reduce costs of construction

## **Description and Location of Site**

The application relates to the route of the Broughton Bypass on the A6 north of Preston. The bypass commences at the A6 / M55 roundabout 4km north of Preston city centre and then runs to the east of Broughton village crossing the B5269 Whittingham Lane. The bypass rejoins the A6 approximately 500 metres north of Broughton village.

The bypass was constructed in 2016 / 17 and opened for traffic in October 2017. The section of bypass south of Whittingham Lane has four lanes (two in each direction) whilst the northern section between Whittingham Lane and the A6 has a single lane in each direction. The route of the bypass largely runs through agricultural fields except for where it crosses Whittingham Lane and at the southern end where it passes close to houses off Durton Lane and Garstang Road. Broughton Primary School and Church includes a number of listed buildings which are located approximately 60 metres from the centre line of the bypass.

## **Background**

History: Planning permission for the bypass was originally granted in 2001. The permission was renewed in 2013 (ref 6/13/0528). A related permission was also granted in 2014 for a cattle underpass at the northern end of the scheme.(ref LCC/2014/0112)



## **Planning Policy**

National Planning Policy Framework: Paragraphs 7 -11, 127 – 130, 163 - 165 are relevant with regard to the definition and presumption of sustainable development, the requirement for good design and sustainable drainage systems

Central Lancashire Core Strategy

Policy 17 – Design of new buildings

Preston City Local Plan

Policy V1 – Model Policy

Policy ST2 – General Transport Considerations

Policy EN8 – Development and Heritage Assets

Policy EN9 – Design of New Development

## **Consultations**

Preston City Council: No objection

Environment Agency : The Environment Agency understand that the works within the flood zone only take the form of carriageway layout works incorporating a central reserve on the section south of Whittingham Lane and there is no change to the extent of actual highway. Therefore there are no concerns in relation to the impact of the amendments. Advice is given to the applicant in relation to the need for consent for works within 8 metres of a main river.

Lead Local Flood Authority: No objection

Broughton-In-Amounderness Parish Council: No observations received.

Whittingham Parish Council: No observations received

Goosnargh Parish Council: No observations received

Highways England : No objection

LCC Highways Development Control; No observations received

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been received from a resident on Durton Lane which raises the following issues:-

- The resident does not agree with the location and design of the turning head on Durton Lane and that he did not request that it be moved from its approved location. He considers that other arrangements were discussed regarding how Durton Lane would be made into a cul de sac and that the current arrangements are not something that he would have agreed to.

- He considers that if the turning head is to be retained, it needs to include double yellow lines to prevent it being obstructed by parked cars and it is too far from the end of the cul de sac to function safely as a turning head.
- The turning head should also not function as an access into the former site compound. If the former compound is disposed of and receives planning permission for development, the turning head will become an access into the site and therefore will no longer become available for use as a turning head. An alternative turning head location will then be required.
- The turning head incorporates a drainage gully. Run off from the former site compound enters this gully which runs into a drain which runs under the objector's property. The resident is concerned that the run off from the compound area contains sediment and debris which will gradually block the drain running under his property and that the drain under his house does not have capacity to access the water arising from the former compound area and that arising from his property. He states that this is already a problem as the down spouts on his property overflow during high rainfall events and also interferes with foul drainage. He also maintains that the County Council have not fully understood the condition and capacity of the drainage system before the gully in the turning head was connected.
- The landscaping has not been undertaken as proposed in the area between his property and the bypass and the area has become infested with weeds.
- The resident has also objected to the incorporation of the additional lane on the approach to the M55 roundabout as he considers that it creates additional traffic close to his property at peak times therefore adding to noise and pollution. The resident considers that the 4<sup>th</sup> lane would have been more effective if it had been longer and had linked into the motorway network without passing any traffic lights. The resident considers that additional noise attenuation fencing should be provided to mitigate for the additional noise impacts.
- The resident has also raised concern about the lane layout on the Broughton roundabout where it passes under the M55 and is concerned that the layout is substandard.

A letter has also been received from Ben Wallace MP reiterating the concerns raised by the Durton Lane resident.

### **Advice**

Planning permission for the renewal of the planning permission for the Broughton Bypass was granted in 2013. Construction of the road took place throughout 2016 / 17 and the new road was opened to traffic on 5<sup>th</sup> October 2017.

As with many major construction projects, there will be opportunities to make changes to the design during construction in order to reduce costs or to improve the design. Sometimes, such changes may depart from the approved drawings. In such circumstances, the developer has the ability to make a retrospective planning application to regularise any departures.

There are a number of locations on the bypass route where the completed road scheme does not conform exactly to the approved drawings referred to in condition 2 of planning permission 6/13/528 for the construction of the bypass.

The planning issues arising from each of the changes are as follows:-

Carriageway layout incorporating central reserve on section south of Whittingham Lane: The original approved bypass design was for a highway with two lanes in either direction but with no central reserve. A stage 2 road safety audit was undertaken in 2016 which highlighted potential concerns with this design, most particularly the potential for head on collisions due to the lack of any separation of north and south bound traffic. A 1 metre wide central reserve was therefore built into the scheme by reducing the width of the running lanes. The incorporation of the central reserve has not increased the width of the road beyond that permitted. It also provides a central refuge area where a footpath crosses the bypass approximately 500 metres south of Whittingham Lane. Given the benefits of this design change for highway and pedestrian safety and the absence of any additional environmental impacts, it is considered that this amendment to the scheme is acceptable.

Carriageway layout incorporating an additional lane on roundabout approach:- This change has provided two lanes which feed from the southbound side of the bypass onto the M55 slip road. The approved bypass design included only one such lane. This change was made in order to provide additional queuing capacity on the approach to the roundabout and means that motorway bound traffic have minimal interaction with the circulatory traffic on the roundabout. This change was made within the original red line boundary by amending the design of the cutting slope on the east side of the bypass.

This amendment has been objected to by the resident living on Durton Lane. The resident's house is the closest property to this part of the scheme. However, the fourth lane is only relatively short and it is not considered that its addition has considerably increased the volume of traffic on the bypass. The addition of the fourth lane and central reserve has brought the highway approximately 5 metres closer to the residents property compared to the approved scheme. However, the fourth lane does not commence until after the bypass crosses the former alignment of Durton Lane after which point the road is screened from the resident's property by the embankment forming the side of the highway. It is therefore considered that the additional impacts in terms of noise and air quality would be minimal and given the benefits of the design change, this amendment is acceptable. If the motorway bound lanes had been longer, as is suggested by the resident, further land acquisition would have been required, including at least part of the resident's property.

With regard to the resident's concerns about the layout of the lanes on the roundabout, it is important to understand that the roundabout was remodelled prior to the bypass construction commencing. These works were undertaken under the permitted development rights relating to works within or adjacent to a highway and therefore did not require planning permission. The remodelled roundabout has now been in operation for several years and it is considered that it operates satisfactorily with no safety issues.

Relocation of turning head on Durton Lane: The bypass has bisected Durton Lane so that it has become a dead end at its western end. A turning head area was therefore provided in the original design located on the northern side of Durton Lane on an area of land between the bypass screen bank and a property known as Greys Cottage. The location of the turning head has been subsequently moved to the south side of Durton Lane and utilises the access point to the former construction compound. The turning head was moved as it was considered that the revised location would reduce amenity impacts on Greys Cottage as it would negate the need for traffic to pass and turn near the property. A number of new pieces of drainage infrastructure are also located beneath the original turning head location which would have complicated the turning head design if it had been constructed in the original location.

The resident at Greys Cottage objects to the location and design of the as built turning head area. It is acknowledged that the turning head is sometimes occupied by parked cars which prevents the area functioning as it should. It is considered that this matter could be addressed through a suitably worded planning condition. The turning head also functions as an access to an agricultural field that was previously used as the bypass construction compound. Although no planning permission exists for the development of this field, it may be brought forward for development at some point in the future with a probable access via the turning head. At that time, consideration will have to be given to how vehicles would turn at the western end of Durton Lane. This does not stop the turning head from functioning effectively up until that time subject to the above condition being imposed.

Concerns have also been made by the resident that the current design of the cul de sac at the end of Durton Lane does not function effectively particularly in terms of cyclist safety on the Guild Wheel. The design of the cul de sac includes provision to separate pedestrian traffic from cyclists and does not require cyclists to use the pavement on Durton Lane past the resident's property. The provision has now been in place for over one year and there does not appear to be an issue with conflicts between pedestrians, cyclists and other road users on this part of Durton Lane.

New drainage along Durton Lane: Within the turning head is a drainage gully. This gully accepts water that runs off from the former compound area. The drainage gully itself does not require planning permission but it is located within the relocated turning head area. The resident is concerned that this gully links into drains that also serve and run under his property and that the additional water and sediment load is having land drainage implications for his property.

The drainage gully does connect into the existing highway drainage running under Durton Lane. Dye testing and other investigation works have shown that this drain then runs under part of Greys Cottage and does also take surface water from that property. The downstream section was severed by the bypass and therefore a completely new pipe was laid adjacent to and then under the bypass route to a discharge into the Blundell Brook. The section of drain under Greys Cottage appears to be of considerable age and due to its construction and position under the resident's property, its condition and water carrying capacity cannot be calculated with full confidence. Whilst no surface water flooding events appear to have occurred in this area, it cannot be demonstrated that the drain has the capacity to accept the

volumes of water that might run off from the compound area and through the drain in storm conditions. To address this issue, the applicant therefore proposes to lay a new drainage system. This would comprise of a new stone catchpit located immediately at the head of the turning area which would feed a new 150mm diameter pipe which would link into the new drainage system installed as part of the bypass works. It is understood that there are some issues with how this new drain currently functions but that these issues are being dealt with under the scheme defect procedures with Hochtief who were the main contractors.

In summary the new drainage proposals would mean that run off from the compound area would bypass the drains running under Greys Cottage thereby addressing the resident's concerns on this point. It is considered that the installation of this drain should be the subject of a planning condition.

It is also important to note that in the event of the former compound area being developed for another use, a completely new drainage system would have to be installed and designed to accept the volumes of surface water that would be generated by such a development.

Other drainage changes: The embankment adjacent to the M55 slip roads was steepened in order to create space for the additional lane. In order to maintain slope stability a number of stone filled drainage channels were built into the design. These channels do change the visual appearance of the embankment but they are not unusual features for highway embankments and the majority of the slope is still grassed. The visual appearance is therefore considered to be acceptable.

The modifications to the drainage alongside the Blundell Brook are located on the steep bank adjacent to the stream and cannot readily be viewed from anywhere. Therefore they too are considered acceptable.

Landscape Planting off Durton Lane: The original approved landscaping scheme for the bypass showed landscaping around the original turning head area between the bypass and the property known as Greys Cottage. A number of feathered trees were proposed in this area to provide improved screening to Greys Cottage. However, the drainage works that have been installed under this area mean that planting trees is no longer advisable as their roots would be likely to damage the drains. A revised landscape plan for this area is now proposed including recultivation and sowing a wildflower meadow seed mix over the area. Greys Cottage is already screened from the bypass by an earth bund topped by a noise attenuation fence with some planting on the bund itself. The absence of the trees within the former turning head area will not detract markedly from the landscaping of the road although it is considered that a revised landscaping scheme for this area should be submitted and implemented in Autumn 2019 to address the issues raised by the adjacent resident. This can be the subject of a planning condition.

Landscaping /planting works off Whittingham Lane: The bunding adjacent to the south east side of the Whittingham Lane roundabout was increased in this area in order to accommodate additional excess materials. These works only increased the extent of the bunding but did not add to its height. The visual appearance is

considered acceptable and the additional raised area has been planted with native trees and shrubs.

The construction of the bypass required removal of a number of mature trees in this area. The replacement planting in this area has been modified by increasing the number and density of planting to provide greater landscape mitigation for the visual impacts in this area. These amendments are considered acceptable.

Route of access track to underpass: At the northern end of the scheme, the bypass has severed Helms Farm from land that is used for grazing cattle. To provide access without cattle having to cross the bypass, an underpass was incorporated into the scheme. The route of the access track between the underpass and Helms Farm was slightly amended to avoid an electricity cable. However, the revised route does not have any greater environmental impact and this amendment is considered acceptable.

Drainage at Helms Farm: Drainage of this area of the highway is to the Dean Brook and was to have been via two 1.5m diameter pipes which would also have provided attenuation of flow. The pipes have been replaced by a geocellular system due to health and safety concerns about the depths of the pipes and installation costs. The revised system lies within the original planning boundary and fulfils the same function. It is also below ground with no additional visual impact.

Scheme boundary at no 39 Whittingham Lane: The original property boundary at this location has been left in place negating the need to remove the garage building. This amendment has therefore reduced the impacts of the scheme on this property and is therefore acceptable.

## Conclusion

This application is to regularise a number of amendments that have been made to the design of the Broughton bypass. These changes have been made for a number of reasons including to reduce construction costs and to improve the final design of the scheme. All of the changes are considered to be acceptable when considered against the policies of the National Planning Policy Framework and the adopted Development Plan. A number of issues have been raised by a local resident but it is considered that these concerns have now been addressed through the additional drainage works that are proposed together with suitable planning conditions.

The original planning permission for the bypass was subject to a section 106 undertaking providing for the management of all ecological mitigation measures for a period of 15 years in accordance with an approved management plan. As this decision would provide for the issuing of a new planning permission for the road, it should also be subject to a similar undertaking.

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 the 1<sup>st</sup> Protocol states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with law and as is proportionate.

This application were it to be approved would be unlikely to generate such an impact on neighbouring properties which would breach those rights. The conditions proposed in relation to landscaping, drainage and traffic regulation will protect those rights.

### **Recommendation**

That subject to the applicant first providing a section 106 undertaking to provide for the management of ecological mitigation measures for a period of 15 years in accordance with an approved environmental management plan, planning permission be **Granted** subject to the following conditions:

### **Working Programme**

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
  - a) The Planning Application ref 6/00/0687 received on 1st September 2000 as amended by the planning application ref 6/13/0528.

- b) Submitted Plans and documents forming part of planning application 6/13/0528

Figure 1a - Location Plan

Figure 2a - Site Plan

Appendix M Sheet 1 - Environmental masterplan northern section

Appendix M Sheet 2 - Environmental masterplan central section

Appendix M Sheet 3 - Environmental masterplan south central section

Appendix M Sheet 4 - Environmental masterplan southern section

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

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies 3,16, 17, 18, 21,22 and 29 of the Central Lancashire Core Strategy and policy T5 of the Preston Local Plan.*

2. All landscaping works shall be maintained for a period of five years including replacement of failures, weed control and maintenance of protection measures.

*Reason : To ensure the proper landscaping of the site in the interests of the visual amenities of the area and to conform with Policies 17, 21 and 22 of the Central Lancashire Core Strategy.*

3. No materials other than those materials detailed in the scheme and programme approved on 16th September 2015 under the requirements of

condition 5 to planning permission 6/13/0528 shall be used in the maintenance of the road surface.

*Reason: In the interests of the amenities of local residents and to conform with policy 17 of the Central Lancashire Core Strategy.*

4. Within six months of the Durton Lane Link being opened to traffic, traffic management measures on the length of Durton Lane between the Durton Lane Link and Haighton Green Lane shall be implemented in accordance with the scheme and programme approved on 16th September 2015 under the requirements of condition 9 to planning permission 5/13/528.

*Reason: In the interests of highway safety and local amenity and to conform with Policies 3 and 17 of the Central Lancashire Core Strategy.*

5. Within two months of the date of this permission, the drainage works shown on the drawing accompanying the email from Design and Construction dated 23<sup>rd</sup> August 2019 shall be implemented in full. The drainage works shall thereafter be maintained in full working order.

*Reason; In order to secure the proper drainage of the highway and to conform with Policy EN9 of the Preston City Local Plan*

6. The surface water drainage attenuation measures described in the scheme and programme approved on 16th September 2015 under the requirements of condition 19 to planning permission 6/13/0528 shall be maintained in full working order at all times.

*Reason: In the interests of the prevention of flooding and to conform with Policy 29 of the Central Lancashire Core Strategy.*

7. Within six months of the date of this permission, a statutory consultation shall be completed upon a proposal to make a traffic regulation order prohibiting vehicular waiting at any time on the carriageway of the turning area off Durton Lane marked as d) on drawing CHA1E0252-1901-01.

*Reason: To seek to ensure that the turning head is available for its intended use in the interests of highway safety and to conform with policies 3 and 18 of the Central Lancashire Core Strategy.*

8. Within three months of the date of this planning permission, a revised landscaping scheme for the former turning head area off Durton Lane shall be submitted to the County Planning Authority for approval in writing. The scheme shall include details of any tree and shrub planting to be implemented, cultivation measures and seeding.

The approved landscaping works shall be carried out in the first planting season following approval of the scheme.



*Reason : To ensure the proper landscaping of the site in the interests of the visual amenities of the area and to conform with Policies 17, 21 and 22 of the Central Lancashire Core Strategy.*

### **Definitions**

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

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

#### **List of Background Papers**

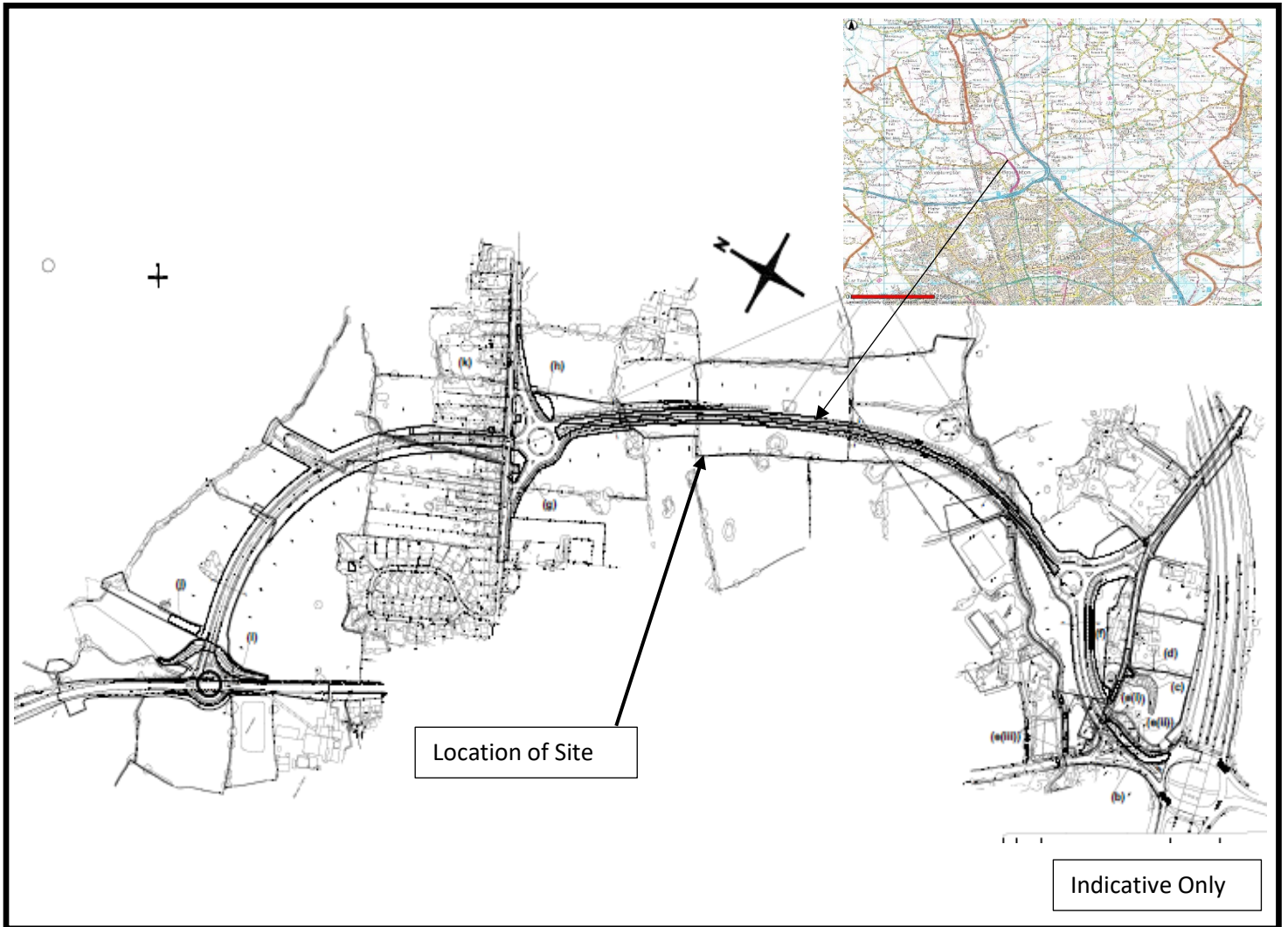
None

Reason for Inclusion in Part II, if appropriate

N/A



**APPLICATION LCC/2019/0006 VARIATION OF CONDITIONS 2 OF PERMISSIONS 06/13/0528 AND LCC/2014/0112 FOR THE AMENDMENT OF THE APPROVED DRAWINGS TO REGULARISE DEPARTURES FROM THE APPROVED DESIGN. BROUGHTON BYPASS, PRESTON**



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# Agenda Item 9

## Development Control Committee

Meeting to be held on 11<sup>th</sup> September 2019

Electoral Division affected: Wyre Rural East
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**Wyre Borough: application number. LCC/2019/0034**  
**Erection of 1.8m high fencing.**  
**John Cross C of E School, Garstang Road, Bilsborrow.**

Contact for further information:

Faiyaz Laly, 01772 538810

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

### Executive Summary

Application - Erection of 1.8m high fencing. John Cross C of E School, Garstang Road, Bilsborrow

### Recommendation - Summary

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

### Applicant's Proposal

Planning permission is sought for the erection of 1.8m high fencing at John Cross C of E School, Garstang Road, Bilsborrow. Bow top fencing coloured black is proposed to the western boundary of the school over a linear distance of 70m and weld mesh fencing coloured green over a linear distance of 190 metres would be added to the southern and western boundary of the school.

### Description and Location of Site

John Cross C of E School, Bilsborrow is located on the south eastern side of the junction of Church Lane and Garstang Road (A6) in the centre of Bilsborrow. The school site is occupied by single storey red brick buildings which front both of these roads and has its main playground area facing Church Lane and its playing fields extending to the south. The proposed fencing would be located on the eastern, southern and western boundaries of the school. Currently only the frontage of the school grounds near the junction of the A6 and Church Lane is fenced by a bow top fence with the other boundaries to the playing fields consisting of vegetation and very low level timber fencing.

Lancaster Canal is located approximately 60m west of the school, therefore the northern and western boundary of the school site is located in a flood zone 2 area.

## **Background**

The site is an established educational establishment.

There is no relevant planning history.

## **Planning Policy**

National Planning Policy Framework

Paragraphs 11 – and 12 and 124 - 132 are relevant with regard to the definition of sustainable development and the need for good design.

Wyre Local Plan

Policy CDMP2 - Flood Risk and Surface Water Management

Policy CDMP3 - Design

Policy CDM4 - Environmental Asset

## **Consultations**

Canal and River Trust - No comment

Lead Local Flood Authority - No comment

Bilsborrow Parish Council - No comment

Wyre Borough Council - No objection

LCC Highways Development Control - No observations received.

Representations - The application has been advertised by site notice and neighbouring residents informed by individual letter. One objection was received from a local resident raising concerns on the principle of the development and whether it is needed at the school. Also their comments state that more information is required within the application to assess impacts the development would have on the vegetation around the school and if the fencing line could be moved back 5m so the vegetation would not have to be trimmed.

## **Advice**

The proposal is for the erection of 1.8m high fencing at John Cross C of E School, Bilsborrow. The school propose to erect this fencing to improve security as part of the existing boundary fencing has collapsed and to the rear of the school around the playing field the boundary consists only of vegetation and low level timber fencing which is not adequate to stop trespassers gaining access to the school site.

Policy CDMP3 of the Wyre Local Plan states that development must not have an unacceptable adverse impact on the amenity of occupants and users of surrounding or nearby properties and must provide a good standard of amenity for the occupants

and users of the development itself. The policy also requires that development must create safe and secure environments that minimise the opportunities for crime and promote community safety.

This proposal aims to improve security at an existing school and would also help keep children safe when playing in the school field. The applicant has proposed two different styles of fencing at the school, this includes black bow top fencing to the western boundary which would match the design of the existing fencing to the northern boundary. These are the sides which are most prominent from the street scene from Garstang Road and Church Lane. To the eastern and southern boundaries would be green weld mesh fencing which is proposed to stop trespassers gaining access to the school from the adjacent fields. The applicant has chosen green weld mesh fencing on these boundaries so it would integrate better with the existing boundary vegetation and to complement the character of the playing field.

The nearest residential properties to the development are located to the west on the opposite side of Garstang Road. Given the separation distance, the retention of the existing hedge and scale of the development there would not be any unacceptable impact in respect of the visual amenity of these properties or the general street scene along the A6. There are no immediate neighbours to the south and to the east and therefore the fencing in these areas would not have any impacts on residential amenity.

One objection was received from a local resident raising concerns about the need for the fencing. Also their comments stated that more information is required to assess the impacts that the development would have on the vegetation on the boundaries of the school and whether the fence line could be moved back 5m so the vegetation would not have to be trimmed. The school have stated the fencing is needed to improve security measures as parts of the existing boundary have no security measures to protect the school from trespassers. This has caused issues previously whilst children have been participating in sports activities on the school playing field.

The applicant has confirmed that the existing hedge line along Garstang Road is to be trimmed but will remain with the proposed 1.8m bow top fence located on the road side of the existing hedge. The retention of the hedge will maintain a landscaped edge to the grounds and lessen the visual impact of proposed fence which is not a solid feature, therefore the proposed fence would not be visually harmful to the character of the area. A condition should be added to any planning permission to ensure the installation of the fencing does not take place during the bird breeding season to protect nesting birds.

The applicant has submitted a construction method statement as part of the application which states that the fence panels would be erected by placing panel posts in concrete bases to help ensure the protection of roots of the vegetation around the school. The applicant has surveyed the area and noted where these posts would be located to keep them away from the trees as much as possible whilst the fencing is installed. They have also provided further information where the vegetation would have to be trimmed to accommodate the fence. The school have confirmed this vegetation is regularly trimmed for maintenance and to ensure the full

extent of the playing field can be utilised by the children. The applicant has also confirmed that no trees or hedges require removal and for these reasons the resident's objection is not supported. Wyre Borough Council were consulted on the application and raised no objection to the application.

Overall the proposal is considered to be in conformity with current planning policy and would not result in any unacceptable impact to residential and visual amenity.

In view of the scale, nature and location 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 19th June 2019.

b) Submitted Plans and documents:

Drawing No - A-90-01 / Site Location Plan

Drawing No - A-90-02 / Fence Type and Location Plan

Drawing No - A-90-03 / Fence Type and Location Plan

Drawing No - A-90-04 / Proposed Pedestrian & Vehicle Access

Drawing No - A-90-14 / Topographical Survey Indicating Proposed Fence Line

*Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy CDMP3 of the Wyre Local Plan.*

### **Colour of Fencing**

3. The fencing to the northern and western boundary shall be painted black (RAL 9005) within two months of the erection of the new fencing and retained in that colour thereafter.



*Reason: In the interests of the visual amenities of the area and to conform with Policy CDMP3 of the Wyre Local Plan.*

## **Landscaping**

4. The development shall be carried out in accordance with the tree protection measures detailed in the construction method statement submitted on 16th August 2019.

*Reason: In the interests of visual and local amenity and to conform with Policy CDMP4 of the Wyre Local Plan.*

5. During the installation of the fencing, no trees or hedgerows shall be pruned or trimmed 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 CDM4 of the Wyre Local Plan.*

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

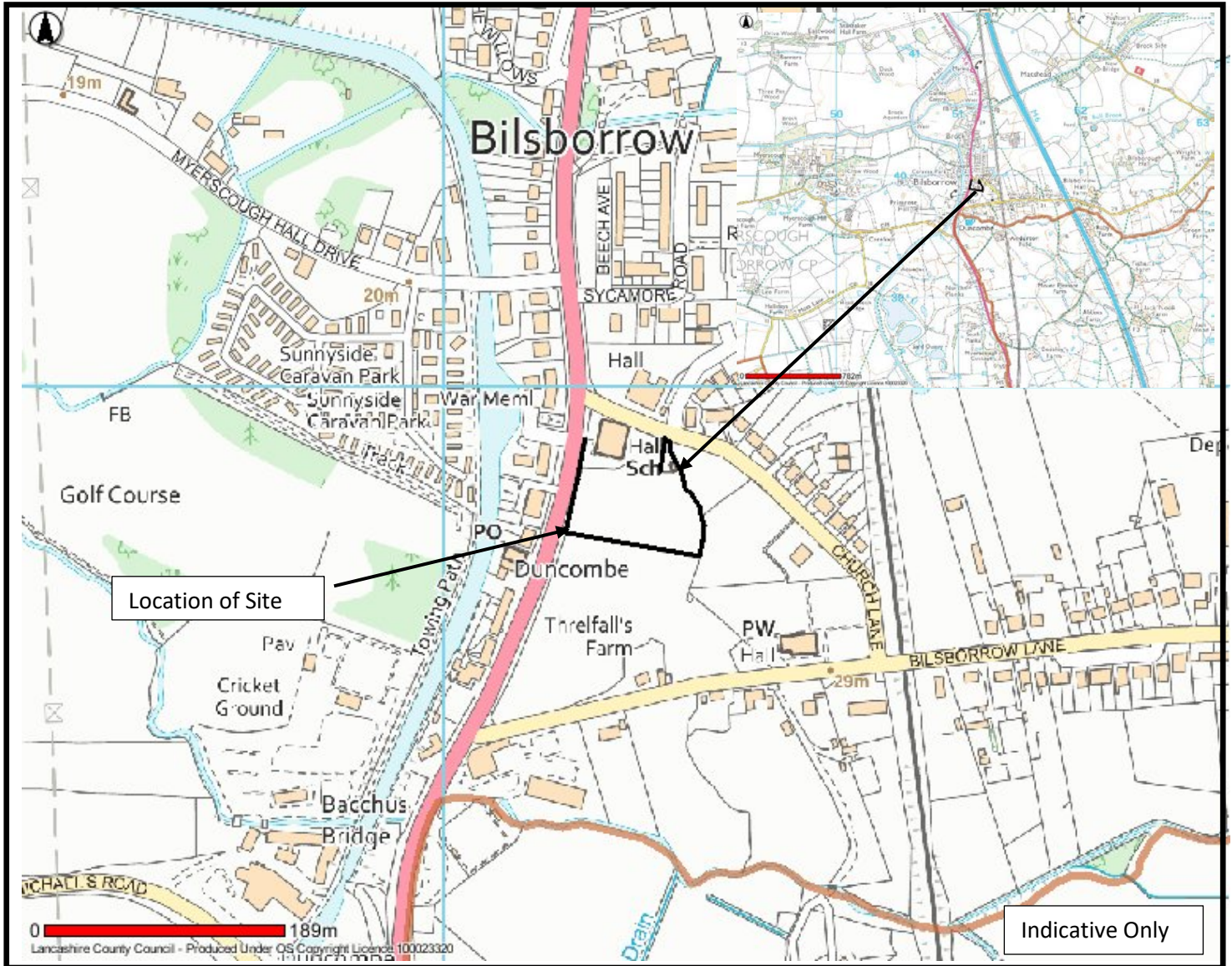
None

Reason for Inclusion in Part II, if appropriate

N/A



**APPLICATION LCC/2019/0034 ERECTION OF 1.8M HIGH FENCING. JOHN CROSS C OF E SCHOOL GARSTANG ROAD BILSBORROW**



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## Development Control Committee

Meeting to be held on 11th September 2019

Electoral Division Affected: All
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### 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 24 July 2019, the following decisions on planning matters have been taken in accordance with the County Council's Scheme of Delegation.

#### Ribble Valley

Application: No. LCC/2019/0008/2  
Ribblesdale High School, Queens Road, Clitheroe  
Compliance with condition 4 of permission LCC/2019/0008 - construction management plan

Application: No. LCC/2019/0008/1  
Ribblesdale High School, Queens Road, Clitheroe  
Compliance with condition 10 of permission LCC/2019/0008 - scheme and programme for the management and attenuation of surface water

#### Fylde

Application: No. LCC/2019/0004NM1  
Lytham St Annes Technology And Performing Arts College, Worsley Road, Lytham St Annes  
Non material amendment - for the substitution of the flood risk assessment

#### South Ribble

Application: No. LCC/2017/0001/5

Penwortham Bypass - From A582 Broad Oak Roundabout Connecting To A59 Between Howick C Of E Primary School And Blackhurst Cottages.  
Compliance with condition 10 of permission LCC/2017/0001 - highway works

Application: No. LCC/2017/0001/4

Penwortham Bypass - From A582 Broad Oak Roundabout Connecting To A59 Between Howick C of E Primary School And Blackhurst Cottages.

Compliance with condition 19 parts A-E and H-I of permission LCC/2017/0001 - spreading of soil making material and grass seed species, design construction and planting of waterbodies, tree/shrub planting and seed specification, methods to promote normal plant growth, habitat establishment monitoring and review, bird and bat boxes and 10 year landscape maintenance and management following completion of bypass

### **West Lancashire**

Application: No. LCC/2019/0019

West Lancashire Community High School, School Lane, Chapel House, Skelmersdale

Creation of a cycle track

### **Rossendale**

Application: No. LCC/2019/0025

Waterfoot Primary School, Wolfenden Green, Waterfoot, Rossendale

Creation of a hard surfaced 1.2m and 1.8m wide pedestrian footpath and creation of 3 outdoor classroom areas

### **Recommendation**

That the report be noted.

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

None

### **Reason for Inclusion in Part II, if appropriate**

N/A