

Lancashire County Council

Development Control Committee

Wednesday, 4th March, 2020 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 22 January 2020** (Pages 1 - 4)

The Committee are asked to agree that the Minutes of the last meeting held on 22 January 2020 be confirmed and signed by the Chair.

- 4. Update Sheet**

Officers to present an update in relation to matters under consideration on the Agenda.

If necessary, the meeting will adjourn for a short time to enable the committee to read the additional information which will be considered as part of the related agenda report.

- 5. Lancaster City: application number. LCC/2020/0001 Construction of new vehicular access junction and associated access track to Claughton Waste Water Treatment Works. North side of A683 Lancaster Road, Claughton, Lancaster.** (Pages 5 - 16)

6. **West Lancashire Borough: application number. (Pages 17 - 30)**
LCC/2020/0007

Change of use of land and building to storage of recycled aggregate materials as an extension to an existing waste management site/ waste transfer station and skip business. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

7. **Hyndburn Borough: application number. (Pages 31 - 44)**
LCC/2019/0070

Provision of a new single storey building to provide a children's respite care unit including vehicle parking, external lighting columns, fencing and landscaping following demolition of existing school. North Cliffe School site, Blackburn Old Road, Great Harwood

8. **Planning decisions determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation. (Pages 45 - 46)**

9. **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.

10. **Date of Next Meeting**

The next meeting of the Development Control Committee will be held on Wednesday 22 April 2020 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, 22nd January, 2020 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	D Foxcroft
M Barron	P Hayhurst
C Crompton	A Kay
M Dad	M Pattison
J Eaton	A Schofield
K Ellard	

1. Apologies for absence

None received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None declared.

3. Minutes of the last meeting held on 27 November 2019

That the Minutes of the meeting held on 27 November 2019 be confirmed and signed by the Chair.

4. Update Sheet

The Update Sheet was circulated at the meeting and attached as a supplementary agenda item.

5. Chorley Borough: Application Number. LCC/2019/0054 Remodelling of Charnock Richard Golf Course incorporating the reconfiguration of 9 holes and localised raising of levels using imported inert materials.

**The Laurels at Charnock, Charnock Richard Golf Course,
Preston Road, Charnock Richard.**

The Committee considered a report on an application for the remodelling of Charnock Richard Golf Course, Preston Road, Charnock Richard.

The report included the views of Chorley Borough Council, Charnock Richard Parish Council, the Coal Authority, the County Council's Ecology Service, the Environment Agency, the County Council's Highways Development Control,

Natural England, the Lead Local Flood Authority, United Utilities and details of 10 letters of representation received - 9 in support and one objecting to the proposal.

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 various photographs of the site and access roads.

The Officer reported orally that it was proposed to reword condition 9 with regard to wheel cleaning measures and condition 12 to update a scheme of reasonable avoidance measures for great crested newts. Full details were circulated at the meeting and are set out in the Update Sheet at item 4 of the agenda.

Following debate and questions to the Officers by the Members it was:

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

- 6. South Ribble Borough: application number LCC/2017/0001/6 Scheme and programme to comply with condition 18 (highway monitoring and management strategy) of permission LCC/2017/0001. Penwortham Bypass, from A582 Broad Oak roundabout connecting to A59 between Howick C of E Primary School and Blackhurst Cottages, Penwortham.**

The Committee considered a report on an application for a scheme and programme to comply with condition 18 (highway monitoring and management strategy) of permission LCC/2017/0001 in relation to Penwortham Bypass which runs between the A59 south west of Penwortham centre and linking with the A582 at the Broad Oak roundabout.

The report included the views of the county council's Highways Development Control.

The Development Management Officer presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties.

Resolved: That the scheme and programme submitted under the requirements of condition 18 of planning permission LCC/2017/0001 be approved.

- 7. Preston City: application number. LCC/2019/0046NM2 Non material amendment to condition 3b of planning permission LCC/2016/0046 for the relocation of Hodder Aqueduct Diversion as part of the development of the Preston Western Distributor Road. Land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston.**

The Committee considered a report on an application for a non material amendment to condition 3b of planning permission LCC/2016/0046 for the

relocation of the Hodder Aqueduct Diversion as part of the development of the Preston Western Distributor Road on land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston.

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 illustrations showing the original and the revised aqueduct diversion route.

Resolved: That the proposed non material amendment to condition 3b of the planning permission LCC/2016/0046 be approved and that the drawing labelled 'Hodder LDTM Diversion Approved Route' be replaced by drawing ref CLM01-LCC-DR-4100-1999.

**8. Rossendale Borough: Application Number. LCC/2019/0065
Widening of the existing path to create a 3m wide cycle path and
construction of a new 3m wide cycle path through woodland
including replacement lighting columns and fencing to the A56 and
associated works.
Land between Commerce Street and South Shore Street,
Haslingden.**

The Committee considered a report on an application for the widening of the existing path to create a 3m wide cycle path and the construction of a new 3m wide cycle path through woodland including replacement lighting columns and fencing to the A56 and associated works on land between Commerce Street and South Shore Street, Haslingden.

The report included the views of the county council's Ecology Service, Highways England, the Environment Agency, Natural England, the county council's Highways Development Control and details of four letters of objection 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 an illustration of the existing cycle routes in the area and plans for the site together with photographs of the proposed route.

Following debate and questions to the Officers by the Members regarding the surface materials proposed for the cycle path, it was:

Resolved: That planning permission be **granted** subject first to the provision of an obligation under section 106 of the Town and Country Planning Act 1990 relating to ecological mitigation and subject to the conditions set out in the report to the Committee.

**9. 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 27 November 2019, six 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

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 4 March 2020 at 10.30am.

L Sales
Director of Corporate Services

County Hall
Preston

Development Control Committee
Meeting to be held on 4th March 2020

Electoral Division affected: Lancaster Rural East
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Lancaster City: application number. LCC/2020/0001
Construction of new vehicular access junction and associated access track to Cloughton Waste Water Treatment Works. North side of A683 Lancaster Road, Cloughton, Lancaster.

Contact for further information:
Rob Jones, 01772 534128
DevCon@lancashire.gov.uk

Executive Summary

Application – Construction of new vehicular access junction and associated access track to Cloughton Waste Water Treatment Works. North side of A683 Lancaster Road, Cloughton, Lancaster.

Recommendation – Summary

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

Applicant's Proposal

Planning permission is sought for a new vehicular access to Cloughton Waste Water Treatment Works.

The proposed access would include a new junction off the A683 with entry and exit corner radii of 6 metres that would lead to an access track with a total length of approximately 110 metres.

The new access would have visibility splays to the north of 2.4 metres x 26.3 metres measured to the nearside carriageway edge of the A683 and 2.4 metres x 32.9 metres to the south.

The proposal would involve removing a 22 metre length of existing stone wall along the edge of the highway. Some of the stone would be used to construct a new wall behind the visibility splay to the new access.

The area between where the new wall and the edge of the footway would be tarmacked.

The first 16 metres of the access track from the junction with the A683 would be 5.5 metres wide and have a tarmac surface, with the remaining length being 3.6 metres wide and constructed from compacted stone. A post and rail fence would be located along the edge of the length of tarmac road with a timber field gate located where the tarmac changes to stone.

A number of trees, scrub vegetation, sections of two stone walls (separate to the wall along the edge of the A683) and a dilapidated shed within the application site would have to be removed to accommodate the route of the access track.

Description and Location of Site

The proposed access is located on the north side of the A683 Lancaster Road in Cloughton in the Lune Valley. The site is located within the Countryside Area and Forest of Bowland Area of Outstanding Natural Beauty.

The nearest residential properties are directly opposite the proposed access on the south side of the A683, and at Meadowside approximately 35 metres to the south of the proposed access track. A restaurant (Fenwick Arms) is located approximately 25m to the north of the proposed access track. Low Lane is a narrow track by the Fenwick Arms that provides access to residential properties, and extends alongside the proposed access track. Farleton Old Road is a track located opposite the proposed site access track. The land surrounding Cloughton is agricultural.

There are no priority habitats within or directly adjacent to the site, or any Biological Heritage Site or Sites of Special Scientific Interest nearby. Cloughton Beck is located about 12 metres from the site.

The access would pass through a former farm complex consisting of scrub vegetation with occasional scattered mature and semi-mature trees present. The site is bordered by trees, stone walls and post and wire fencing to the south-east and south-west. There are a number of dilapidated stone buildings immediately adjacent to the north-east. Two stone walls, in addition to the stone wall that fronts the A683, cross the route perpendicular to the direction of the proposed access track. A derelict wooden shed is also directly along the route of the access track.

Background

A planning application for the construction of an improved access including a 110m stone access road to Cloughton Waste Water Treatment Works, was withdrawn by the applicant on the 20 May 2019 following a recommendation from LCC Highways Development Control that the proposal be refused on highway safety grounds (ref. LCC/2018/0049).

Planning Policy

National Planning Policy Framework

Paragraphs 7 - 11, 47, 54 - 55, 80, 102, 109, 118, 124, 127, 130, 170 and 180 are relevant with regard to the following: Achieving sustainable development - the

presumption in favour of sustainable development; Decision making - determining applications and planning conditions and obligations; Building a strong, competitive economy – supporting a prosperous rural economy; Promoting sustainable transport – considering development proposals; Making effective use of land; Achieving well-designed places; and Conserving and enhancing the natural environment – ground conditions and pollution.

National Planning Policy Framework Planning Practice Guidance

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM2 Development Management

Lancaster City Council Core Strategy (2003-2021) – Adopted July 2008

Policy SC1 Sustainable Development
Policy SC5 Achieving Quality in Design

Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD – Adopted August 2014

Policy NPPF1 Presumption in Favour of Sustainable Development
Policy DM27 Protection & Enhancement of Biodiversity
Policy DM29 Protection of Trees, Hedgerows and Woodland
Policy DM35 Key Design Principles

Consultations

Lancaster City Council - No objection subject to the inclusion of conditions requiring submission of a landscaping scheme, and compliance with the Arboricultural Impact Assessment and protected species mitigation report.

Claughton Parish Council - No observations received.

Environment Agency – No objection.

LCC Highways Development Control - No objection subject to the inclusion of a condition to prevent the erection or planting of anything above one metre in height when measured 2.4 metres back from the give way line of the site access road to a point 32.9 metres in a southerly direction to the nearside kerb of Lancaster Road.

As the development requires works within the public highway, any planning permission should include an informative note to require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority.

LCC Specialist Advisor (Landscape) – Provide the following comments in relation to the amended landscaping scheme:

- The proposal to plant native trees and shrubs is commendable and appropriate for the area's landscape character.
- The location of some of the planting would put nearby post and rail fencing and bitmac surfacing, and an overhead telecom cable, at risk from damage as the trees grow and their canopies spread.
- Given the location of the application site within the Forest of Bowland Area of Outstanding Natural Beauty, the appearance of the bitmac surfacing could be enhanced by rolling in a sandy/reddish coloured aggregate. Resin bound gravel could also be considered as an alternative to bitmac. No details are given for the proposed surfacing materials for the rest of the access track beyond the initial section by the junction with the A683 – an appropriate material would be a grass surface sown within load bearing and free draining interlocking 'pavers'.

Forest of Bowland Area of Outstanding Natural Beauty - No observations received.

Representations – The application has been advertised by site and press notice and neighbours have been notified by letter.

One objection has been received about the additional risk to an area of road with existing significant traffic issues and where there have been a number of serious road accidents. The scheme will increase the likelihood of further accidents involving both pedestrians and cars.

Advice

Planning permission is sought for a new vehicular access to Claughton Waste Water Treatment Works. The current access to the treatment works is via a narrow track off the A683 and runs between a number of farm buildings where there is a restricted width and potential for site traffic to damage the buildings. The track is also quite narrow and not fully surfaced along sections and hence access for large vehicles, such as tankers, can be difficult during adverse weather and winter conditions. The current point of ingress/egress off the A683 Lancaster Road is located on a blind bend and deemed to be unsafe from the perspective of highway safety. In the vicinity of the site, the A683 is a 40mph route.

The proposed new access road is required to provide a safe vehicular access to Claughton Wastewater Treatment Works which requires regular visits including by HGVs to check the operation of the site, general maintenance and for sludge removal.

The proposed new junction with the A683 would include radii curves of 6 metres along with associated visibility splays. This would lead to an access track with a total length of approximately 110 metres. To facilitate the junction and the laying of the access track, sections of stone walls and a shed would have to be removed.

The proposal is an amended design to planning application ref. LCC/2018/0049 that was withdrawn by the applicant following a recommendation by LCC Highways Development Control that the proposal be refused on highway safety grounds.

To address these concerns, the applicant has made the following changes to the design of the access junction as follows:

- Change in orientation of the access so that it would be perpendicular to the highway.
- Removal of wall along the front of the highway.
- Existing boundary wall to be moved back to provide improved sightlines and the area between this and the edge of the footway to be surfaced in tarmac so that it would be free of obstructions to provide the required visibility splay.
- A timber field gate to be set back 16 metres from the junction with the A683 to allow vehicles to be clear of the highway whilst the gates are operated. This section of the track is to be constructed from tarmac to ensure that no stone or other materials are pulled onto the highway during use of the track.
- Timber post and rail fence along edge of the access back to proposed access gate.
- Removal of the trees along the edge of the highway to provide improved visibility.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process. The Development Plan for the site comprises the Lancaster City Council Local Plan 2011 – 2031 Development Management DPD, the Lancaster City Council Core Strategy (2003-2021) and the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One,

The main issue is highway safety. LCC Highways Development Control are now satisfied with the design of the access subject to the inclusion of a condition to prevent the erection or planting of anything above one metre in height within the visibility splay. In response, the visibility splays would not be within land that the applicant controls and hence such a condition could not be imposed as it would not be enforceable. However, this area would be surfaced in tarmac and would achieve the same objective. To ensure highway safety, conditions should be imposed to require the following: the access and associated access track should not be brought into use until the full length of the track has been hard surfaced as proposed; the access gate shall open away from the highway; all vehicles shall enter or leave the site in a forward direction; and measures shall be taken at all times during the construction of the development to ensure that no mud, dust or other deleterious materials are tracked onto the A683 by vehicles leaving the site. Any planning permission should also include an informative note to require the applicant to enter into an appropriate Legal Agreement with the County Council under section 278 of the Highways Act 1980 as the proposal would require works within the public highway.

A number of trees, scrub vegetation, sections of two stone walls (separate to the wall along the edge of the A683) and a dilapidated shed within the application site would have to be removed to accommodate the route of the access track.

An Arboricultural Impact Assessment and landscaping scheme has been submitted. The LCC Specialist Advisor (Landscape) has not objected but expressed some concerns that the location of some of the planting would put nearby post and rail fencing and bitmac surfacing, and an overhead telecom cable, at risk from damage as the trees grow and their canopies spread. It is, however, considered that the landscaping scheme is broadly acceptable and would provide adequate compensation for the trees and other vegetation that would be lost. In accordance with Lancaster City Council's comments, conditions should require that the approved scheme shall be fully implemented in accordance with the submitted Arboricultural Impact Assessment.

An ecology survey has been undertaken which assesses the potential of the stone walls, shed, and trees and scrub vegetation on site to support bats, nesting birds and reptiles, namely slow worm and common lizard. The survey concluded that the stone walls and shed showed no evidence of use by bats. The survey states the measures that should be undertaken to avoid negative impacts on any nesting birds and reptiles that may be present. Subject to the inclusion of a condition to require that the avoidance measures for any nesting birds and reptiles at the site are undertaken as stated in the ecology survey, then the proposal is acceptable in relation to nature conservation.

There would be increased noise levels during construction. This can be addressed through a condition to require that effective silencing equipment or sound proofing equipment should be used.

Overall, the development would be in keeping with the character of adjacent areas. It is anticipated that the overall visual change resulting from the proposed development would be minor in nature. Subject to the imposition of the suggested conditions, the development would substantially improve traffic safety, and the landscape and ecology impacts would be acceptable. The development would comply with the requirements of the NPPF and the Policies of the Development Plan.

In view of the scale, location and nature of the proposed development it is considered no Convention Rights as set out in the Human Rights Act 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, Supporting Statement, Ecology Survey Report, Claughton WwTW Site Access Assessment received by the County Planning Authority on 2nd January 2020, and the email and Arboricultural Impact Assessment received by the County Planning Authority on 23rd January 2020.

b) Submitted Plans received by the County Planning Authority on 2nd January 2020:

Drawing Number B27050AP-DRW-001 Rev. 01 - Proposed Site Access With Visibility Splays

Submitted Plans received by the County Planning Authority on 23 January 2020:

Drawing Number 6364/00/97/9400 Rev. B - Landscape Proposals

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 NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policies SC1 and SC5 of the Lancaster City Council Core Strategy (2003-2021), and Policies NPPF 1, DM27, DM29 and DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD.

Highway Matters

3. The vehicular access and associated access track should not be brought into use until it has been surfaced according to the specification as shown on Drawing Number B27050AP-DRW-001 Rev. 01 - Proposed Site Access With Visibility Splays.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy SC5 of the Lancaster City Council Core Strategy (2003-2021) and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD.

4. The re-sited access gates shall open away from the highway.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy SC5 of the Lancaster

City Council Core Strategy (2003-2021) and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD.

5. All vehicles shall enter or leave the site in a forward direction.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy SC5 of the Lancaster City Council Core Strategy (2003-2021) and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD.

6. Measures shall be taken at all times during the construction of the development to ensure that no mud, dust or other deleterious materials are tracked onto the A683 by vehicles leaving the site.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy SC5 of the Lancaster City Council Core Strategy (2003-2021) and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD.

Landscaping

7. The landscaping of the site shall be carried out in accordance with the approved Arboricultural Impact Assessment and Drawing Number 6364/00/97/9400 Rev. B - Landscape Proposals within the first planting season following the new access being brought into use. The landscaping works shall then be maintained for a period of five years including replacement of failed plants, weed control and maintenance of protection measures.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policies SC1 and SC5 of the Lancaster City Council Core Strategy (2003-2021) and Policies DM27, DM29 and DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD.

8. The development hereby permitted shall be carried out in accordance with the approved avoidance and mitigation measures for any nesting birds and reptiles as set out in the submitted 'EcoCheck' report. Where required by the approved mitigation, the measures shall be retained and maintained within the development at all times.

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

Development Management Policies – Part One, Policy SC1 of the Lancaster City Council Core Strategy (2003-2021) and Policy DM27 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD.

Control of Noise

9. All plant, equipment and machinery used in connection with the construction of the development 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 duration of construction works.

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 – Site Allocation and Development Management Policies – Part One, and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD..

Definitions

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

Notes

The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact Lancashire County Council Developer Support Team by email developeras@lancashire.gov.uk to progress the works.

Local Government (Access to Information) Act 1985

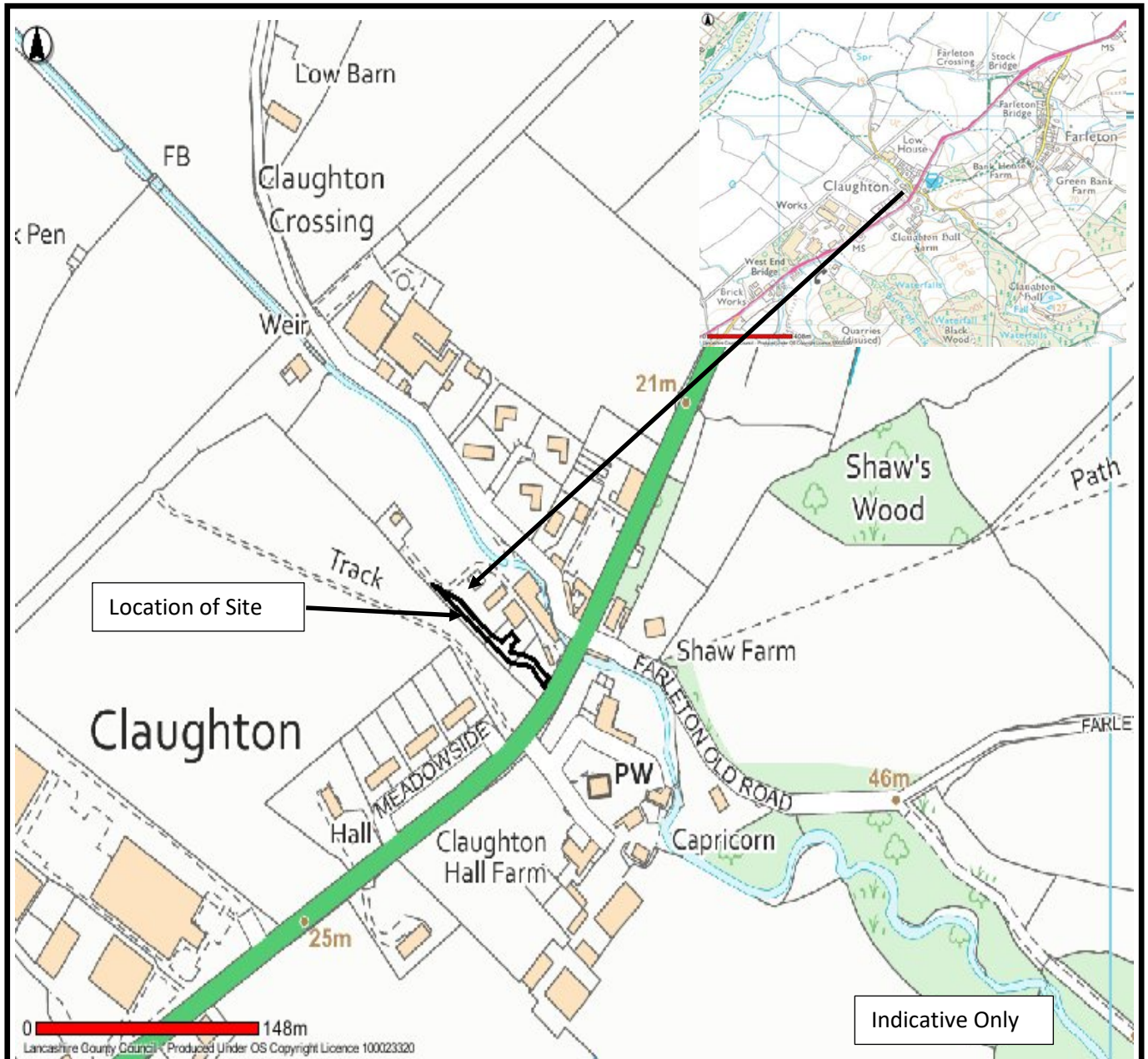
List of Background Papers

None

Reason for Inclusion in Part II, if appropriate

N/A

APPLICATION LCC/2020/0001 CONSTRUCTION OF A NEW ACCESS JUNCTION INCLUDING RELOCATION OF BOUNDARY WALL TO CREATE AN IMPROVED ACCESS TO THE TREATMENT WORKS. CLAUGHTON WASTE WATER TREATMENT WORK UNNAMED TRACK TO NORTH OF A683 CLAUGHTON



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Development Control Committee
Meeting to be held on 4th March 2020

Electoral Division affected: West Lancashire East
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West Lancashire Borough: application number. LCC/2020/0007
Change of use of land and building to storage of recycled aggregate materials as an extension to an existing waste management site/ waste transfer station and skip business. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

Contact for further information:
Rob Jones, 01772 534128
DevCon@lancashire.gov.uk

Executive Summary

Application - Change of use of land and building to storage of recycled aggregate materials as an extension to an existing waste management site/ waste transfer station and skip business. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, site operations, stockpile heights and location, hours of working, highway matters and noise.

Applicant's Proposal

Planning permission is sought for the change of use of an area of land to storage of recycled aggregate materials as an extension to an existing waste management site/ waste transfer station and skip business. The site was previously used for the storage of shipping containers.

The processed aggregate would be produced from the waste processing operations on the adjacent waste transfer station and would be stored in stockpiles up to a height of 9 metres before being exported from the site for use elsewhere. A large derelict building would be demolished to increase the available storage space.

The hours of working within the site would be the same as the applicant's existing waste transfer station :- 0730 to 1800 Mondays to Fridays, and 0730 to 1200 on Saturdays, with no work on Sundays or Public Holidays.

Description and Location of Site

The application site is a flat piece of land with an area of 2.3 hectares and with maximum dimensions of 240 metres by 140 metres. A large derelict building is on site. The site includes part of a 5 metre high planted screen mound along the entire southern boundary.

The application site is immediately to the west of an existing waste management site/ waste transfer station and skip business operated by City Centre Commercials and is located at the eastern end of Simonswood Industrial Estate approximately 800m from the northern edge of Kirkby.

Vehicular access to the application site would be via the existing waste management site within Simonswood Industrial Estate and is achieved from the south side of Stopgate Lane, and then via the internal road that runs through the industrial estate. The existing waste management site has an area of 5.7 hectares and consists of an open yard area used for the storage, sorting, crushing and screening of waste materials, and for the storage of skips and machinery. A waste transfer building, an office building, and a building used as a vehicle repair/maintenance workshop and to house biomass boilers, are located on the west, north and south sides of the site, respectively.

A large building used for storing timber is located on the north side of the internal road that borders the application site, and beyond which are agricultural fields and then Stopgate Lane approximately 370 metres to the north of the site. To the west of the site is another waste transfer station that is not currently operating. To the south is the Kirkby to Wigan railway line with agricultural fields beyond, and to the north-east is a vehicle repair, MOT, de-pollution and breaking area for end of life vehicles.

The nearest residential dwellings are on Siding Lane approximately 260m to the north-east of the application site.

Background

There is no relevant planning history for the application site but it was previously used for the storage of shipping containers.

Land immediately to the east is an existing waste management site that has been the subject of a number of planning permissions since the early 1990's for inert waste recycling uses, the most relevant being as follows:

In 2005, a planning application ref 8/05/1335 was submitted to allow the height of stockpiles on the site to be raised to 9 metres from their permitted height of 5.5 metres. This application was refused. A further application ref 8/06/0128 was submitted in 2006 to allow stockpiles to be increased to 7.5 metres in height. This was also refused. Both of these decisions were appealed. The appeals were dismissed.

Planning permission for the erection of a new wash plant facility for processing of inert waste materials to produce recycled aggregates, was granted in March 2019 (ref: LCC/2018/0050).

Planning Policy

National Planning Policy Framework

Paragraphs 7 - 11, 38, 47, 54 - 55, 80, 82, 102, 108, 110, 117 – 118, 124, 127 - 128, 170, 180 – 181, 183 and 204 are relevant with regard to the following: Achieving sustainable development - the presumption in favour of sustainable development; Decision making - determining applications, and planning conditions and obligations; Building a strong, competitive economy; Promoting sustainable transport – considering development proposals; Making effective use of land; Achieving well-designed places; Conserving and enhancing the natural environment – ground conditions and pollution and taking account of the contribution of recycled materials to the supply of construction materials.

National Planning Policy for Waste - Section 7 is relevant in relation to the determination of planning applications.

National Planning Policy Framework Planning Practice Guidance

Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document

- Policy CS3 Meeting the demand for new minerals
- Policy CS7 Managing Waste as a resource
- Policy CS8 Identifying Capacity for managing our waste
- Policy CS9 Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP)

- Policy NPPF 1 Presumption in favour of sustainable development
- Policy DM1 Management of Waste and Extraction of Minerals
- Policy DM2 Development Management
- Policy WM1 Capacity of Waste Management Facilities
- Policy WM4 Inert Waste Recycling

West Lancashire Local Plan 2012-2027 Development Plan Document (DPD)

- Policy GN3 Criteria for Sustainable Development
- Policy EC1 The Economy and Employment Land – Managing development on employment land - Other Significant Employment Sites – Allocated Waste Sites

Consultations

West Lancashire Borough Council – No comments yet received.

Simonswood Parish Council – The Parish Council strongly object to the application and are of the view that activity on the site has already commenced.

Knowsley Metropolitan Borough Council - No comments received.

Environment Agency – No objection and comment that a new Environmental Permit, or a variation of the existing Environmental Permit, will be required.

LCC Highways Development Control - No objection and comment that the nature and scale of the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.

Health and Safety Executive – No objection.

Lead Local Flood Authority – No comments received.

Network Rail - No comments received.

Representations – The application has been advertised by press, site notice and neighbouring residents have been notified by letter.

Four objections have been received raising the following issues:

- Stockpile heights - the permitted heights of stockpiles are exceeded on the existing City Centre Commercials site. If there is any wind, nearby properties are covered in the dust and debris that blows across.
- Traffic - the number of heavy vehicles from the development will increase the existing impact on the surrounding area and its residents, plus there is a 7.5 tonne weight limit on Stopgate Lane that is not complied with at the moment by HGVs that use the route as a shortcut. This Traffic Regulation Order is in need of review and not fit for purpose because Lancashire Police state they cannot enforce under the current conditions. If permission is granted, then the applicant should be advised to instruct all their drivers and customers that they must not access the site by breaching the weight limit of the Traffic Regulation Order.
- Stopgate Lane and the access to Simonswood Industrial Estate via Stopgate Lane are in dire need of repair and are dangerous so any increase in HGV traffic can only exacerbate the situation. The poor condition of Stopgate Lane is reported to Lancashire County Council on a regular basis, but as soon as existing defects are fixed, the road surface is damaged again by HGVs. If more development is allowed on the industrial estate which results in an increase in HGV traffic, then Lancashire County Council should seek a contribution from the developers for highway improvements.
- Noise – there are questions as to what the noise level will be from the site. At the moment, the noise is very loud when the crusher is running that is presently only used on alternate days. The proposal may result in the crusher operating six days a week with the associated noise.
- Human Rights – the applicant makes a case for environmental recycling as a reason to expand, but residents also have environmental protections under the Human Rights Act.

Advice

Planning permission is sought for the change of use of a 2.3 hectare area of land to store recycled aggregate materials as an extension to an existing waste management site/ waste transfer station and skip business operated by City Centre Commercial. The application site would be used for the storage of recycled aggregate materials in stockpiles up to a height of 9 metres that have been produced by the processing and washing plant on the applicant's adjacent waste transfer station. It is anticipated that there would be a number of stockpiles on the site, the location of which would change on an on-going basis in order to adapt to the storage needs of the business at any given time. No processing would be carried out at the application site other than the storage of washed aggregate materials and their loading onto vehicles prior to being exported from the site for use elsewhere.

The principle issues concern the acceptability of the site to be used for this purpose, the potential to cause nuisance or disturbance to surrounding and nearby land uses from the visual impact, noise, dust and potential light pollution, and from highway safety from a potential increase in heavy goods vehicles that the use of the site may generate.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development it is not only necessary to take into consideration the relevant policies of the Development Plan but also the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies, and the West Lancashire Local Plan 2012-2027.

National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling and requires waste to be managed at the highest level possible within the waste hierarchy. The Framework also seeks to ensure that the planning system supports and secures sustainable economic growth in order to create jobs and prosperity and that account is taken of the contribution that recycled materials can make to the supply of construction aggregates.

Policy CS7 of the Lancashire Minerals and Waste Core Strategy DPD seeks to manage waste as a resource, while Policy CS8 of the Core Strategy DPD seeks to ensure an adequate provision of suitable waste facilities across the county to ensure that waste can be managed as a resource. The proposal would provide space for the storage of recycled aggregate materials produced from the processing and washing of inert waste materials at the adjacent City Centre Commercial site. The proposal therefore complies with the principle of National Planning Policy and with Policies CS3, CS7 and CS8 of the Core Strategy in terms of waste management strategy and the supply of materials to the construction industry.

The location of the site within Simonswood Industrial Estate is subject to Policy EC1 of the West Lancashire Local Plan DPD. This policy supports a mix of industrial, business, storage and distribution uses and waste sites within the allocated area. The proposed site would be used in association with the existing waste management operations at the City Centre Commercials site and hence conforms with Policy EC1.

Policy WM4 supports developments for aggregate recycling facilities at listed industrial estates, including Simonswood Industrial Estate. The location of the proposal is therefore acceptable in terms of the general locational criteria of Policy WM4.

In terms of general environmental impacts, Policy GN3 of the West Lancashire Local Plan requires that proposals for development should be of high quality design and have regard to visual amenity through sensitive design including appropriate siting, orientation, scale and materials. Policy DM2 of the Lancashire Minerals and Waste Local Plan states that development for waste operations will be supported where it can be demonstrated that all material environmental impacts can be eliminated or reduced to acceptable levels.

Four representations have been received concerned that the proposed stockpile height of 9 metres would have a detrimental visual impact on the surrounding area and give rise to wind-blown dust.

Stockpiles on the applicants existing site are limited to a height of 5.5 metres. The applicant proposes that stockpiles within the application site be limited to 9 metres in height.

In relation to the visual impact issues, the location of the site within the industrial estate means it is largely screened by surrounding uses and buildings, while the screening mound along the southern boundary of the site helps to screen the site from the agricultural fields to the south. It should also be recognised that the previous use of the site was for the storage of shipping containers which could be stored to a height considerably in excess of 9 metres in height.

The main issue in relation to the stockpile heights relates to dust. This issue was considered in an appeal in 2006 at the applicant's adjacent site where an Inspector declined to increase the limitation on stockpile heights to 9 metres in height due to potential dust impacts. However, since that date the applicant has installed a washing plant and the purpose of the application site would be to store the washed materials. This should mean that the stored aggregate materials would contain much less fine material than unprocessed waste as it would have been removed by the washing process. The washed material would therefore be less likely to give rise to wind-blown dust issues. This would especially be the case when the washed aggregate is of a certain minimum size. There would be no processing on the application site and this could be the subject of a planning condition. With this in mind and to achieve a compromise with the applicant, it is considered a condition could be imposed requiring that the stockpiles on the site be restricted to a height of 7 metres providing that such stockpiles consist of washed aggregate materials with a minimum size of 10mm.

The site is bounded to the south by a bund approximately 5 metres in height beyond which is the railway line. Although no response has been received from Network Rail it is considered that a condition should be imposed requiring details for the containment of stockpiles to be submitted in order to prevent materials from falling down the outside of the bund towards the railway.

In relation to noise, the applicant has advised that no processes would be carried out at the application site other than the loading of clean materials prior to being exported from the site for use elsewhere. A noise assessment submitted with the application concludes that the likely noise from the new facility would be sufficiently below the existing background and ambient noise levels so as to not noticeably increase the current noise levels. To ensure that the development would not have any noise impacts on the amenities of the nearest residential properties on Stopgate Lane and Sidings Lane, a number of conditions are proposed: that the site shall only be used for storage purposes, any operations at the site should be restricted to the hours of working at the existing City Centre Commercials site; all plant, equipment and machinery should be effectively silenced and sound proofed; and there should be a limit on noise emitted from the development when measured or calculated at the boundary of any nearby residential dwelling.

Policy WM4 of the Lancashire Minerals and Waste Local Plan supports aggregate recycling facilities on the industrial estates named in the policy subject to such facilities being housed with a building. The proposed facility would be in the open air and not in a building. While it is accepted that the proposal would not truly accord with the requirements of Policy WM4, it is considered that the visual, noise and dust impacts could be controlled to acceptable levels such that they would not be detrimental to the amenity of the surrounding area. It is therefore considered acceptable for the storage of the aggregates not to be enclosed within a building.

There are also concerns from local residents that there would be extra traffic on the surrounding road network. In relation to highway impacts, vehicular access to the site is via the internal road that runs through the Simonswood Industrial Estate from Stopgate Lane to the north of the site. No details have been provided as to whether the proposal would result in an overall increase in vehicle numbers to and from the City Centre Commercials site. However, it must be recognised that the site has a historic use as a container storage facility that would have generated HGV traffic. LCC Highways Development Control have no objection and are satisfied that the development should have a negligible impact on highway safety and capacity in the immediate vicinity of the site. A condition should be included to require that all vehicles transporting materials from the site shall be securely sheeted.

The objections from local residents relating to highway impacts refer to the non-compliance with the Traffic Regulation Order to restrict vehicles to 7.5 tonnes in weight along part of Stopgate Lane. However, this is a matter for the police to enforce. An advice note should be included that a 7.5 tonne weight restriction applies to all vehicles (except for access and buses) that may approach the site from the west on Shevington's Lane and from the east on Stopgate Lane. The condition of the current access to the Simonswood Industrial Estate from Stopgate Lane site is poor and pitted with potholes. However, the access is not in the applicant's ownership,

and hence a condition cannot require that the applicant undertake remedial works to resurface the current access to the industrial estate.

Subject to the imposition of conditions, as recommended above, it is considered that the development accords with the requirements of the NPPF, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, and Policies NPPF 1, DM1, DM2 and WM1 of Joint Lancashire Minerals and Waste Local Plan, and Policy GN3 of the West Lancashire Local Plan DPD.

A note should also be attached to any permission in relation to the comments from the Environment Agency that the site operator will need to apply for either a new Environmental Permit, or a variation of the existing Environmental Permit

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

Recommendation

That planning permission be **granted** subject to the following planning 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 received by the County Planning Authority on 07 January 2020.

b) Submitted plans received by the County Planning Authority on 07 January 2020:

Drawing No. P270.1_200 - Site Location Plan

Drawing No. P270.1_201 - Existing Site Plan

Drawing No. P270.1_202 - Existing Site Section

Drawing No. P270.1_203 - Proposed Site Plan

Drawing No. P270.1_204 - Proposed Site 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 CS7, CS8 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policies NPPF 1, DM1, DM2, WM1, WM2 and WM4 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies -Part One, and Policies GN3 and EC1 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Site Operations

3. The site shall only be used for the storage of recycled aggregate materials. No processing activities including the crushing and screening of waste materials shall take place on the site.

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

4. A copy of this permission and all the documents referred to in condition 2 shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

5. Stockpiles at the site shall not exceed 7 metres in height. Any stockpile exceeding 5.5 metres in height shall consist only of single sized washed aggregate with a minimum size in any dimension of not less than 10mm.

Reason: To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

6. No development shall commence until details for the containment of the stockpiles on the southern side of the site have been submitted to and approved in writing by the County Planning Authority. The means of containment shall be sufficient to prevent any aggregate materials from falling towards the adjacent railway line.

The approved measures shall be implemented prior to any stockpiling activities commencing and shall be retained in position throughout the duration of activities on site.

Reason: To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Hours of Working

7. The site shall only be open for the receipt or removal of processed/ recycled aggregate materials during the hours of:-

0730 to 1800 hours, Mondays to Fridays
0730 to 1200 hours, Saturdays

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

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Highway Matters

8. All vehicles transporting aggregate materials 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Control of Noise

9. 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

10. Noise emitted from the development shall not exceed 55dB(A)LAeq, 15min, as measured or calculated at the boundary of any nearby residential dwelling.

The measurements shall be undertaken in accordance with the methodology described in BS4142:2014.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Dust

11. Measures shall be taken at all times during the development to ensure that no dust or wind-blown material from the site is carried on to adjacent property.

Reason: To safeguard the amenity of the local area and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

The Environment Agency has advised that if the storage of aggregates relates to storage of 'waste' aggregate then a new permit (under the Environmental Permitting Regulations 2016) will be required, or consideration given to permit variation, as an extension to the adjacent existing transfer station (Environmental Permit EPR/CP3491EX/EAWML 54307) could apply. Further guidance on making changes to an environmental permit is available at <https://www.gov.uk/guidance/change-transfer-or-cancel-your-environmental-permit>.

If the storage of aggregates relates to product "in accordance with the WRAP Quality Protocol, end of waste criteria for the production of aggregates from inert waste", the storage is unlikely to fall under the definition of waste and therefore the need for the requirement of an environmental permit. Further guidance is available at <https://www.gov.uk/government/publications/quality-protocol-production-of-aggregatesfrom-inert-waste>.

The applicant's attention is drawn to the 7.5 tonne weight restriction that applies to all vehicles (except for access and buses) on Shevington's Lane and Stopgate Lane.

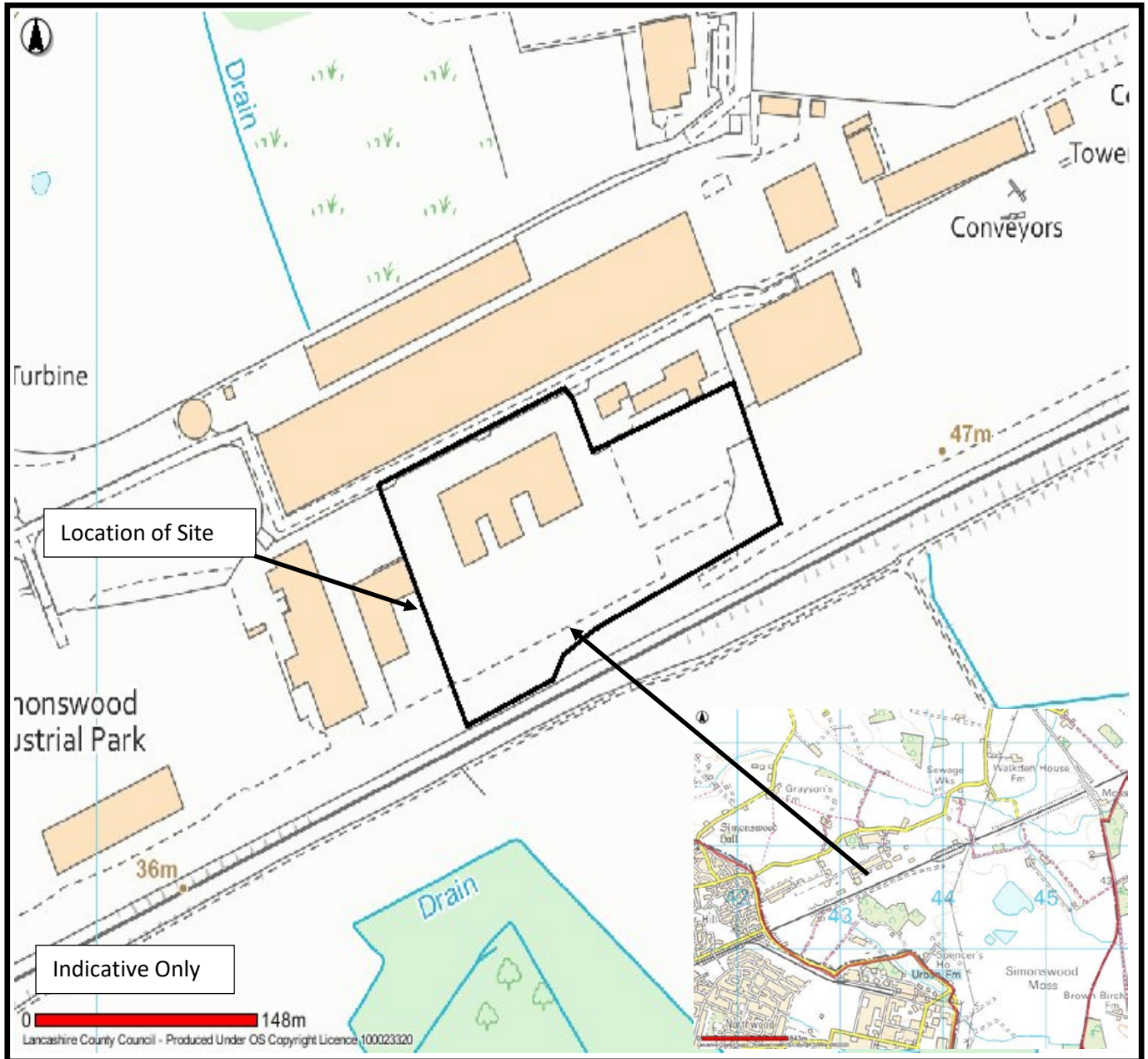
Local Government (Access to Information) Act 1985
List of Background Papers

None

Reason for Inclusion in Part II, if appropriate

N/A

APPLICATION LCC/2020/0007 CHANGE OF USE FROM STORAGE OF SHIPPING CONTAINERS TO STORAGE OF RECLAIMED MATERIAL MOUNDS AS AN EXTENSION OF THE EXISTING WASTE TRANSFER STATION. STOPGATE LANE SIMONSWOOD



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Agenda Item 7

Development Control Committee
Meeting to be held on 4th March 2020

Electoral Division affected: Great Harwood, Rishton and Clayton Le Moors
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Hyndburn Borough: application number. LCC/2019/0070
Provision of a new single storey building to provide a children's respite care unit including vehicle parking, external lighting columns, fencing and landscaping following demolition of existing school.
North Cliffe School site, Blackburn Old Road, Great Harwood

Contact for further information:
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Executive Summary

Application - Provision of a new single storey building to provide a children's respite care unit including vehicle parking, external lighting columns, fencing and landscaping following demolition of existing school.

North Cliffe School site, Blackburn Old Road, Great Harwood.

Recommendation – Summary

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

Applicant's Proposal

The application is for a new single storey building to provide a respite care unit for disabled children. The building would provide 6 bedroom places for children staying at the unit (all with attached bathroom / wet room facilities), 2 bedrooms for supervisory staff together with ancillary dining and kitchen areas, office and reception facilities, communal lounge area, sensory room and laundry room.

The total floor area of the new building would be 532m². The new building would be L shaped with maximum dimensions of approximately 40 metres by 20 metres with a pitched roof with a maximum height of 6 metres to the ridge line. The external elevations of the building would be constructed from red facing brick with buff cast stone quoins to the corners. The windows and doors would have powder coated aluminium frames coloured matt white. The roof would be covered with dark grey concrete roof tiles with matt white soffits and black rainwater goods.

The external areas to the south of the building would be laid out for outdoor play activities incorporating an area of rubber safety surfacing measuring approximately 20 metres by 10 metres, a green house, an area of artificial grass, sensory play and surrounding paving areas. There would also be provision for a bin store, bike store and other outside storage.

To the north side of the building would be a car park with 18 spaces, a drop off area and a turning head for emergency and service vehicles. The car park would be created from the existing school car park but with the addition of 3 no. 4 metre high lighting columns to illuminate the car park area.

There would also be 3 no., 4 metre high lighting columns along the frontage of the building together with a number of 1 metre high lighting bollards adjacent to the access road and other vehicular circulation areas.

Description and Location of Site

The application is located on the site of the former Northcliffe Special School which closed in 2011. The site is accessed via a short access road off Blackburn Old Road, a C class road in the Cliffe area of Great Harwood, approximately 1km north of the town centre.

The site is currently occupied by a number of single storey, flat roofed buildings forming the former school complex together with a tarmac playground and car parking area to the north of the school buildings and further play areas to the south. The land in this area falls from Blackburn Old Road towards the south and the school buildings occupy a flat site that has been excavated into the hillside. This has resulted in the school buildings being below the natural land levels in the north of the site with the playing field to the south being raised above the surrounding land level.

The nearest houses to the site are located on Ridgeway to the west, Blackburn Old Road to the north and North Cliffe to the east. There are a number of trees on the boundaries of the school site particularly adjoining the properties on Blackburn Old Road and Northcliffe.

The land to the south of the school is located within the Green Belt. Parts of the existing playgrounds and ancillary school buildings marginally impinge on the Green Belt.

Background

The site is a former special school. Planning permission was granted in 2002 for a canopy over the playground to the rear of the school building (ref 11/02/324)

Planning Policy

National Planning Policy Framework : Paragraphs 11, 47 – 48, 54 -55, 108 – 109, 118,127 – 130, 143 – 146 and 174 - 175 are relevant with regard to the presumption in favour of sustainable development, determining applications, planning conditions,

transport considerations, using brownfield land, achieving well designed places, Green Belt and habitats and biodiversity

Hyndburn Borough Local Plan – Development Management Policies

Policy GC1 Presumption in favour of sustainable development

Policy GC 2 Infrastructure, planning Obligations and CIL

Policy DM8 Delivering Schools and Early Learning

Policy DM14 Housing with care for older people and people with disabilities

Policy DM17 Trees Woodlands and Hedgerows

Policy DM18 Protection and Enhancement of the natural environment

Policy DM19 Protected Species

Policy DM26 Design quality and materials

Policy DM29 Environmental Amenity

Policy DM32 Sustainable transport, traffic and highway safety

Policy DM34 Development in the Green Belt and countryside area

Consultations

Hyndburn Borough Council: - No objection but draw attention to the need to consider residential amenity, highways and impacts on trees. Hyndburn Borough Council's Tree Officer raises objection in relation to the impact on trees in particular to the loss of 4 trees on the boundary of the site which it is considered provide a high level of visual amenity and screening for the surrounding properties. The Borough Council consider that suitable tree replacement should be carried out for any trees that are removed. Conditions are also recommended to address any protected species issues that will arise from the demolition of the existing school building.

LCC Highways Development Control: Highways note that Blackburn Old Road benefits from a 30 mph limit but that there is a history of collisions due to excessive speed and drivers losing control. To maintain suitable visibility at the access onto Blackburn Old Road, Highways request that double yellow lines are placed along Blackburn Old Road. Highways also request conditions relating to provision of turning and parking area and provision of a secure, covered cycle shelter

County Landscape Service : Raise issues in relation to the trees within and on the boundary of the site in particular to better define which trees would be removed Landscape suggest that a larger number of trees on the site should be retained to better address the visual impact of the new development. Comments are also made on the design and location of the proposed mitigation planting in relation to the car parking area and the Green Belt.

Natural England: No comment to make.

Lead Local Flood Authority: No comment to make.

LCC Ecology Advisor: The proposals would result in the loss of two bat roosts and a Natural England licence would be required. Prior to determination, the applicant should submit details of the replacement bat roosts. The applicant should also be requested to reposition the building in order to avoid impacting upon the trees on the

eastern edge of the site and that adequate compensation be provided for any trees that do require removal. Conditions are requested in relation to protection of retained vegetation and provision of a habitat creation / landscaping plan. Attention is also drawn to the need to comply with the legislation regarding nesting birds and bats

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Twenty three representations have been received comprising 14 objections, 3 in support and a further 7 providing general comments or requesting further information on the proposal.

The objections can be summarised as follows:-

- The proposed development is out of character with the existing residential land uses and will result in a loss of daylight to adjoining property
- The planning application does not properly explain the purpose of the building
- The proposed fencing and lighting will be detrimental to local amenity and the fencing will create issues maintaining existing boundaries.
- Why is the fencing required and is the need for fencing indicative of the nature of the residents staying in the unit.
- The development will result in an increase in noise levels particularly during the evening and night.
- The numbers of people staying at the unit will be difficult to control and there are concerns about the nature of the residents, how they will interact with the local community and how concerns about the safety and welfare of existing residents will be addressed
- The school site has become valuable for wildlife and an assessment should be made of the impacts on habitats
- Residents have not been adequately consulted.
- The access onto Blackburn Old Road is dangerous
- The development must safeguard existing rights of access over the access road
- The proposal is a waste of public money
- The site is in the Green Belt and is a Site of Special Scientific Interest

The representations of support state that the aim of the building is laudable and that the County Council should be supported in its efforts to provide respite care which will provide a valuable community asset. It is considered that the buildings would not have a significant impact on the amenity of residents living around the site and would result in the removal of the existing derelict school buildings.

The seven residents raising general comments have requested further details about the nature and purpose of the building. A number of residents have also raised comments about the need to remove or retain the existing trees or hedgerows on the boundary of the site. These residents have been sent further communication explaining the proposal in more detail.

Advice

The planning application is for a short stay respite care unit for children between birth and 18 years of age who have a range of life limiting physical and mental disabilities. For many of these children, the family home is the most appropriate caring environment. However, there may be times when parents / carers cannot be at home or wish to take a break from caring responsibilities. The short stay unit would allow such children to stay in a supervised caring environment for short periods such as overnight, weekends or short breaks to ensure that their care needs are fully provided for as set out in their individual Education Health and Care Plans.

There has been a long standing commitment by the County Council to close eight existing short break units and to establish three new overnight residential units across Lancashire. The first of these units opened in 2015 and the second unit, the subject of this planning application, would replace the existing provision at Hargreaves House in Oswaldtwistle as this building is in poor condition with little external play area. The new building would help to ensure that the County Council can provide respite care to the families of children with disabilities which are of modern standard and which provide the full range of facilities which are required.

The building would provide accommodation for up to 6 children and two staff at any one time. As well as children's bedroom space, the building would provide overnight accommodation for two staff as well as the ancillary facilities that are needed for this type of provision (office / reception, dining / lounge area, medicine room, sensory room and wheelchair accessible bathroom areas). The proposal also includes outdoor play and recreational space in order to provide the full range of facilities needed for these children.

Paragraph 47 of the National Planning Policy Framework requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise. The relevant development plan policies for this site are contained in the Hyndburn Development Management Plan Document. The main planning issues to consider include the design of the new building including its relationship to the adjacent houses and protection of their amenity, highway safety, impact on the Green Belt and issues relating to ecology / landscaping.

Design and Local Amenity

Paragraph 118 of the National Planning Policy Framework states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. The application site is a former school site and the proposals would assist in returning the site to a beneficial use and removing the former school buildings which do little to enhance the local environment in this area.

Policy DM26 of the Hyndburn Development Management Plan Document relates to design quality and materials and requires that new development will be expected to consider a number of factors in overall scheme design including reinforcing locally distinctive patterns of development, the relationship between new development and its surroundings, height and massing and impact on views and materials and lighting.

The site is was formerly used as a special school and is comprised of a single storey, flat roofed structure together with assorted outbuildings. All of the existing structures would be demolished to allow the construction of the proposed building. The new building would be located towards the eastern side of the existing school site with the western side of the existing school site being restored following the demolition works. The western end of the site is reserved by the applicant for the location of a future adult respite care unit which would need to be the subject of a further planning application.

The land in this area falls from north to south and the existing school site has been constructed using a cut and fill technique to create a flat site. This has resulted in the floor level of the existing school buildings being approximately 4.5 metres lower than the houses on Blackburn Old Road. Most of the houses on Northcliffe in the area close to the proposed new building are approximately on the same level as the existing school.

The separation distances between the new building and the houses on Blackburn Old Road would be around 60 metres compared to 53 metres to the existing school. To the houses on Northcliffe, the new building would be approximately 23 metres distant compared to approximately 25 metres to the existing school building. The proposed building would be constructed on the same floor level as the existing school. Whilst it would be a single storey structure, it would have a pitched roof to a ridge height of 6 metres, approximately 2 metres higher than the roof line of the existing school. Although there may be some loss of outlook compared to the existing situation, particularly to the houses on Blackburn Old Road and Northcliffe, it is considered that the separation distances are sufficient and that there would be no unacceptable overlooking or shadowing impacts.

The building would be constructed from red brick with artificial stone quoins with a concrete tiled roof. The building is located at the end of an access road leading from Blackburn Old Road and is therefore screened from the existing properties which front the surrounding roads and the site is not prominent in the street scene. The existing properties do not have any particular local vernacular or predominant architectural style and it is considered that the proposed design and materials are acceptable in this location.

A number of local residents have raised concerns about the nature of the people who would stay at the unit and associated risks for their safety and security. It should be noted that the building is not designed for the rehabilitation of criminals or treatment of addiction problems. Due to their disabilities and health issues, all children staying at the site would need supervision and care at all times and access to and from the building would be controlled by staff. For these reasons the concerns of some local residents in this respect are unfounded and the development would not give rise to any amenity impacts by way of noise especially compared to the previous use of the site as a school. The original proposal contained provision for two metre high security fencing around the northern and eastern boundaries of the site. The fencing was the subject of some concern from local residents in relation to its visual impact and being able to maintain their boundaries and to address these concerns it has now been removed from the proposal.

New lighting is proposed around the car park area and the front of the building comprised of 6 x 4 metre high lighting columns, 6 x 1 metre high lighting bollards and a number of lights mounted on the walls of the new building. A number of the representations received from local residents raise issues about the impacts of the lighting. The proposals are accompanied by a lighting assessment showing the predicted light spill. This shows that the light spill to the properties would be minimal and largely restricted to the garden areas where they immediately adjoin the boundary with the application site. The lighting would be fitted with PIR movement detector controls so that it would only be fully illuminated when movement within the external areas is detected and would be dimmed to 10% of maximum output at other times. The impacts of the lighting are therefore considered acceptable subject to a condition requiring the lighting system and controls to be implemented as set out in the application.

Highways

Paragraph 108 of the National Planning Policy Framework requires that development proposals should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

The site is accessed off Blackburn Old Road by means of a short access road. Blackburn Road is subject to a 30 mph restriction but LCC Highways note that there is a history of accidents in this area due to excessive speed. However, given the low level of traffic generation of this proposal, Highways do not raise any objection subject to the removal of the existing 'school keep clear' markings on Blackburn Old Road and their replacement with no parking double yellow lines. This would help to retain visibility for traffic emerging onto Blackburn Old Road from the site access.

Policy DM32 of the Hyndburn Local Plan addresses sustainable transport issues and requires that all development proposals should actively encourage and prioritise sustainable travel modes and should meet the local parking standards.

Although the site is not particularly accessible by public transport, it should be noted that the users of the proposed building would be young and also disabled and are therefore very unlikely to be able to use public transport and would be brought to the site in cars or specially adapted vehicles. The proposals would provide 16 car parking spaces together with two disabled spaces. Whilst the parking provision would be significantly above the levels in the policy of one space per 5 bedrooms and 1 space per 10 visitors and staff, the parking spaces already exist at the site being a refurbishment of the former school parking area. It would be unreasonable to request that the existing parking spaces are removed to meet the levels in the standards. The proposals is therefore considered acceptable in relation to Policy DM32.

Taking into account the above issues, the proposals are considered acceptable in terms of highways issues subject to conditions being imposed regarding the parking restrictions on Blackburn Old Road and the remarking of the car park and provision of secure cycle storage.

Ecology / Landscape

The National Planning Policy Framework requires that development is visually attractive as a result of good landscaping and should contribute to enhance the natural environment by minimising impacts and providing net gains for biodiversity (paragraphs 127 and 170). Policies DM17, DM18 and DM19 of the Hyndburn Borough Development Management policies require that the natural environment will be protected from damage and that proposals that would have an adverse impact on species of principle importance will not normally be permitted and that suitable mitigation measures be required where impacts would occur. Policy DM17 requires that development proposals must seek to avoid the loss of existing trees and where tree loss cannot be avoided, compensatory planting should occur at a ratio of at least 3:1.

The application site has a number of trees, both adjacent to the existing school buildings and on the boundaries of the site. The application is accompanied by a tree survey which identifies the trees to be removed and their quality. The original application identified that nine trees would require removal within the site itself, a number of which were assessed as category A (good) trees. Whilst the trees immediately next to the existing school building will still have to be removed, the proposals have been amended so that only one significant tree on the boundary with Northcliffe will require removal. It is considered that the retention of the other trees will assist in the landscaping of the site and will mitigate some of the visual impacts of the new building when seen from the houses on Northcliffe. This can be the subject of a planning condition along with a requirement to undertake additional planting to mitigate for the trees that have to be removed. On this basis the development is acceptable in relation to Policy DM17.

The site is not subject to any ecological designations but an ecological survey of the existing school site has identified two bat roosts within the existing school building. As the building would be demolished, there would be impacts on European protected species. In such cases development should not be supported unless it can be demonstrated that three tests in Policy DM19 can be satisfied; these are that it can be demonstrated that there is no satisfactory alternative, the development is in the overriding public interest and that the proposal would not have an unacceptable impact due to the incorporation of appropriate mitigation measures. In relation to these tests, the existing school building is in a very poor condition and could not reasonably be adapted to provide the type of facilities required by the intended users of the new building. It is also considered that there is a public interest case for providing the facility to ensure the provision of sufficient accommodation of the required standard for disabled children. The protected species affected by this development (pipistrelle bats) can be mitigated by providing replacement roosting features either on the elevations of the new building or on the retained trees. It is therefore considered that the three tests in Policy DM19 are satisfied.

Provided that conditions are imposed regarding implementation of mitigation measures, techniques to be used for the demolition of the existing building and protection of retained vegetation, it is considered that the development is acceptable in terms of landscape and ecology considerations and complies with Policies DM17, 18 and 19 of the Hyndburn Borough Development Management policies.

Green Belt

The existing school site straddles the Green Belt boundary and some of the existing school playground and part of a two - classroom teaching block lie within the Green Belt. The new short stay unit would be outside of the Green Belt but some elements of the new external play area and greenhouse would lie within the Green Belt. Paragraph 145 of the National Planning Policy Framework states that new buildings within the Green Belt should be regarded as inappropriate except for the complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. In this case, the proposed development would only affect a very small area on the edge of the Green Belt and would not have a greater impact on the openness of the Green Belt than the existing development. The proposal is therefore considered acceptable in terms of paragraph 145 of the National Planning Policy Framework.

Conclusions

The proposed development would involve the reuse of previously developed land to provide a facility required for the provision of high standard respite care. The new building would be acceptable in relation to design and the amenities of local residents and would have no unacceptable impacts on highway safety, ecology or the openness of the Green Belt. The proposal is therefore considered acceptable in terms of the policies of the National Planning Policy Framework and the Hyndburn Borough Development Management Policies.

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, except as otherwise required by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application received by the County Planning Authority on 16th December 2019

b) Submitted Plans and documents:

Drawing A100 Rev B Existing Site Plan
Drawing A210 Rev K Proposed Site Plan
Drawing A260 Rev E Proposed Elevations
Drawing 6820 - EP Rev B Proposed External Lighting Plot
Drawing A220 Revision F Proposed Ground Floor Plan

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

Reason: To minimise the impact of the development on the amenities of the local area and to conform with policies DM17, DM18, DM19, DM26, DM32 and DM34 of the Hyndburn Borough Development Management Policies.

3. The building materials used for the external elevation and roof of the building shall conform to those shown on drawing A260 Revision E.

Reason: In order to ensure a high standard of design in the interests of the visual amenities of the areas and to conform with Policy DM26 of the Hyndburn Borough Development Management Policies.

4. The external lighting shall conform to the design shown on Drawing 6820 - EP Rev B Proposed External Lighting Plot and shall be operated in accordance with the details on that drawing at all times.

Reason: In the interests of local amenity and to conform with Policy DM26 of the Hyndburn Borough Development Management Policies.

5. The building shall not be brought into use until parking restrictions on Blackburn Old Road have been implemented in accordance with a scheme and programme to be first submitted to and approved in writing by the County Planning Authority.

The scheme and programme shall contain details of the following:-

- a) Removal of the existing 'school keep clear' markings from the carriageway surface.
- b) A drawing showing the areas of Blackburn Old Road that are to be subject to no parking restrictions in order to ensure adequate visibility for traffic emerging from the site access onto Blackburn Old Road.

Reason: In the interests of highway safety and to conform with Policy DM32 of the Hyndburn Borough Development Management Policies.

6. Demolition works to the existing building shall take place in accordance with the bat mitigation measures described in section 7.6 of the submitted Ecological Appraisal.

Prior to any demolition works commencing the bat mitigation measures shall be erected in accordance with the details in the email from Design and Construction dated 13th February 2020.

Reason: To ensure the provision of implementation measures for European protected Species and to conform with Policy DM19 of the Hyndburn Borough Development Management Policies.

7. Prior to the development being brought into use the car parking area including disabled spaces and secure cycle parking shall be provided and laid out as shown on Drawing A210 Rev K - Proposed Site Plan.

Reason: In the interests of highway safety and sustainable transport and to conform with Policy DM32 of the Hyndburn Borough Development Management Policies.

8. The trees shown shaded in green on drawing A210 Rev K shall be retained and protected from damage using fencing or other suitable means of demarcation during construction works.

Reason: In the interest of local amenity and to ensure the retention of important landscape features and to conform with Policy DM17 of the Hyndburn Borough Development Management Policies.

9. Within six months of the date of this planning permission, a scheme and programme for the landscaping of the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall include details of the following:

- a) Details of the ornamental planting to be carried out around the building.
- b) Native tree and hedge planting to be undertaken in the field to the south of the building to mitigate for the trees that are removed as part of the development. The mitigation planting shall be undertaken at a ratio of 3:1 for the trees that are removed. The details shall contain information on the location of planting works, sizes, types and species to be planted, planting techniques and protection measures.
- c) Details for the restoration of all land within the Northcliffe school site that is outside of the footprint of the new development.

The new planting works and land restoration shall be undertaken not later than the end of the first planting season following the development being brought into use.

Reason: In order to secure the proper landscaping of the site and to conform with Policies DM17 and DM26 of the Hyndburn Borough Development Management Policies.

10. No demolition, construction development, delivery or removal of materials shall take place outside the hours of:

08.00 to 18.00 hours Monday to Friday (except Public Holidays),
08.00 to 13.00 hours on Saturday.

No construction development, delivery or removal of materials shall take place at any time on Sundays or Public Holidays.

This condition shall not however operate so as to prevent the use of pumping equipment and 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 DM26 of the Hyndburn Borough Development Management Policies.

11. Measures shall be taken at all times during demolition and construction works to minimise the generation of dust.

Reason: In the interests of the amenities of local residents and to conform with Policy DM26 of the Hyndburn Borough Development Management Policies.

Definitions

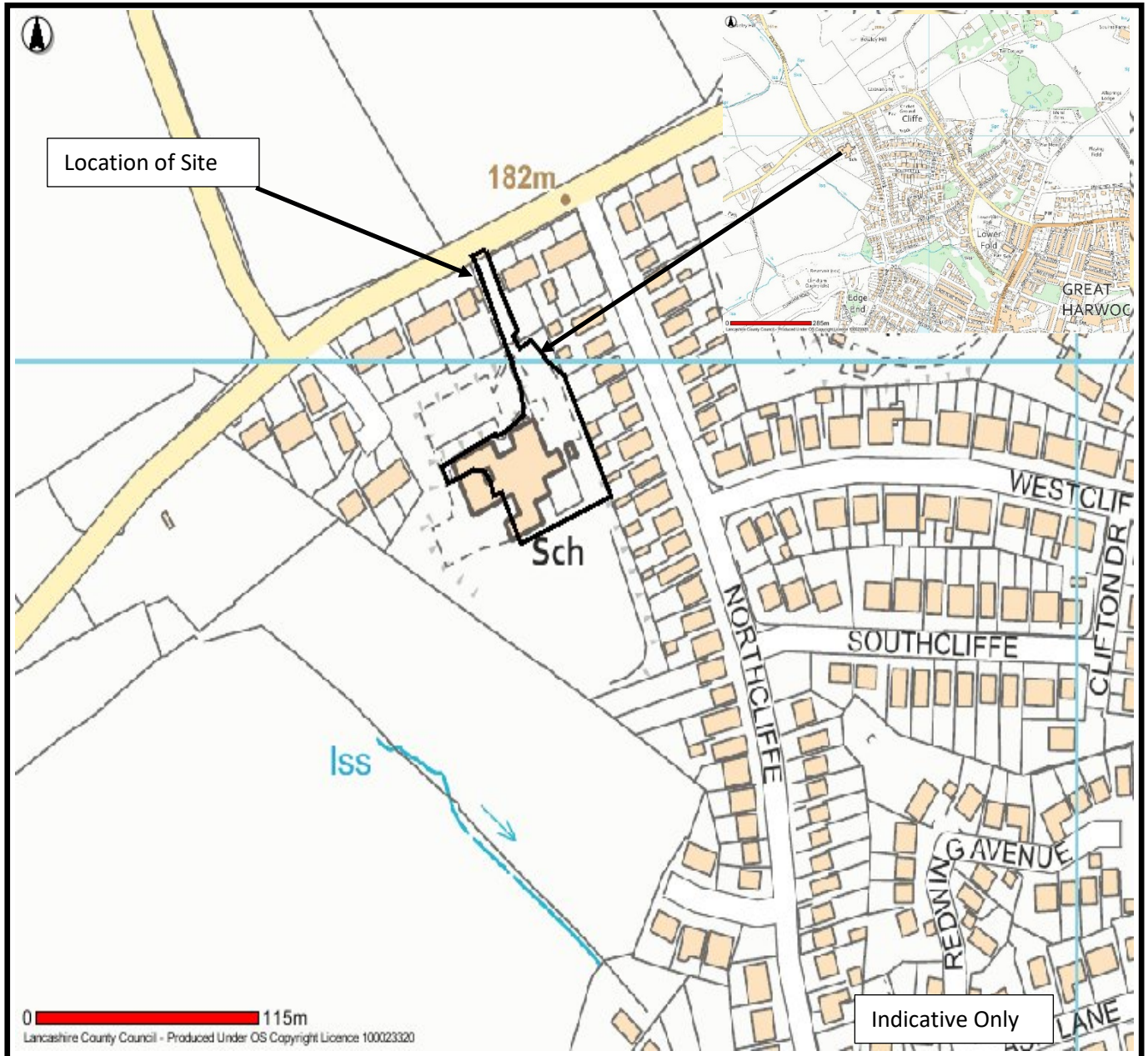
Planting Season: The period between 1 October in any one year and 31 March in the following year.

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

None

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

APPLICATION LCC/2019/0070 CHANGE OF USE TO CLASS C2 RESIDENTIAL INSTITUTIONS AND DEMOLITION OF EXISTING BUILDING (FORMER SEN SCHOOL) AND OUT BUILDINGS. PROVISION OF A NEW SINGLE STOREY BUILDING FOR OVER NIGHT SHORT BREAK UNIT INCLUDING VEHICLE PARKING EXTERNAL LIGHTING COLUMNS FENCING AND LANDSCAPING. NORTH CLIFFE BUILDING BLACKBURN OLD ROAD GREAT HARWOOD



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Agenda Item 8

Development Control Committee
Meeting to be held on 4th March 2020

Electoral Division Affected: All

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

Contact for further information:

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Executive Summary

Planning decisions 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 22 January 2020, the following decisions on planning matters have been taken in accordance with the County Council's Scheme of Delegation.

Lancaster

Application: No. LCC/2019/0067
White Cross Industrial Estate, The Gatehouse Restaurant, South Road, Lancaster.
Change of use from restaurant to workshop units.

Preston

Application: No. LCC/2019/0056
English Martyrs Junior School, Sizer Street, Preston.
Erection of an outdoor classroom.

South Ribble

Application: No. LCC/2019/0058
Plot 3.4/Building 2 Lancashire Business Park Enterprise Drive Leyland.
Erection of B2/B8 use class industrial units (8 no) including ancillary first floor B1 office space or mezzanine storage together with associated car parking service area refuse storage landscaping and new vehicular access.

West Lancashire

Application: No. LCC/2019/0059

White Moss Horticulture, Simonswood Moss, North Perimeter Road, Kirkby.
Erection of workshop building.

Chorley

Application: No. LCC/2019/0015NM1

Land to South of Harrisons Farm, Old School Lane, Adlington, Chorley.

Non material amendment to allow heavy goods vehicle movements along Park Road during school holidays without any timing restrictions.

Application: No. LCC/2019/0015/1

Land to South of Harrisons Farm, Old School Lane, Adlington, Chorley.

Compliance with conditions 3 - details of edge protection around surface of detention tank, condition 5 - details of an intrusive site investigation, condition 14 - details of landscape and habitat creation.

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