

**Development Control Committee**  
Meeting to be held on 16 June 2021

Electoral Division affected:  
Fylde West

**Fylde Borough: Application number LCC/2020/0043**  
**Extension of timescales in condition 6 of permission LCC/2016/140 to allow grading and restoration of bund by 31 December 2021. Ream Hills Farm, Mythop Road, Weeton.**

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### **Executive Summary**

Application - Extension of timescales in condition 6 of permission LCC/2016/140 to allow grading and restoration of bund by 31 December 2021. Ream Hills Farm, Mythop Road, Weeton.

### **Recommendation – Summary**

That planning permission be **granted** subject to planning conditions controlling time limits, working programme, site operations, water courses, hours of operation, control of noise and dust, final restoration levels, landscaping and aftercare.

### **Applicant's Proposal**

The application is made to provide additional time to allow the completion of grading and restoration operations on a bund feature that has been formed from imported inert wastes.

Condition 6 of planning permission LCC/2014/0160 requires that the bund construction operations shall cease not later than two years and three months from the date of their commencement as notified to the County Planning Authority and the site shall thereafter be finally restored within a further period of one year in accordance with the scheme and programme of restoration approved under the provisions of condition no. 5.

The bund construction operations should have ceased by mid-February 2020, but the bund has not yet been completed to its approved dimensions. The applicant therefore seeks to extend the end date for the completion of the bund construction operations until 31 December 2021.

## **Description and Location of Site**

The application site is an area of agricultural land measuring 3.0 hectares in area at Ream Hills Farm, which is located approximately 1.4km west of Weeton and 200m north of the M55 motorway.

The approved bund is located adjacent to an existing field boundary with a hedge/ditch to the west of Ream Hills Farm. The ditch forms part of the Mythop Main Drain and is designated as a main watercourse by the Environment Agency. To the east/north-east of the application area is a lake and surrounding land that is used for leisure/tourism purposes as a camping/caravan site with a number of lodge type accommodation units. Wildings Hill Wood is located to the south west of the application site but would not be directly affected by the bund.

The application site and surrounding land is designated as a Countryside Area in the Fylde Borough Local Plan.

## **Background**

A planning application for the construction of a bund was refused by the County Council in October 2014 (ref. LCC/2014/0105).

A planning application for the construction of a bund on the existing site (and on a similar site to the refused planning application LCC/2014/0105) was refused by the County Council in January 2015 (ref. LCC/2014/0160) for the following reason:

1. The development is not considered to be essentially required in order to support the continuation of the existing tourist facilities and by reason of scale and design would harm the character of the surrounding countryside. The development is therefore contrary to Policies SP2 and EP11 of the Fylde Borough Local Plan.

An appeal against the refusal of planning application LCC/2014/0160 was allowed by the Planning Inspectorate on 16 October 2015 and hence planning permission LCC/2014/0160 was granted (Appeal ref. APP/Q2371/W/15/3064083).

The Ream Hills Farm site also benefits from a number of planning permissions granted by Fylde Borough Council for the use of parts of the farm for leisure / tourism uses.

## **Planning Policy**

### **National Planning Policy Framework**

Paragraphs 1 – 4, 7 - 12, 38, 47, 54 - 55, 80, 83 - 84, 127,170, 175, 180 and 183 are relevant with regard to the following: Introduction; 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; Making effective use of land; Achieving well-designed places; Conserving and enhancing the natural environment – habitats and biodiversity, and ground conditions and pollution.

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

National Planning Practice Guidance

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

Policy CS7 Managing Waste as a resource

Policy CS9 Achieving Sustainable Waste Management

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

Fylde Local Plan to 2032

Policy DLF1 Development Locations for Fylde

Policy GD4 Development in the Countryside

Policy GD7 Achieving Good Design in Development

Policy ENV1 Landscape

Policy ENV2 Biodiversity

## **Consultations**

Fylde Borough Council – No objection but advise that the Borough Council have occasionally received complaints regarding the condition of the road surface and breaches of condition 15 relating to hours of operation.

Weeton-with-Preese Parish Council – No objection.

Staining Parish Council: strongly object and recommend refusal. The Parish Council and residents of Staining have noted an enormous and unacceptable increase in HGV traffic on the newly repaired Mythop Road. This is a rural access road that is not designed for traffic of this ilk. Approving another retrospective application will result in the highway requiring resurfacing once again. There are serious concerns as to the degree to which the owner of the property submits retrospective applications for planning matters. The Parish Council ask how many times someone is allowed to submit retrospective planning applications, and if there is a point at which planning authorities can deny the submission of such applications.

Lancashire County Council Highways Development Control – There have been numerous complaints about mud being tracked out of the site and a car left skidded off the road in summer 2020. There is also a large concrete block situated next to the access which prevents waggons from entering and exiting the site without causing damage to the verge and edge of the carriageway. LCC Highways therefore request that all operations on the site cease until these issues are addressed. Several

conditions relating to wheel cleaning and layout of the access are requested should permission be granted for a continuation of operations.

Environment Agency (EA) – No objection. The EA state that they have received declarations from the site operator relating to the movement of waste soils into the site under the procedures that exist for the management of waste outside of the formal permitting process. These declarations show that the site received 119,000m<sup>3</sup> of material between March 2019 and July 2020. This contrasts with the bund volumes in the original planning application which were stated as 45,000m<sup>3</sup>. The EA therefore recommend that it would be beneficial to require information from the operator as to how much material has been accepted and how much is still required to complete the bund

Natural England - No objection.

Lancashire County Council Specialist Advisor (Ecology) – No objection.

Lead Local Flood Authority – Awaiting observations.

Representations – The application has been advertised by site notice, press notice and neighbours have been notified by letter. Three representations have been received as follows:

- Councillor John Singleton objects to the planning application as the development is ruining the local lives of residents of Staining and Weeton, mainly retired and who seek some peace, due to dozens of large HGVs using Mythop Road every day from the early hours in the morning until late afternoon. It is making a very busy road that is used by residents of Staining and Weeton even more so. Cllr Singleton is aware that the use of HGVs on a country road is not a valid reason to refuse an application but if the committee grant this application he strongly advises that a stipulation is made that no vehicles should operate before 10.00am and no later than 4.00pm. Furthermore, no vehicles should use Staining Village for access to the Reams Hill Site.
- The other two representations raise the following issues:
  - HGVs to this site start at 7.00am and continue until 7.30pm causing noise and disruption in Weeton village.
  - Mythop Road has recently been resurfaced but is already showing signs of wear and subsidence which is a road safety risk.
  - There are too many HGVs visiting this site which makes Mythop Road into an industrial road rather than a country lane.
  - Mythop Lane is left in a dirty condition and the road sweeper that is employed is not very effective.
- A cyclostyle letter signed by eight residents of Mythop Road has also been received. The residents strongly object to the application on the grounds that there have been continual HGV movements along Mythop Road for three years resulting from the use of Ream Hills Farm as an HGV depot and then the construction of the mound. These activities subjected residents to noise from

4.30am to 7.30pm on most weekdays and most of the day on Saturdays resulting in noise and vibration impacts, damage to the road surface and spreading of debris on the highway. The works continued after the permitted completion date of February 2020. Some HGVs also pass through Weeton village and have to reverse into the site which is very dangerous. The conditions set down in the appeal decision have not been complied with.

## **Advice**

Planning permission LCC/2014/0160 was granted on appeal by the Planning Inspectorate on land forming part of Ream Hills Farm for the construction of screening bund measuring between 2 and 2.5 metres high, approximately 30 metres wide and 500 metres long.

Condition 6 of planning permission LCC/2014/0160 requires that the bund construction operations shall cease not later than two years and three months from the date of commencement. Work to construct the bund commenced in mid-November 2017, and hence the bund construction operations should have ceased by mid-February 2020.

Following concerns received from a local resident regarding the activities continuing beyond the authorised date, a site visit was undertaken which confirmed that bund construction operations were still ongoing. The applicant therefore submitted this application which initially proposed to continue the importation of fill materials until 30 June 2021 with a further time period for grading and restoration works.

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 is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and the Fylde Local Plan to 2032.

At the time of the planning application, importation of waste had taken place over approximately one half on the total length of the proposed bund. Following a site inspection by officers, it appeared that certain areas of the mound considerably exceeded the levels permitted by planning permission LCC/2014/0160. The site operator was therefore asked cease any further operations and to undertake a survey in order to assess the volumes of waste that had already been imported against those that were required to construct the mound to its permitted dimensions. The survey confirmed that approximately 34,000m<sup>3</sup> of material had already been imported which was sufficient to construct the mound to its approved dimensions with heights of between 2 and 2.5 metres. On that basis the operator does not now intend to import any further waste materials but still requires more time to complete

the regrading of the mound to reach the approved contours, to restore the mound using topsoil and undertake landscaping works including tree planting. The applicant estimates that these works can be completed by 31 December 2021.

It will be noted that the Environment Agency have commented on the volumes of materials that have been imported to the site. Having received the survey, the Environment Agency state that they are reassured that the developer has not exceeded the volume that they have planning permission for. However, the EA do have concerns that their protocols related to the movement of waste outside of the permitting system have not been followed correctly. This is a matter for the EA to address and has no planning implications.

It will be noted that a number of comments have been received from Staining Parish Council and local residents in relation to HGV movements and issues of mud and debris being deposited on Mythop Road. Lancashire County Council Highways have also raised similar issues. However, as the importation of material to the site has now been completed, these issues should not occur in future. A condition can be attached to any planning permission requiring that no further material shall be imported.

The site is not particularly visible in the local landscape and it is considered that a short extension of time beyond the previously considered restoration timescale would not have any unacceptable visual impacts. The site is distant from the nearest residential properties and therefore any operations required to grade the mound would not have an impact on local amenity. Conditions should be attached to any further permission requiring the deposited waste materials to be graded to the approved contours by 30 September 2021 and for all landscaping / tree planting works to be completed by 31 December 2021. On that basis, the visual and local amenity impacts are considered acceptable and comply with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Planning conditions were also attached to permission LCC/2014/0160 to ensure that the development would be carried out in accordance with the submitted plans, hours of operation, control of noise and dust, final restoration levels and landscaping / aftercare. Provided that these planning conditions are updated and attached to any new permission, it is considered that the extension of time would accord with Policy CS9 of the Lancashire Minerals and Waste Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy GD7 of the Fylde Local 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 1998 would be affected.

## **Recommendation**

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

## **Time Limits**

1. The operations to regrade the site to its approved contours as shown on drawing RH/04342/09 Rev B shall cease by 30 September 2021 and the site shall thereafter be finally restored in accordance with condition 13 to this permission by no later than 31 December 2021.

*Reason: To provide for the completion and final restoration of the site within the approved timescale in the interest of the amenities of the area and to secure the proper restoration of the site 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 GD7 of the Fylde Local Plan.*

## **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) Submitted Plans and documents accompanying planning permission LCC/2014/0160:

Drawing no. RH/04342/007 rev B - Proposed landscaping plan

Drawing no. RH/04342/003 rev B - Development area plan

Drawing no. RH/04342/09 rev B - Bund level plan

Drawing no. RH/04342/004 rev C - Site layout plan

*Reason: For the avoidance of doubt and to enable the County Planning Authority to adequately control the development and to minimise its impact 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 and Policies DLF1, GD4, GD7, ENV1 and ENV2 of the Fylde Local Plan.*

## **Site Operations**

3. No further waste materials or soils shall be imported to the site for the purposes of mound creation or restoration. All such works shall only utilise the materials that have already been imported to the site.

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

4. All available topsoil shall be stripped from any part of the site before that part is traversed by heavy vehicles, plant or machinery and before the bund or any access roads are constructed on it. All stripped topsoil shall be stored in mounds for use in the restoration of the site.

*Reason: To secure the proper and satisfactory restoration of the site and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies and Policy GD7 of the Fylde Local Plan.*

5. The storage of stripped top-soils shall be carried out in accordance with the scheme and programme submitted on 20 November 2015 in accordance with the requirements of condition 9 of planning permission LCC/2014/0160.

*Reason: For the avoidance of doubt and to enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area 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 GD7 of the Fylde Local Plan.*

### **Safeguarding of Watercourses and Drainage**

6. No operations including bund construction and temporary storage of topsoil shall take place within 8 metres of the bank of the Mythop Main Drain.

*Reason: To allow access to and safeguard Mythop Main Drain and its associated ecology and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies and Policy GD7 of the Fylde Local Plan.*

### **Highway Matters**

7. The sole vehicular access point to and egress point from the site shall be from Mythop Road as shown on drawing no. RH/04342/010.

*Reason: In the interest 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, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies and Policy GD7 of the Fylde Local Plan.*

8. The wheel-cleaning facilities described in the scheme and programme submitted under the requirements of condition 12 of planning permission ref LCC/2014/0160 and shown on drawing RH/04342/015 shall be used by all HGVs leaving the site during the regrading and restoration operations to ensure that no mud, dust or other deleterious material is deposited on the public highway by vehicles leaving the site.



*Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies and Policy GD7 of the Fylde Local Plan.*

9. The access to the site shall be maintained in a hard surfaced condition in accordance with the details described in the scheme and programme and drawing RH/04342/015 submitted under the requirements of condition 13 of planning permission LCC/2014/0160.

The hard surfaced access shall be maintained in a clean condition until removed as part of the final restoration scheme required by condition no. 14 below.

*Reason: In the interest 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, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies and Policy GD7 of the Fylde Local Plan.*

## **Dust**

10. Dust suppression measures shall be undertaken as necessary throughout the full period of bund construction and restoration operations. The measures shall include watering of all haul roads during dry weather conditions and suspension of operations when the dust control measures cease to become effective.

*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, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies and Policy GD7 of the Fylde Local Plan.*

## **Hours of Working**

11. No bund grading or restoration operations shall take place outside of the hours of: 07:30 to 16:30 hrs Mondays to Fridays (excluding Public Holidays); and, 07:30 to 13:30 hrs on Saturdays. No bund grading or restoration operations shall take place at any time on Sundays or Public Holidays.

This condition shall not prohibit the carrying out outside these hours of essential repairs to plant and machinery used on site.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the*

### **Control of Noise**

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

*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 GD7 of the Fylde Local Plan.*

### **Restoration**

13. The site shall be restored in accordance with the scheme and programme of restoration works that was submitted on the 20 November 2015 under the requirements of planning permission LCC/2014/0160.

The restoration works shall include the removal of the access road, wheel cleaning area and reinstatement of the hedgerow alongside Mythop Road.

*Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies and Policy GD7 of the Fylde Local Plan.*

### **Aftercare**

14. Following certification in writing by the County Planning Authority of the completion of restoration of the site in accordance with the requirements of condition no. 13 above, the aftercare works shall be carried out for a period of five years in accordance with the following:

- a) control of invasive weeds
- b) maintenance of tree and shrub planting including replacement of dead and dying species, weed control around planting and maintenance of protection measures.
- c) reseeded works to ensure a complete grass sward over the full extent of the mound.

*Reason: To secure the proper and satisfactory aftercare of the site and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies , and Policy GD7 of the Fylde Local Plan .*

## Notes

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

## Local Government (Access to Information) Act 1985

### List of Background Papers

| Paper         | Date         | Contact/Directorate/Ext |
|---------------|--------------|-------------------------|
| LCC/2020/0043 | 13 July 2020 | Jonathan Haine/534130   |

Reason for Inclusion in Part II, if appropriate

N/A