

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 20th July, 2022 at 10.30 am in Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor Matthew Maxwell-Scott (Chair)

County Councillors

P Rigby	A Kay
S Clarke	E Pope
L Cox	Rigby
A Hindle	B Yates
S Holgate	

1. Apologies for absence

Apologies for absence were received from County Councillor Dad and County Councillor Pattison.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

No pecuniary or non-pecuniary interests were disclosed.

3. Minutes of the last meeting held on 8 June 2022

Resolved: That the minutes of the last meeting held on Wednesday 8 June 2022 be confirmed and signed by the Chair.

4. Update Sheet

The Update Sheet was circulated prior to the meeting (copy attached).

5. West Lancashire Borough: application number LCC/2022/0016 Variation of conditions 2, 3, 4, 5, 7, 21 and 25 of planning permission LCC/2014/0008 to allow extension of the approved mineral working area. Ravenhead Quarry, Chequer Lane, Upholland

A report was presented on an application for the variation of conditions 2, 3, 4, 5, 7, 21 and 25 of planning permission LCC/2014/0008, to allow an extension of the approved mineral working area at Ravenhead Quarry, Chequer Lane, Upholland. Committee noted that this would extend the duration of quarrying activities by approximately a further two years and would permit quarrying operations in an area to the south of the existing quarrying activities.

The report included the views of Upholland Parish Council, LCC Ecology Service, the Environment Agency, LCC Highways Development Control and the Health and Safety Executive. Eight representations had been received objecting to the application and one letter of support.

Committee's attention was drawn to the Update Sheet which included updated comments from the Health and Safety Executive and Natural England, proposed amendments to condition 1 and a proposed additional condition.

The Development Management Officer presented a Powerpoint presentation showing the site location plan, proposed quarry extension and areas of working, an aerial view of the site and nearest residential properties, restoration masterplan, proposed cross sections to expose rock face and photographs of existing quarrying operations and the area of the quarry to be extended.

Mr Alistair Hoyle, agent for the applicant, addressed the Committee and made the following points:

The proposal represented a small extension to the existing extraction area, which was entirely within the limits of the existing quarry and within the current planning permission boundary. The reserves from the consented area had been exhausted and a variation to the planning conditions to allow an additional small area of extraction would ensure continuity of operations for approximately two years. All existing environmental controls would continue to apply and care had been taken to ensure the established wooden belt along the southern boundary of the site was not impacted. No additional vehicle movements would be required for the proposal. The existing planning permission did not require restoration of the quarry until 2043; the applicant had worked with the local planning authority to offer a much shorter timescale for the restoration of the current and proposed extraction areas, ensuring restoration of the main quarry would be completed within four years, from the date of the commencement of extraction in the new extraction area. The proposal would enable the continued and adequate supply of minerals at an existing and well-established site for use within the local area and all impacts would continue to be strictly controlled.

County Councillor Holgate referred to Upholland Parish Council's comment in relation to seeking assurance that the applicant had complied with the requirements of land restoration. It was reported that a number of conditions had been imposed that would require a final scheme for restoration to be submitted and agreed.

County Councillor Pope referred to the part of the report which stated ...' The applicant has indicated that completion of extraction in the proposed Phase 3 area is likely to be followed by restoration of the whole site ...' and sought assurance that this would happen within the required timescale. It was clarified to Committee that Condition 1 required the restoration of Area A (Phases 1,2 and 3) to be restored within 4 years of the date of commencement of the new extraction phase and that Conditions 24 and 25 included a number of requirements that would be monitored to ensure that final restoration of all areas outside of Area A would be completed within the required timescale.

County Councillor Pope referred to the recent tragic drowning at East Quarry in Appley Bridge and expressed concern around the safety elements of Ravenhead Quarry, particularly in relation to how deep the water would be, the security of the site and how the safety requirements would be monitored. Committee were informed that condition 24 specified a requirement to include details of lake margins which would address any public safety issues and risks, and that these details would be provided at a later date. It was pointed out to Committee that as Ravenhead was an active quarry, it had to comply with the Quarries Act which contained various requirements in terms of safety and security and that obligations were on the site operator to ensure that the site was properly fenced and secure so it did not pose a risk to members of the public. It was important to note that East Quarry was a former quarry that had no planning permission in place and was therefore a disused quarry.

Following a query in relation to whether the date for final restoration could be brought forward from 2042, it was confirmed that Committee had no powers to do this as the current planning permission allowed for works to take place on the site until 2042, although the applicant could choose to bring the date forward if they wished.

After a discussion around safety issues, it was agreed that condition 24 be amended to strengthen the wording on Condition 24, Point A around site security and on Point E in relation to control of water depth, ensuring this was acceptable in terms of drowning risks. It was noted that appropriate signage was controlled by the Quarry Regulations and that any life-saving equipment would also be part of the safety requirements under these regulations.

Resolved: That planning permission be **granted** subject to:

- (i) Conditions controlling relating to time limits, working programme, completion dates for restoration, noise and dust, highway matters, ground and surface water, restoration and aftercare, as set out in the Committee report.
- (ii) An amendment to Condition 1 as follows:

'The winning and working of minerals authorised by this permission shall cease not later than 22 February 2042.

Area A (Phases 1,2 and 3) shall be restored in accordance with the scheme and programme approved under the requirements of condition 25 within four years of the date of commencement of Phase 3 notified to the County Planning Authority under the provisions of condition 2 below.

The final restoration of all areas of the site outside of Area A, Phases 1, 2 and 3 shall be completed in accordance with the scheme and programme approved under the requirements of condition 25 by not later than 22 February 2043.'

Reason: To ensure the working and restoration of the site within a reasonable timescale in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

- (iii) An additional Condition:

'Notification in writing shall be provided to the County Planning Authority of the commencement of development in Phase 3 within 7 days of such commencement.'

Reason: In order to ensure the proper restoration of the site in the interests of visual amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

- (iv) An amendment to condition 24a:

'The design of the water feature including the depths of water to remain in the lake feature, treatment and gradients of the lake margins including measures to discourage open water swimming.'

6. Wyre Borough: application number LCC/2022/0018 Provision of multi-use games area and associated 3m high perimeter fencing and connecting pathway. Manor Beach County Primary School, Manor Drive, Thornton-Cleveleys

A report was presented on an application for the provision of a multi-use games area (MUGA), with associated 3m high fencing and connecting pathway at Manor Beach County Primary School, Manor Drive, Thornton-Cleveleys. The proposed multi-use games area (MUGA) would measure 30 metres by 15 metres.

The report included the views of Wyre Council, LCC Highways, Sport England, United Utilities and the Environment Agency. Two representations had been received objecting to the application, the details of which were provided in the report.

Committee's attention was drawn to the Update Sheet which referred to the Flood Risk Assessment and Drainage Strategy being provided to United Utilities, following their comments around the requirement for a surface water drainage scheme.

The Development Management Officer presented a Powerpoint presentation showing a site location plan, an aerial view of the site and the nearest residential properties, a proposed site plan including the proposed multi-use games area, details of the proposed fencing and photographs of the view of houses on Palatine Road from the site and the adjacent car park to the south of the site.

A discussion took place around the proposed hours of working and it was noted that the multi-use games area would not be brought into use until a scheme for community use of the facility had been submitted to and approved in writing by the County Planning Authority.

Resolved: That planning permission be **granted** subject to conditions controlling construction traffic management, materials, surface water drainage and community use scheme.

7. Burnley Borough: application number LCC/2022/0025 Variation of conditions 1, 3, 10, 27, 28 and 29 of planning permission 12/06/0959 to allow landfilling to continue to 31 December 2032 and site to be restored by 31 December 2033 at Deerplay Landfill Site, Bacup Road, Cliviger

This Item and Item 8 were discussed together as both related to applications at Deerplay Landfill Site.

Reports were presented on the following applications in relation to Deerplay Landfill Site, Bacup Road, Cliviger:

- (i) An application for the variation of conditions 1, 3, 10, 27, 28 and 29 of planning permission 12/06/0959, to allow landfilling to continue to 31 December 2032 and the site to be restored by 31 December 2033.
- (ii) A retrospective application for the retention of perimeter litter fencing at the site.

The report on the proposed variation of conditions included the views of Burnley Borough Council, Cliviger Parish Council, LCC Highways Development Control, the Coal Authority, LCC Ecology Service, the Environment Agency, LCC Landscape Service and the Lead Local Flood Authority. Three representations had been received, the details of which were provided in the report.

The report on the retention of perimeter litter fencing included the views of Burnley Borough Council and Cliviger Parish Council. One representation had been received, the details of which were provided in the report.

The Development Management Officer presented a Powerpoint presentation showing a location plan and aerial view of the site and the nearest residential properties and information on existing and proposed levels, final restoration and litter netting. Photographs were also provided of the litter netting, site access, site compound looking into the landfill area, the active landfilling area, remaining void space and Long Shay Farm House and Cottage.

It was reported that notwithstanding the benefits of allowing a continuation of landfilling at the site, a balance needed to be struck to ensure the site was restored at the earliest opportunity, whilst appreciating that neighbouring residents have had to endure long periods of general disruption, along with uncertainties around prolonged temporary closure.

Committee noted that local residents and the Lancashire County Council Landscape advisor had proposed that any time extension should be limited to five years. However, it had been considered by officers that such a short timescale would not allow sufficient waste to be imported to achieve a landform that would be satisfactory in pollution control terms and that a time extension of seven years until 2029 (rather than 2032 as requested by the applicant) would give sufficient time for the site operator to focus on achieving the approved levels based on

realistic inputs. Should the approved levels not be fully achieved by this time, it was noted they should still be sufficient to achieve a satisfactory landform.

In relation to the perimeter litter fencing, it was proposed to amend the date in Condition 1 to 31 December 2029, to tie in with the proposed seven year extension to enable landfilling to continue on the site.

Mr Alistair Hoyle, agent for the applicant, addressed the Committee and made the following points:

The time extension had been requested as the site had not been filled within the timescale previously envisaged. Appropriate provision needed to be made at all levels of the waste hierarchy, including the safe and effective disposal of landfill. Following the closure of other sites in the region, and in the absence of other suitable treatment capacity, waste disposal had recently re-commenced at Deerplay and a ten year extension had been applied for, in order to avoid the need for further extension requests in the future. It was not in the operator's interest to keep the site open any longer than was necessary and if inputs were higher, the site could be filled within the seven year timescale. The site was currently in an unfinished state so required the importation of material to create a satisfactory and sustainable land form. There would be several environmental consequences that would occur, should satisfactory land form not be achieved including surface water into the landfill, impacts on gas collection systems, potential stability issues and an inability to satisfactorily restore the site. The site required further work to create the satisfactory land form, both from an engineering and landscaping perspective, and to secure the final closure of the landfill. The site provided important waste management disposal capacity for residual waste that could not be recycled or recovered.

County Councillor Pope expressed concern about delaying restoration works and stated that Committee should comply with the LCC Landscaping Service's opinion that the time extension should be limited to five years. County Councillor Pope stated that details of the variations of Conditions 27, 28 and 29 had not been included within the Agenda papers and expressed concern about removing reference within the planning conditions to securing an Environmental Permit.

Committee were informed that the void space on the site was considerable so it was important for the applicant to attract enough waste to allow the site to be restored to the correct restoration profile. If this could not be achieved, it would possibly result in leachate problems and water collection on site. If a shorter timescale of five years was attached to the planning permission, the applicant may not be able to achieve enough waste and would have to apply for a further extension. It was noted that most of the works were within the void which was quite well-screened and it was the officers' opinion that the impacts on neighbouring residents would be minimal and that the evidence did not uphold a reason to restrict the timescale to five years for landscaping reasons.

Committee noted that the original planning permission had included more conditions which were no longer required as these were covered by the Environmental Permit. The conditions had therefore been revised to ensure they were only conditions that the planning permission should control. Furthermore, it

would be contrary to National Policy to seek to duplicate controls, as the policy clearly stated that Environmental Permit controls should not be included as part of the planning permission.

County Councillor Holgate agreed that the time extension should be for five years and that details of the previous planning conditions should have been provided to Committee in order that a full and proper decision on the application could be made.

The Chair agreed that, where Conditions were no longer required, future Committee reports should include the reasons for this.

County Councillor Steve Rigby queried why the applicant could not apply for an extension after five years if works were not completed. Committee were informed that the applicant preferred a longer period to invest in the site, and that a seven year extension had therefore been negotiated as it was not considered that restoration levels could be achieved in five years.

Following a discussion, an Amendment was Proposed and Seconded:

"That planning permission be **granted** subject to conditions controlling the duration of development by allowing landfilling until 31 December **2027** and final restoration by 31 December **2028**, working programme, site operations, ecology, restoration and aftercare."

Upon being put to the vote, and following the Chair's casting vote, the Amendment was Lost.

It was therefore **Resolved**:

- (i) That planning permission be **granted**, subject to conditions controlling the duration of development by allowing landfilling until 31 December 2029 and final restoration by 31 December 2030, working programme, site operations, ecology, restoration and aftercare, as set out in the Committee report.
 - (ii) That details of all Conditions attached to the previous planning application be circulated to Committee for information.
 - (iii) That planning permission be **granted** for the retrospective retention of the perimeter litter fencing, subject to conditions controlling the duration of development and working programme, as set out in the Committee report and to the date in Condition 1 being amended to 31st December **2029**, to reflect the seven year extension to enable landfilling to continue on the site.
- 8. Burnley Borough: application number LCC/2022/0026 Retrospective application for retention of perimeter litter fencing at Deerplay Landfill Site, Bacup Road, Cliviger**

Please see Item 7.

9. Burnley Borough: application number LCC/2022/0029 Change of use to a waste transfer station for sorting and bulking of skip waste. Thorney Bank Industrial Estate, Burnley Road, Hapton

A report was presented on an application for a change of use to a waste transfer station for the sorting and bulking of skip waste at Thorney Bank Industrial Estate, Burnley Road, Hapton.

The report included the views of Burnley Borough Council, including a separate response from the Environmental Health Officer, Hapton Parish Council, the Coal Authority, the Environment Agency and LCC Highways Development Control. Two representations had been received, the details of which were provided in the report.

Committee's attention was drawn to the Update Sheet which included details of an additional 15 representations objecting to the application.

The Development Management Officer presented a Powerpoint presentation showing location plans and an aerial photograph of the application site, nearest residential properties and the building to be used for waste transfer use, and photographs of the yard area (empty skip storage), waste transfer building and access to the industrial estate.

County Councillor Hosker addressed the Committee and made the following points:

Hapton Parish Council had contacted County Councillor Hosker expressing disappointment at the application due to concerns about environmental and health issues including nuisance, noise and odours. County Councillor Hosker's main concern was the safety impact on local residents, many of them being over 70 years old, due to the increase in HGV traffic on Burnley Road, an area which had seen 2 fatalities in recent years. Committee were urged to consider all these issues and the close proximity of the site to residential dwellings. Local residents had informed Hapton Parish Council that they had not been properly notified about the application. It was pointed out that the area had a 30mph speed limit and there was a current fly-tipping problem.

Committee were informed that the statutory consultation had been carried out through 3 methods; a press notice, two site notices and letters to the nearest residents. The representations received had mainly been from residents living in Hapton village which was quite a distance from the application site. All site activities would take place in the building itself so it was not considered that these residents would be adversely affected.

County Councillor Pope referred to the concerns of the Burnley Borough Council Environmental Health Officer stating that planning permission should be subject to a condition requiring a scheme of works to prevent the egress of dust and odour via the party wall. In addition, County Councillor Pope also stated that the requirement for an Environmental Permit should be included within the planning conditions.

Committee were informed that previous site use was for sandblasting and painting skips which had generated noise and odour issues through the doorway between the application site and the adjacent units. The doorway had since been properly enclosed and sealed, thereby eliminating any noise and odour issues. It was reported that the applicant had been advised to contact the Environment Agency to apply for an Environmental Permit. Planning guidance stated that planning conditions should not interfere with the permitting process; the requirement for an Environmental Permit did not therefore need to be included within the planning conditions, as this was subject to a separate piece of legislation. Should the applicant not secure an Environmental Permit, then they would not be able to operate.

After a discussion, it was:

Resolved: That planning permission be **granted** subject to conditions controlling time limits, working programme, empty skip storage, highway matters, hours of working and control of sorting operations.

10. Fylde Borough: application number LCC/2022/0030 Continuation of sand winning, including the winning and working of sand from the foreshore, exportation of sand off site and the retention of associated infrastructure including site access, secure compound and stockpiling area. Land at St Annes Foreshore, Clifton Drive North, Lytham St Annes

A report was presented on an application for the continuation of sand winning, including the winning and working of sand from the foreshore, exportation of sand off site and the retention of associated infrastructure including site access, secure compound and stockpiling area on land at St Annes Foreshore, Clifton Drive North, Lytham St Annes.

It was reported that the application was for a continuation of sand extraction from the beach at St Annes for a further 15-year period and was subject to a number of planning constraints and raised a range of environmental issues. It was therefore considered that members of the Committee should visit the site before considering the application.

Resolved: That the Committee visit the site before determining the application.

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

It was reported that, since the last meeting of the Development Control Committee on 8th June 2022, four planning applications had been granted planning permission by the Head of Planning and Environment, in accordance with the county council's Scheme of Delegation.

Resolved: That the report be noted.

12. Urgent Business

There were no items of Urgent Business.

13. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 7th September 2022, at 10.30am in Committee Room B – The Diamond Jubilee Room, County Hall, Preston.

L Sales
Director of Corporate Services

County Hall
Preston