

Lancashire County Council

Development Control Committee

**Minutes of the Meeting held on Wednesday, 17th January, 2024 at 10.30 am in
Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

Present:

County Councillor Matthew Maxwell-Scott (Chair)

County Councillors

B Yates	A Hindle
J Berry	M Pattison
S Clarke	E Pope
A Cullens BEM	P Rigby
M Dad BEM JP	D Westley

1. Apologies for absence

Apologies for absence were received from County Councillor Holgate.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

No pecuniary or non-pecuniary interests were disclosed.

3. Minutes of the last meeting held on 6 December 2023

Resolved: That the minutes of the meeting held on 6 December 2023 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/2023/0026 Change of use of agricultural building and yard area from agriculture to waste management including the sorting, storage, recycling and distribution of non-hazardous waste, and including two ancillary buildings. Bank Farm, 40 Martin Lane, Burscough

The Chair reported that although both this item and item 6 were located at the same address, it was important to emphasise that these were separate applications which should be considered independently on their own individual merits.



A report was presented on an application for the change of use of the agricultural building and yard area, from agriculture to waste management, including the sorting, storage, recycling and distribution of non-hazardous waste and including two ancillary buildings at Bank Farm, 40 Martin Lane, Burscough.

The report included the views of West Lancashire Borough Council, Burscough Parish Council, the Environment Agency and LCC Highways Development Control. The Lead Local Flood Authority had no comments to make. Thirty two individual representations and a petition with 303 signatories had been received objecting to the application. The Wildlife and Wetlands Trust, Martin Mere also objected to the application.

Committee's attention was drawn to the Update Sheet which included a proposed amendment to condition 3.

The Principal Planner presented a Powerpoint presentation showing a site location plan, aerial view, site layout plan and photographs of the access track, Gorst Lane (East), Gorst Lane (West), the waste management building, existing outside inert storage (to be removed), office unit and skip storage and the view of the site from Martin Lane.

Ms Laura Brough, representing the Martin Lane residents group, addressed the Committee and said the following.

'What I have to say is based on the Lancashire County Council summary and recommendation document sent to this committee; we oppose the recommendation to approve this application on 2 levels.

Firstly, it is within the Green Belt. We agree with West Lancashire Borough Council that no very special circumstances have been demonstrated, and please note it is 1.5 miles away from the Burscough industrial estate.

Secondly, Bank Farm is a working arable farm. Here I refer to the advice section of the document; (1) the national planning policy for waste states consideration should be given to existing and proposed neighbouring land uses - I do not believe this has happened. The buildings at Bank Farm have been rented out and so has the land to a salad grower and a potato farmer; (2) it also states consideration should be given to the cumulative impact of existing and proposed waste disposal facilities. In 2022, Lancashire County Council gave retrospective planning approval to this applicant trading as 8 Dayz skip hire for waste recycling skips at 410 Southport Road, Scarisbrick. According to the AA route planner, this is 3.4 miles and a 7 minute drive away from the site at Bank Farm, so where is the need? (3) West Lancashire Borough Council policy GN3 states development should minimise the risk from all types of pollution and contamination (1) the proposed buildings are open fronted, directly opposite is the entrance to a building designated as chilled vegetable storage so there is no effective separation of waste recycling from food at this point; (2) approximately 35 metres away, salad crops were grown in 2023 - even the possibility of contamination would adversely affect the marketing status of a crop and therefore its value. In addition, Martin Mere Wildfowl Trust Reserve is approximately 1.25



kilometres away. Has it been ascertained by the proper authorities that this is not within an impact risk zone? In any event, when potatoes were grown in the fields closest to the site, they were fed to migrating whooper swans. In the event that the application is approved, we've asked for the following conditions to be applied:

- A thorough assessment of existing drainage. The document states the site is connected to the main sewer for foul drainage. There is no connection to the main drain, so is there adequate filtration of yard water and how just is the site contained as claimed?
- No outdoor storage of skips.
- Only waste delivered in two ton mini skips identified as 8 Dayz skip hire, as indicated in the original design and access statement of 10/5/23 to be accepted on site.
- Saturday working has the same 1:00pm finish time, as for the Southport Road site.
- A fixed barrier at the Martin Lane Merscar Lane entrance to prevent the unblocking that now occurs.'

Ms Catherine Grice, local resident, addressed the Committee and said the following:

'Good morning Chair and members. As a neighbour and member of the residents group, we fully object to Lancashire County Council's recommendation to grant this application.

Bank Farm is Grade 1 agricultural land within the Green Belt of the West Lancashire local plan. The land surrounding the site is farmed for salad crops and for human consumption and in grown packs, stored within metres of the proposed site. This application is totally inappropriate for this site and it would fail to preserve the Green Belt. The revised application states that all processes will be contained within the small farm building, but this is an open fronted building and part open backed. The photographs that I sent show that it's spilling out of the building already, causing large wood piles and mounds of hardcore being dumped on the site. The process can't be contained in the intended building and has a significant larger number of skips than the maximum 10 proposed outside at any one time. They have dumped hardcore on it and another part of the farm next to Langleys Brook and dug channels to remove surface water into the brook, to remove the excess water and stop flooding. The application states there's no risk to pollution and contamination but there's no provisions for treating excess surface water before it goes into ditches and land drains.

What conditions would Lancashire County Council propose and how will it be monitored? 8 Dayz advertises on their website any size skip for any contents; household builders and commercial is accepted. What conditions will there be for what types of waste can be accepted, to ensure no hazardous chemicals and clinical waste is allowed on to the site? The website also states that waste can be brought in by third parties and dumped to be processed. We've seen Halsall's frequently entering the site - they also process waste and accept commercial and clinical waste. Who will be liable if this waste gets in and contaminates the area - they put in their application that 15,000 tonnes of waste will be processed in a year. This equates to approximately 1 skip wagon every 15 minutes, six days a week, within



reasonable working hours. That's not to mention the other waste that's being brought in and processed and left in 40 tonne skips. In the application, it states the traffic has considerably reduced on the track leaving the Gorst Lane entrance, but what with the 8 Dayz skip plant hire renting out the land for growing salad crops and other businesses renting buildings on the farm, the traffic has significantly increased over the past few months. Therefore, what conditions will be placed to govern the number of skips and vehicles entering the site, and what reasonable working hours and what conditions would be made to improve the Gorst Lane entrance to make it safer. The narrow weight limited road is well used by local residents, cyclists and visitors and we have concerns over the road safety matters.'

Mr Nick Brooks, Martin Mere Wetland Centre, addressed the Committee and said the following:

'I represent the Wildfowl and Wetlands Trust, the world's biggest wetland conservation charity.

The application forms say that work hasn't started, but evidence shows that waste has already been dumped out onto the farmland from these units. (Referring to photographs) - our site is bordered in yellow - waste is already being dumped at this red X where that is on that map, that's our site. The water flows from that brook into our site that is flood Zone 3, where the waste is already being dumped. That has major implications for our site; that has been what is going on next to that brook. Ditches cut into the brook again - breaks environmental regulations. It talks about sorted waste, there's a close up of that waste. All these red circles show metal, plastic and I think that's a silicon tube. It's not being sorted. That presents a massive risk to our wetland centre and shows a complete disregard for environment and planning regulations.

The access statement says that the development will not have a detrimental impact on the local landscape and it will be contained - it clearly isn't already. It also says there are no nearby heritage assets and there are no safeguarded ecological features of interest. Our site border is actually only 658 metres away from this development. The bottom line is that these applications are full of inaccuracies, and breaches are already taking place. Giving planning permission will see Lancashire County Council rubber stamping and approving of such breaches, which will no doubt then encourage further breaches. In our experience, other sites show that enforcement departments are not adequately staffed to deal with these types of breaches and so these will not be dealt with in a timely manner.

Please consider this isn't just about protecting a wetland. Martin Mere attracts up to 200,000 visits a year. We employ 50 local people. We bring in £6 million into the local economy every year, which supports a further 29 full time jobs. Damage to the wetland damages the wildlife, damages visitation, damages employment and damages the local economy. Do you want to risk all that for a couple of small waste companies wanting to save a few pennies by not putting this at the industrial estate? That's a massive gamble you're taking, so I really hope you don't gamble.'

Mr Steven Faulkner, West Lancashire Borough Council, addressed the Committee and said the following:



'Thank you Chair. I wish to speak on behalf of West Lancashire Borough Council to raise objections to this application.

Members will note that West Lancashire objected on the premise that whilst the reuse of the building for waste recycling would not in itself constitute inappropriate development within the Green Belt, set out by paragraph 155 of the framework, various other operations associated with the development would, and therefore it's necessary for an applicant to demonstrate that very special circumstances are applicable to overcome the presumption against developments in the Green Belt.

Our objection commented that the external stockpiling of hardcore and storage of multiple skips on the site, despite the temporary nature, would represent inappropriate development. On page 25 of your reports, you're advised by officers that West Lancashire's focal point of concern related to the storage of soil and aggregate materials outside on open land and has now been addressed, but your report fails to acknowledge or address the other concern raised by the borough over the storage of skips on land, which is made clear in our public representations. The paragraph purports to claim that West Lancashire concerns have been addressed, when in reality the external storage of skips will still potentially give rise to significant visual impact and Green Belt harm, so the report has not fully addressed the Borough Council's objection. There's no clarity regarding how many skips would need to be stored at any one time, how high they will be stacked and what visual impacts would result. Consequently, the scheme seems to be pushing ahead for approval with the promotion of inappropriate development, without a proper explanation of the very special circumstances that are required to justify the approach.

We'd also raise serious concerns over the practical enforcement of a number of planning conditions and respectfully invite consideration of how the county council realistically propose to monitor a number of these. Notably, how realistic is it to expect the storage and depositing of soil and aggregates are taking place solely within the building without reliance on external areas, especially given the pictures that you were presented with in the earlier presentation, and how vehicles will leave the site with coverings secured - who will manage and monitor that on a practical level.

We therefore respectfully ask Members to refuse planning permission, on the grounds that there are adverse Green Belt impacts against which no very special circumstances have been presented, and on the premise that the scheme is likely and almost certain to give rise to long term difficulties in managing residents expectations with regard to future enforcement.'

Councillor John Gordon, West Lancashire Borough Council, addressed the Committee and said the following:

'I'm a Borough councillor for this neck of the woods and this development, it's in zone one, but it's surrounded by flood zone 3 and drops straight into flood zone 3 so any contamination from the site is going to go straight into flood Zone 3, where you've got Martin Mere.



This also brings into question the roads, the moss roads, so they're more expensive to build and they're more expensive to maintain and you're going to increase the traffic with this development and what you'll get is obviously an increase on the highways budget and I think they're very relevant points. You know, this will cost you money and there's a perfectly good industrial estate with better infrastructure a mile or two away - they should be on that site, not in the middle of Green Belt and salad growing places and next to Martin Mere Wetlands Trust.'

The officer answered questions from Committee.

After a discussion, it was Proposed and Seconded that:

"the application be refused on the grounds that the waste management operations would have an unacceptable impact on the amenity of surrounding residents and land users by virtue of noise, dust and general disturbance, contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy G3 of the West Lancashire Local Plan."

Upon being put to the Vote, the Motion was Carried.

Resolved: That planning permission be refused on the grounds that the waste management operations would have an unacceptable impact on the amenity of surrounding residents and land users by virtue of noise, dust and general disturbance, contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy G3 of the West Lancashire Local Plan.

6. West Lancashire Borough: application number LCC/2023/0033 Change of use from agriculture to waste management including the sorting, storage and distribution of non-hazardous waste, and two containers at Bank Farm, 40 Martin Lane, Burscough

A report was presented on an application for a change of use from agriculture to waste management including the sorting, storage and distribution of non-hazardous waste, and two containers at Bank Farm, 40 Martin Lane, Burscough.

The report included the views of West Lancashire Borough Council, the Environment Agency, LCC Highways Development Control and the Lead Local Flood Authority. No comments had been received from Burscough Parish Council. Forty individual representations and a petition with 303 signatories objecting to the application had been received. The Wildlife and Wetlands Trust, Martin Mere also objected to the application.

The Principal Planner presented a Powerpoint presentation showing a site location plan, aerial view, site layout plan and photographs of the waste management area, access track, Gorst Lane (East), Gorst Lane (West) and the view of the site from Martin Lane.

Ms Laura Brough, representing the Martin Lane residents group, addressed the Committee and said the following.



'The Martin Lane Residents Group fully supports the recommendation to refuse the planning permission for this application. It really is very, very difficult to express just how disruptive and offensive this activity has been to the local residents, and I can't say that in any stronger terms.

I would add the following, in the event that approval was ever given to this site and that would be that the start time of 7:00 o'clock in the morning really has an adverse effect on the quality of life of local residents and it should be 8:30am, I would suggest. There really must be a noise assessment study carried out; the noise level at present is just totally unacceptable. In addition, any argument that the size of vehicles is not relevant should be dismissed. Yes, there are large tractors, high sided trailers full of potatoes, but the presence of those vehicles is essential to the working of the land. J & N vehicles are not essential and I would finally just say that the Martin Lane Residents Group is not opposed to development per se. There are other companies occupying the farm buildings at Bank Farm, however we do in the strongest terms possible object to both of these waste recycling firms working here.'

Mr Nick Brooks, Martin Mere Wetland Centre, addressed the Committee and said the following:

'Just a couple of points that were brought up previously - again, this is very similar to the previous application, it has all the feeling that it's all tied together.

One of the things that was talked about was inert waste and I showed a picture in the previous one of what I thought was a silicone tube. Now silicone is inert waste, but even inert waste, you must dispose of correctly. Here's a data sheet for silicone, just general silicone - avoid dispersal of spilled material, runoff and contact with soil, waterways, drains and sewers. This application still has no technical specifications, like the last one, on how to deal with runoff from the site.

I would also question the distinction between environment and planning, because my understanding is that planning should include things like dealing with the runoff – that runoff goes into those ditches. What difference does it make as to what medium of transport pollution takes to get to the streams? Does it take the water coming from the site or does it take going into trucks by the people who want to develop this site and being transported to the stream? I know it's a very technical point, but what method of transport - why does that matter? I think that is planning because if they weren't there, that wouldn't be happening, there wouldn't be a mechanism of transport.

And finally, I'd just like to say one of the concerns is about the farming and salad vegetables and I think someone said they'd be concerned about plastic particulates on their salad. I would be more concerned with particulate matter from asbestos and heavy metals.'



Mr Steven Faulkner, West Lancashire Borough Council, addressed the Committee and said the following:

'Just to confirm again West Lancashire's objections to the planning application, and our support and thanks for the officer recommendation. We just wish to make one or two observations around the detail of the report which we hope Members might find helpful.

The report does set out the National Planning Policy for Waste's clarity and states that when you determine the application, there must be a quantitative or market need for new or enhanced waste management facilities, where the proposals are not consistent with an up to date local plan, and we do recognise that one of the reasons for refusal picks up on the failure to demonstrate such need. We do suggest that it would be appropriate to distinguish between failings of the scheme on Green Belt grounds, and for there to be two separate, distinct reasons for refusal, each of which clearly stand up to examination in their own right. So we ask Members to consider an approach to distinguish the consideration of Green Belt harm in its own standing, from consideration of the failure to adequately demonstrate a need for this facility being applied for.

We've also picked up that the county council in the role as highway authority don't believe it's pertinent to request more detailed information from the applicant, in relation to the number of heavy goods vehicle movements. The assessment takes the applicant's word, as set out by their design and access statements as of 19th of December last year, relating to a relatively minimal number of trips by vans and by 32 tonne grab wagons. West Lancashire believe the scale and magnitude of development to be such that a greater number of movements is realistic, with consequence implications for public safety.

We've noted that swept path analysis has been undertaken, as requested by county officers, but the level of traffic generated is not backed by an independent analysis through a transport statement in its simplest form, and we believe that the applicant should be reflecting a worst case scenario applicable to any similar application, rather than the applicants own individual analysis of their operation.

We've also noted that Gorst Lane carries a 7 and a half tonne limit and that officers are confirming access from Martin Lane and Merscar Lane would be unacceptable. We are looking to understand how the report reconciles the need for Gorst Lane to be used and then how it will avoid a breach of weight restrictions, which will not only reflect the unsuitability of Gorst Lane, but consequently the unsuitability of the site to accommodate the proposed use.

And I just like to thank the Committee for allowing the opportunity to raise these points, and hope that it may help Members in some way in strengthening the reasoning of the report, which we consider generally to be very solid.'



Councillor John Gordon, West Lancashire Borough Council, addressed the Committee and said the following:

'All you drivers here must have hit a number of potholes recently, especially after the December weather. I was once told by a portfolio holder from county that we have 3/4 of all the moss roads in Lancashire so we've had it bad with potholes and there have been lots of cars at the side of the roads after damaging their suspension and other things and this is right in the middle of the moss roads.'

The officer answered questions from Committee.

Resolved: That planning permission be **refused** for the following reasons:

- (i) The development is inappropriate development in the Green Belt for which no very special circumstances by way of a quantitative or market need for the development at this location have been demonstrated sufficient to outweigh the harm to Green Belt by reason of inappropriateness. The development is contrary to the National Planning Policy Framework and National Planning Policy for Waste regarding protection of the Green Belt, and Policy GN1 of the West Lancashire Local Plan.
- (ii) The waste management operations would be likely to have an unacceptable adverse impact on the amenity of surrounding residents and land users by virtue of noise, dust and general disturbance contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy G3 of the West Lancashire Local Plan.
- (iii) The development involves the loss of Grade 1 agricultural land contrary to Policy EC2 of the West Lancashire Local Plan.

7. Preston City: Application LCC/2023/0029 Extension to existing school to include 4 no. new classrooms, WC's, hygiene room and corridor. Lea Community Primary School, Greaves Town Lane, Preston

A report was presented on an application for an extension to an existing school to include 4 new classrooms, WC's, a hygiene room and corridor at Lea Community Primary School, Greaves Town Lane, Preston.

The report included the views of Preston City Council, Sport England, LCC Highways and United Utilities. No comments had been received from Lea Parish Council. Six representations objecting to the application had been received.

Committee's attention was drawn to the Update Sheet which included additional consultation comments from Preston City Council.

The Senior Planner presented a Powerpoint presentation showing site location plans, aerial view, proposed site layout, proposed elevations and proposed floor plans. Also shown were photographs of the existing school building rear elevation,



view towards the rear of properties on Blackpool Road (towards the north and north east), view towards the north west and views from the rear of a property on Blackpool Road towards the application site.

The legal officer read out the following written representation from Mr Mark Jones, local resident:

'Further to my original objection to the original planning application, I would like this email to be given careful consideration, as I lodge an additional objection to these revised plans, on the basis of:

1. These revised plans will still have 4 classrooms of children looking straight into my home, as no consideration has been made to switch the plans, placing the classrooms overlooking the playground. I have been informed that this was arranged to reduce the noise levels whilst children move classrooms. I believe that this is an unproven excuse, bearing in mind we are already hear the playground noise, and also noise at the beginning and end of each day. My objection is on invasion of privacy, invasion directly into my home.

2. Distance from my property boundary. My property will be the closest to this proposed building, being less than 7 metres away. I have been informed my previous suggestion to relocate this building to the opposite side of the school wouldn't be allowed, as it encroaches on specific areas for physical activity. There has been no mention that this proposed new building means a previous play area for physical activities has now been lost. My objection still stands, there is plenty of space elsewhere on the school grounds, and I cannot allow this building so close to numerous properties on Blackpool Road.

3. Total disregard for neighbours health and safety. Previous building works involved removal of asbestos from site. I expect these planned works will involve the same. I expect prior notice to be provided, and additional screening used so to minimise any potential contamination onto my property. My objection being the site contractors have previously failed to communicate with neighbours over important matters, and I believe the same will happen with this proposed development.

4. Existing 'security lighting' is excessive and an intrusion on the light pollution into my property, all through the hours of darkness. I object to any external lighting being used that would furthermore add to this existing situation. My objection is unnecessary light pollution.

I also note that previous public objection to the redevelopment of Ashton Park has totally been ignored, seemingly not allowing democracy to act on common sense. What clarification can the planning office guarantee that my, and any other objections will be carefully considered, as objections made on decent common sense, and not dismissed in order to railroad a project through planning, regardless of local opinion?'

The officer answered questions from Committee.



Resolved: That planning permission be **granted** subject to conditions controlling time limits, working programme, matching materials to be used, highway matters, the provision of a planting scheme along the site boundary and a surface water drainage strategy to be submitted and approved.

8. Decisions taken on development control matters by the Director of Environment and Planning in accordance with the County Council's Scheme of Delegation

It was reported that, since the last meeting of the Development Control Committee on 6th December 2023, four decisions had been taken on development control matters by the Director of Environment and Planning, in accordance with the county council's Scheme of Delegation.

Resolved: That the report be noted.

9. Urgent Business

There were no items of Urgent Business.

10. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 6 March 2024 at 10.30am in Committee Room B – The Diamond Jubilee Room, County Hall, Preston.

H MacAndrew
Director of Law and Governance

County Hall
Preston

