



Jacqui Sinnott-Lacey
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Wednesday, 17 January 2024

**TO: COUNCILLORS G OWEN, A FOWLER, M ANDERSON, A BLUNDELL,
A FENNEL, P HOGAN, S PATEL, E POPE, L WEBSTER AND
J WITTER**

Dear Councillor,

LATE INFORMATION

Please find attached a report containing details of Late Information, prepared by the Corporate Director of Transformation, Housing and Resources relating to an item on the agenda for the above meeting.

Yours faithfully

A handwritten signature in black ink, appearing to be "JSL", written over a horizontal line.

Jacqui Sinnott-Lacey
Chief Operating Officer

**AGENDA
(Open to the Public)**

- 7. PLANNING APPLICATIONS – LATE INFORMATION** 573 - 584
To consider the report of the Corporate Director of Transformation,
Housing and Resources.

We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.

For further information, please contact:-
Jill Ryan on 01695 585017
Or email jill.ryan@westlancs.gov.uk



AGENDA ITEM:

PLANNING COMMITTEE:
18th January 2024

Report of: Corporate Director of Transformation, Housing & Resources

SUBJECT: LATE INFORMATION

1.0 INTRODUCTION

The information below has been received since completion of your Agenda.

2.0 ITEM 7 – PLANNING APPLICATIONS

Item 7A

Application No.	2023/0922/FUL
Location	Chorley Concrete, Appley Lane North, Appley Bridge
Proposal	Retrospective planning application for:- Erection of 3 no cement silos, 2 no. round metal cylinders, 5 m high retaining wall, storage bays. Installation of 12 no high lamp posts, diesel tank with metal hoarding surround. Erection of portacabin to be used as temporary site office, temporary storage tent. Construction of settling pit & wash pit.

Additional consultation response received - Environment Agency

As the development is on top of a former landfill, we would still expect some further investigations to demonstrate that the works do not pose a risk to controlled waters. We would still request the inclusion of the condition but given the proposals are retrospective we accept that it needs to be reworded such that the details need to be submitted within x months of the decision – I've suggest 3 months but that is flexible.

Officer comment - the EA comments accord with those of the Council's Environmental Health Officer and the condition recommended within the officer report reflects the retrospective nature of the works.

Additional consultation response received - LCC Highways

There is no change in the Highway assessment for this application (2023/0922/FUL) which is a Retrospective application for the Erection of 3no cement silos, 2no. round metal cylinders, 5m high retaining wall , storage bays. Installation of 12no high lamp posts, diesel tank with metal hoarding surround. Erection of portacabin to be used as temporary site office, temporary storage tent. Construction of settling pit _ wash pit.

The application for East Quarry (ref: LCC/2021/0027) was refused on amenity grounds and not on traffic impacts on capacity and safety. As you have stated in your email LCC/2021/0027 was refused for the following reason: The importation of the inert fill materials to construct the ramp would generate volumes of HGV movements that would be harmful to the amenity of local residents contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan.

The officer recommendation was for approval, but committee determined to refuse the application on traffic amenity contrary to highways advice and the officer recommendations.

LCC Highways had no objection to the application (LCC/2021/0027) and the refusal was on amenity grounds and not on traffic impact on capacity and safety.

Additional consultation response received - Wrightington Parish Council

The Parish Council object to these proposals on the following grounds:
If permitted, the application would allow for a significant increase in HGV movements along Appley Lane North, an additional 90+ vehicle movements per day, not including vehicles bringing raw materials onto the site. These will double the already existing HGV movements using this route. Where school related traffic, buses, & other commercial vehicles use the same route, highway safety will be compromised by the significant increase in vehicle movements. The HGV movements associated with Chorley Concrete are not only 9 times louder than an ordinary car movement, but also have additional problems. The HGV's used are volumetric vehicles which do not have air suspension; therefore, they are known to cause significantly more noise & vibration on the roads &, due to their weight, significantly more damage to the carriageway. Many homes on Appley Lane North are extremely close to the carriageway, with little & in some cases no garden frontage to put distance between them & the vehicles using the road. The impact of the noise & vibration can be clearly heard, & felt, inside these homes. The Council feel that doubling the number of HGV movements on Appley Lane North & surrounding roads is unacceptable. Previous applications for less vehicle movements per day have been refused.

The Council object to the lengthy operating hours, between 6am and 7pm, 6 days per week. The Council are of the opinion that these operating hours are totally unacceptable & too disruptive in this village setting. Previous permissions have had restricted hours of operation, to cause less disruption & reduce nuisance in the village.

It is understood that some of the proposed development which has already taken place on this site has encroached onto Green Belt Land. The Parish Council are totally opposed to the erosion of Green Belt land in any way, shape or form, & request that if this is the case remedial action is taken to restore the Green Belt land to its former

state. The Parish Council also believe that the proposals would have a detrimental impact on the openness of the Green Belt at this location.

Further objections relate to the close proximity of the application site to the former landfill site. The Council shares the Environment Agency concerns in relation to the risk of contamination & pollution which could result if a proper risk assessment, & mitigation of the identified risks is not undertaken. There is also a risk of explosion if the former landfill site continues to leak leachate & landfill gas, which is currently inadequately monitored by faulty, damaged or removed infrastructure from the adjacent land. This should also be risk assessed & mitigating action be taken.

In addition to the above, the Council would like to draw attention to the fact that there is no mention in the application description of the additional activity associated with Gaskell's Haulage, which is also known to be operating from this site without the benefit of planning permission & whose vehicle movements will add to the numbers already quoted. The wording of the planning application is limited specifically to Chorley Concrete & should not be applicable to any subsidiary company which is also operating from the same site. Therefore, a separate planning application should be required for Gaskell's Haulage, giving details of their activities, the numbers of vehicles & vehicle movements associated with this operation, what they will be bringing onto the site & what they will be removing, & including documentation to prove that all materials will be handled in the correct manner. This should then be assessed as a completely different application along with the impact this will also have on Appley Bridge.

Health hazards associated with this type of development have also been highlighted & the Council share the residents' concerns about the long-term health implications of this type of development.

Additional neighbour/interested party representations have been received

The comments can be summarised as follows:

- 1) Wish to add my voice to the objections, agree with comments from other objectors
- 2) This is the 2nd time the company have submitted a retrospective application - they cannot plead ignorance
- 3) Not that a leaflet has been delivered to residents. Consider that the content of the leaflet does not reflect that of the Design and Access Statement
- 4) Note that a company called Gaskell Haulage operates from the site - there is no planning application for this company
- 5) Raise concerns that residents are unable to speak at the planning committee
- 6) Refer to decision made by Lancashire County Council in respect of East Quarry ref LCC/2021/0027. Query why the recommendation is different to the decision made in that application. Query why that application does not appear in the relevant planning decision section of the officer report

7) Note that representation have not been made public where people have requested their details are redacted. Such objections will not be made public as, understandably, there are simply not enough officers available to delete addresses before publication, consequently points raised may not even be considered.

8) Consider that 21% of the site is Green Belt and the proposed development does not match the requirements of the relevant GB policy. The adjacent landowner has objected to the height of the silos and impact on the Green Belt.

9) Highway matters - Consider that the officer report is factually incorrect as vehicles leaving Dawber Delph used Back Lane, a much more direct route, than Appley Lane North. There is no evidence of consideration that Back Lane is a much less residential route than Appley Lane North. The roads are not suitable for the level of HGV traffic. There is risk to children from the HGV traffic. Concerns regarding driver competence

10) Amenity issues - The hours of operation are not suitable for the locality. Concerns regarding noise, disturbance and pollution/air quality

11) Consider the officer report fails to include objections which have been stated within interested party representations in relation to noise impacts, vehicle movements and other relevant decisions (as above) at East Quarry.

12) Consider there is a lack of evidence for the decision and several of the conditions (operating hours and temporary permission). Query if it is fair to Chorley Concrete to impose a temporary permission or if it is realistic that the condition would be implemented.

13) Concerns regarding impact on wildlife corridor

14) Concerns raised over impact of light pollution – photograph attached taken at 0311 on 17 January and shows the view of the Chorley Concrete site across the Green Belt Douglas Valley. As you can see the light pollution from the site has a major impact on the view across the valley and presumably on local wildlife, such as owls, that inhabit the area. I have sent you this so that you can understand the impact Chorley Concrete is having on this beautiful countryside. The Planning Officers Report says that "the development does not adversely affect the street scene" which is clearly incorrect.

This is significantly damaging the amenity of local residents and visitors to the area by destroying the dark skies, the view across the valley and the habitat of wildlife in the area.



Officer comments

Members are reminded that the site has an existing lawful use for industrial purposes and the application is solely for the erection of structures as detailed within the application description.

Comments in respect of the interested party representations:

- 1) The objection is noted
- 2) As addressed in the report it is noted that the application is retrospective in form. The Council must consider the merits of the application in respect of relevant local and national planning policy. The application cannot be considered more harshly or favourably because of its retrospective nature.
- 3) The Council must consider the application on the basis of what has been submitted as part of the application documentation. On that basis the Design and Access Statement is the relevant supporting information not a leaflet which has been distributed to local residents.
- 4) The site has an existing use for industrial purposes there a business can operate a industrial use from the site without the need for further planning permission for change of use. Planning permission is only required for buildings/structures within the site. The current application has been submitted to apply for planning permission to retain the existing structures. It is noted that the Transport Note has taken into account vehicular movements connected with Gaskells Haulage. This document has been reviewed by relevant consultee and no objection has been raised.
- 5) Speakers at Council meetings are allowed in accordance with the Council's constitution. It is noted that residents are unhappy that certain residents are unable to speak at this meeting.
- 6) The planning history within the officer report relates only to the application site. The decision LCC/2021/0027 relates to East Quarry which is a different site located on the opposite side of Appley Lane North.

LCC Highways have been approached for their comments and Members will be updated at the meeting. However it is noted that LCC Highways department did not raise an objection to the proposed development at East Quarry although the application was refused by LCC Planning Committee.

7) The Council require that a name and full address are published with any interested party representation. Comments from all parties have been read and taken into account in the officer report but not all comments have been published on the Council's website.

8) The amount of Green Belt included within the red line of the application site is noted. However the area which has been developed and which lies within the Green Belt amounts to approx. 4% of the site. This area was already developed and it is considered that the proposed development does not result in a further impact on the openness of the Green Belt than that which existed previously. The remainder of the land which lies within the Green Belt is not proposed to be developed as part of this application.

9) It is agreed that there are alternative routes along which vehicles could travel when leaving the company's previous site in Dawber Delph. Notwithstanding that matter an assessment must be made as to whether the current proposal result in harm to highway safety or amenity as a result of vehicular movements from the current site. Relevant consultees have assessed all the submitted information and have raised no objection or concern in regard to highway safety or the amenity of local residents as a result of the lorries using Appley Lane. Matters relating to driver conduct on the road need to be address by appropriate parties such as the Police.

10) The operating hours have been proposed within the submission by the applicant. Relevant consultees have considered the proposal and consider that these hours would be acceptable. Matters relating to noise, disturbance and air quality have also been considered by relevant consultees. No objection has been raised subject to the recommended conditions.

11) The officer report includes a summary of all the interested party representations that have been received. The detailed letters from all parties have been read and the matters which have been raised are addressed within the report following receipt of all consultation responses.

12) Some of the development which has been undertaken is temporary in form (e.g. tent, Portacabin). A permanent permission would therefore not be appropriate in this case. The Council would look to secure suitable permanent structures where appropriate.

Notwithstanding the above the Council acknowledge within the report that the proposal is not fully compliant with the requirements of policy IF2. However the applicant has put forward that the proximity of the railway pad supports future growth of the business. There is considered to be potential to incorporate use of the railway to import materials. It is therefore considered appropriate to give a temporary permission whilst this matter is further investigated. The applicant has been advised of the proposed condition for a temporary permission for the structures on this site and does not raise an objection.

13) The site is an existing industrial site which is covered in hardstanding. Vehicles access/egress the site via an existing tarmac access road onto a main road. Existing habitats on the surrounding land such as trees, hedging etc will not be altered by the erection of structures onto the hardstanding already on the application site. In these respects, the development is not considered to adversely impact on the adjacent wildlife corridor.

14) The concerns regarding light pollution are noted but the planning conditions require the switching off of the floodlights outside operational hours and such impact would not be expected at the time the photograph is taken and for more prolonged periods. As stated above, there is no evidence of the lighting giving rise to adverse impacts on protected species and habitats but members may wish to consider a further planning condition to address this possibility as follows:

"Within 3 months of the date of this permission, a detailed scheme demonstrating that areas to be lit will not disturb bat activity and would accord with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be maintained accordance with the approved scheme thereafter."

Reason: To ensure that no adverse impacts arise on protected species and habitats."

Having regard to all of the above considerations, the recommendation remains as set out in the officer report.

Item 7B

Application No.

2023/0908/FUL

Location

Otterbrook, Moss Lane, Churchtown, Banks

Proposal

To retain the following works: (i) new site entrance/driveway, (ii) single-storey plant room, (iii) brick wall to western elevation, (iv) green metal boundary fencing, (v) skylight to front and (vi) recessed roof window in rear elevation

3rd PARTY CORRESPONDENCE RECEIVED 15TH JANUARY 2024

For members benefit, the e-mail is appended to the late information.

In summary, Lancashire County Council state that they are still looking into an area of land (which may in part or all be former highway) that has been incorporated into the application site to identify their ownership and decide what remedial action they may take.

OBSERVATIONS OF THE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

It is considered appropriate to defer the item until a later meeting until it's fully understood what concerns LCC may raise and their implications for the assessment of this application.

From: Davies, Andrew <Andrew.Davies@lancashire.gov.uk>
Sent: 15 January 2024 13:20
To: McAvoy, Feargal <Feargal.McAvoy@westlancs.gov.uk>
Subject: RE: Appl No: 2022/0908/FUL - Otterbrook, Moss Lane

Hi Feargal,

I have asked the legal team again for advice. What I will confirm is we are likely to notice for the modifications to the grass verge and kerbs within the green area indicated below and to restore back to existing . What I cannot confirm is the area between the green and the property boundary. We have been trying to establish if it has been dedicated as highway in the past .

Have you formally consulted Developer Support on the retrospective application?



Regards,

Andrew Davies
Operations Manager
Highways and Transport
Lancashire County Council

Item 7D

Application No.

2023/0819/FUL

Location

Briars Lane Petrol Filling Station, Lathom

Proposal

Redevelopment of the existing site including demolition of all existing structures to deliver reconfigured petrol forecourt, replacement kiosk, associated parking, new landscaping and all associated works.

The introduction of the item states the existing garage is a 24 hour operation, this is factually incorrect as it is understood currently to operate between the hours of 07:00 and 23:00. These hours of operation will be safeguarded by condition to ensure acceptable level of impact on the amenity of neighbouring occupiers.

Further review of the application has been undertaken in respect of highway safety in relation to inconsiderate HGV parking on the frontage of the site. It is duly noted that the point of visibility being impacted should HGV drivers park near the frontage of the shop should be considered further.

The application is accompanied by a Transport Statement prepared by James Hall and Co. who have provided data from excerpts from LCC's accident information systems. According to this information there have been two 'slight' accidents over the 5 year analysis period both are of a significant distance from the application site. Notably, there have been no accidents recorded over this period outside the premises frontage. Taking into account this evidence, coupled with a new layout and anticipated improved long range visibility then it is considered the development is acceptable from a highway safety standpoint.



Figure 3.3: MARIO Accident Review

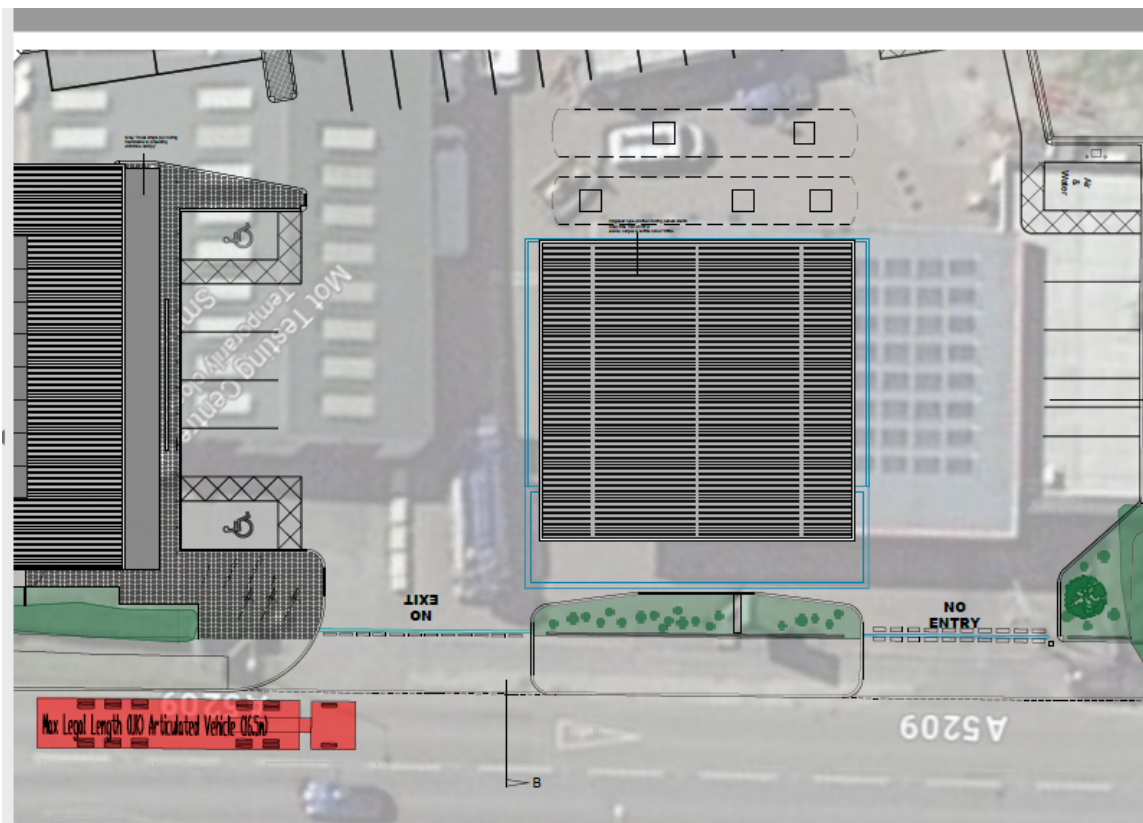
The applicant has sought to provide further comfort on this particular issue to members by highlighting the following:

At present the site has a dropped kerb for the extent of the site boundary with Briars Lane, so in theory an HGV can pull up and block the pavement. In addition to this, the island between the entrance and exit is shorter than an HGV, meaning that an HGV could impinge one or the other if manoeuvring through the site or parking close to Briars Lane.

In contrast, the proposed site layout has amended the site entrance and exit and repositioned the pumps. A full height kerb has also been included for the full length of the island between the site's entrance and exit which it is considered would deter parking on the pavement. It is possible for an HGV to move safely through and around the site without blocking the entrance or exit and represents betterment over the current arrangement.

To demonstrate the difference between the existing situation and the proposal, note the below drawing which overlays the proposed scheme on a photograph of the existing site.

The only HGVs on site will be those making deliveries to the store, for which there is a dedicated delivery bay away from the site access points and the pumps. Or, similarly, for servicing the pumps for which there is also a dedicated servicing point.



Item 7G**Application No.****2019/0867/FUL****Location****31 Becconsall Lane, Hesketh Bank, Preston, Lancashire,****Proposal****Construction of 10 residential units**

A number of representations have been received following the return of the item to Planning Committee.

Residents have expressed concern over the development not making provision for school places as required by policy and as requested by Lancashire County Council, due to concerns over viability of the scheme.

Residents have also expressed a number of concerns over the process for registering for public speaking but have been afforded appropriate opportunity to do so, with letters sent in line with normal practice, and have not taken this up. There is also comment that the change in circumstances should give rise to further notification of residents and queries as to why the application which Planning Committee first resolved to approve in 2020 has still yet to be determined.

Officer comments

In response, residents' concerns around the loss of education facilities is noted. It is accepted that at present there are shortfalls in education provision locally and that this has prompted the request of Lancashire County Council. However, as the officer report confirms a full viability analysis has been undertaken and independently reviewed and confirms that if the education contributions are requested as per LCC, the development would not proceed.

Policy IF2 makes clear that where viability concerns can be demonstrated such that a development cannot meet with the request for planning obligations, that this will be a relevant consideration for the application. Further, in addressing matters of planning balance, and as set out in the officer report, the request for this contribution would mean a failure to deliver 10 much needed affordable housing units. Additionally, it is considered that on this occasion, the development would bring about a welcome addition to housing land supply which would outweigh the impacts brought by the failure to deliver two education places.

Regarding the time delay, the applicant did not produce the Section 106 Legal Agreement following Committee resolution, resulting in the site being introduced to Tawd Valley Developments (TVD) for review. During the course of 2021, TVD spent a significant period of time reviewing the scheme, costs, affordable tenure options and deal structure with WLBC.

The most viable scheme resulted in a shared ownership product however as WLBC shared ownership policy was still to be developed at that time TVD looked to source a partner who could purchase the shared ownership units on completion and various considerations and discussions took place with potential partners. TVD has now provisionally agreed on the third party specialist shared ownership provider. TVD also

spent vast amounts of time seeking guidance from Homes England on the deal structure and legal documentation required as it deviated from the standard.

During 2022 approvals were sought from both TVD Board (June 22 & Sept 22) and Full Council (Oct 22) to progress on a shared ownership basis, this approved WLBC's purchase for the site from Torus. Following the approvals, Torus came to conclude the S.106 agreement (as planning applicant) but concern was raised by planning around the delay between the committee resolution and entering into the S.106 agreement.

This gave way to a request for updated ecology and sequential tests. Significant time was spent addressing matters relating to ecological matters and the addition of the LCC Education request.

The various concerns over process are noted but residents have been notified of the application in line with the Council's statutory provisions and have also had the opportunity to make further representations at this meeting. It is accepted that there has been a passing of time between the original resolution of Planning Committee and the latest report but this is why it has proved necessary to reappraise members of certain changes in circumstance and the planning implications.

The recommendation remains as set out in the agenda report.