



**Committee:** PLANNING AND HIGHWAYS REGULATORY COMMITTEE

**Date:** MONDAY, 19 SEPTEMBER 2011

**Venue:** LANCASTER TOWN HALL

**Time:** 10.30 A.M.

## A G E N D A

**1 Apologies for Absence**

**2 Minutes**

Minutes of the meeting held on 22 August 2011 (previously circulated).

**3 Items of Urgent Business authorised by the Chairman**

**4 Declarations of Interest**

**Planning Applications for Decision**

Community Safety Implications

In preparing the reports for this agenda, regard has been paid to the implications of the proposed developments on Community Safety issues. Where it is considered the proposed development has particular implications for Community Safety, this issue is fully considered within the main body of the report on that specific application.

**Category A Applications**

Applications to be dealt with by the District Council without formal consultation with the County Council.

- |          |                        |  |                                   |                           |
|----------|------------------------|--|-----------------------------------|---------------------------|
| <b>5</b> | <b>A5 11/00073/FUL</b> | <b>Fanny House Farm, Oxcliffe Road,<br/>Heaton-with-Oxcliffe</b> | <b>Heysham<br/>South<br/>Ward</b> | <b>(Pages 1 -<br/>38)</b> |
|----------|------------------------|--|-----------------------------------|---------------------------|

Erection of a single 2-2.5MW windturbine, associated access roads, switchgear enclosure and associated infrastructure for British Telecom Plc

<b>6</b>	<b>A6 11/00603/FUL</b>	<b>Land off A6 Scotland Road, Warton, Carnforth</b>	<b>Warton Ward</b>	<b>(Pages 39 - 52)</b>
		Erection of proposed new workshop, parts store, showroom, display areas and associated landscaping, access, car parking and drainage works for Rickerby Limited		
<b>7</b>	<b>A7 11/00436/CU</b>	<b>4 - 5 Old Station Yard, Kirkby Lonsdale, Carnforth</b>	<b>Upper Lune Valley Ward</b>	<b>(Pages 53 - 64)</b>
		Resubmission of application 09/01015/CU for retrospective use of land and buildings for stoneworking, storage and distribution (B2/B8 use) and retention of an open-fronted workshop building for Mr E Fairhurst		
<b>8</b>	<b>A8 11/00613/VCN</b>	<b>Land At Mossgate Park, Mossgate Park, Heysham</b>	<b>Heysham South Ward</b>	<b>(Pages 65 - 69)</b>
		Variation of conditions 7,8,10 and 11 and removal of condition 9 on approved application 95/00398/REM for the landscaping of former proposed play area for MAC (NW) Ltd.		
<b>9</b>	<b>A9 11/00655/VCN</b>	<b>Morecambe Football Club, Christie Way, Morecambe</b>	<b>Heysham South Ward</b>	<b>(Pages 70 - 74)</b>
		Variation of condition 34 on application 09/01035/FUL to allow the use of the stadium for outdoor music events up to three days per year for Morecambe Football Club Ltd		
<b>10</b>	<b>A10 11/00704/VCN</b>	<b>Sainsburys Supermarket, Cable Street, Lancaster</b>	<b>Westgate Ward</b>	<b>(Pages 75 - 79)</b>
		Variation of Condition 2 on application 09/00147/FUL to amend the design and layout of the approved extension for Sainsbury's Supermarkets Ltd		

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|----|---|--|--------------------|------------------------|
| 11 | <b>A11 10/01066/FUL</b>                             | <b>Land to the North of Stoney Brook Farm, Stoney Lane, Galgate</b>  | <b>Ellel Ward</b>  | <b>(Pages 80 - 86)</b> |
|    |   | Erection of horticultural buildings, creation of an access track and changes to the existing access arrangements for Mr Christopher Haley  |                    |                        |
| 12 | <b>A12 11/00604/CU</b>                              | <b>15 King Street, Lancaster</b>   | <b>Duke's Ward</b> | <b>(Pages 87 - 91)</b> |
|    |   | Change of use of first and second floors to student accommodation (8 units) over a retained ground floor A1 (retail) unit for Mr Yusuf Musa  |                    |                        |
| 13 | <b>A13 11/00605/LB</b>                              | <b>15 King Street, Lancaster</b>   | <b>Duke's Ward</b> | <b>(Pages 92 - 94)</b> |
|    |   | Listed Building application for demolition, re-building and refurbishment works in connection with change of use of upper floors to student accommodation and retention of ground floor retail (A1) unit for Mr Yusuf Musa |                    |                        |
| 14 | <b>Delegated Planning Decisions (Pages 95 - 99)</b> |  |                    |                        |

## **ADMINISTRATIVE ARRANGEMENTS**

### **(i) Membership**

Councillors Keith Budden (Chairman), Roger Sherlock (Vice-Chairman), Eileen Blamire, Dave Brookes, Abbott Bryning, Chris Coates, Roger Dennison, Sheila Denwood, Helen Helme, Tony Johnson, Andrew Kay, Geoff Marsland, Margaret Pattison, Vikki Price, Robert Redfern, Sylvia Rogerson, Richard Rollins, Ron Sands, Susan Sykes and Paul Woodruff

### **(ii) Substitute Membership**

Councillors June Ashworth, Mike Greenall, Tim Hamilton-Cox, Janice Hanson, David Smith, Keith Sowden, Malcolm Thomas and Peter Williamson

### **(iii) Queries regarding this Agenda**

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068 or email [jglenton@lancaster.gov.uk](mailto:jglenton@lancaster.gov.uk).

**(iv) Changes to Membership, substitutions or apologies**

Please contact Members' Secretary, telephone (01524) 582170 or email [memberservices@lancaster.gov.uk](mailto:memberservices@lancaster.gov.uk).

MARK CULLINAN,  
CHIEF EXECUTIVE,  
TOWN HALL,  
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Agenda Item	Committee Date	Application Number
A5	19 <sup>th</sup> September 2011	11/00073/FUL
<b>Application Site</b>  Fanny House Farm  Oxcliffe Road  Heaton With Oxcliffe  Morecambe	<b>Proposal</b>  Erection of a single 2-2.5MW wind turbine, associated access roads, switchgear enclosure and associated infrastructure	
<b>Name of Applicant</b>  British Telecom Plc	<b>Name of Agent</b>  Mrs Claire Wingfield	
<b>Decision Target Date</b>  29 May 2011	<b>Reason For Delay</b>  Awaiting additional information and increase in officer caseload	
<b>Case Officer</b>	Mr Andrew Holden	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval subject to conditions and legal agreement	

## **1.0 The Site and its Surroundings**

- 1.1 The proposed application site is located on land immediately to the north of the BT Heysham Radio Station and the A683 Heysham link road. The application site lies approximately 750m to the east of the residential properties in Heysham and 1.7km to the south of Morecambe. Lancaster City is approximately 4km to the east. The Port of Heysham lies 2.5km to the west of the site. The application site covers an area of approximately 7.4ha.
- 1.2 The surrounding area occupies a low-lying position amongst a gently rolling landscape. Land rises steadily to the north, northeast and east beyond Morecambe and Lancaster, towards the Lake District and Yorkshire Dales National Park and Forest of Bowland AONB. The coastline is approximately 1.8km to the west of the site.
- 1.3 Surrounding land uses reflect the open characteristics of the area with several farmsteads, roads linking small settlements, infrastructure related to the distribution of electricity (predominantly pylons and transmission lines) to/from the nearby Heysham Power Station and telecommunications apparatus. Transmission line routes run to both the west/north and the south (running east/west) of the site, with a total of three lines close to the application site. The line running to the west of the site lies between the proposed turbine and housing to south Heysham. The BT Radio Station includes a 30m high lattice telecommunications mast with associated antennas; transmission dishes and ancillary equipment and security fencing around its perimeter and lies approximately 500m to the south west of the site.
- 1.4 The farmsteads lie mainly in a cluster to the northeast and east of the site with a smaller number to the south. The closest of the farmsteads is Downlands Farm to the northeast, approximately 600m from the turbine.
- 1.5 The immediate area in and around the site is flat predominantly agricultural pasture with hedgerow

field boundaries and a network of field drains following boundaries. The southern part of Heysham occupies a ridge running north-south and overlooks the application site and is occupied by established residential housing along with developing housing sites. The site and surrounding Mossland lies at a height of 5m Above Ordnance Datum (AOD). The highest part of the neighbouring ridge is to 30m AOD with the general area of housing lying at 15/20m AOD. There are two public footpaths in close proximity to the site, one runs approximately 500m from the site's northern boundary, the other to the south west of the site outside but along the southern boundary of the site.

- 1.6 Areas of significant international ecological importance including the extensive Morecambe Bay Special Protection Area (SPA), also designated as a Special Area of Conservation (SAC) and a RAMSAR site, and which is located within 2km of the site. A large proportion of the coastline of Lancashire is designated as 'internationally important' for its nature conservation value due to its estuarine environment (Rivers Ribble, Lune and Wyre) which is known to support more than a million waders and wildfowl. The Lune and Ribble Estuaries are also RAMSAR sites along with Leighton Moss and Martin Mere which are further afield.
- 1.7 Land adjacent to the west of the site is designated as Heysham Moss Biological Heritage Site (BHS), which is a site of local importance, predominantly for the quality of its vegetative habitats and species of flora. The Heysham Moss Site of Special Scientific Interest (SSSI) is also a Nature Reserve, is located beyond the BHS within 270m of the site's western boundary. Heysham Moss SSSI has a number of important habitats including areas of woodland and scrub, wet grassland and most importantly a central area of raised bog. The site is not subject to any landscape designations, the closest designation being Forest of Bowland Area of Outstanding Natural Beauty (AONB) approximately 7.5km to the east. There are no archaeological or cultural heritage designations on the site.

## **2.0 The Proposal**

- 2.1 British Telecom PLC is seeking full planning permission for the installation and operation of a single wind turbine with an output of approximately 2.0 and 2.5 megawatts (MW), and associated infrastructure. The proposed turbine falls within Schedule 2 II of the Environmental Impact Assessment (EIA) Regulations 1999 and as such a full EIA and Environmental Statement (ES) accompany the application. This is a resubmission of an earlier withdrawn application (09/00155/FUL) which sought consent for two 110m turbines on a similar site.
- 2.2 The proposal broadly seeks planning permission to erect and operate a single wind turbine with a generating capacity of between 2.0 and 2.5 (MW), creation of approximately 700m of new internal access track, a crane pad area, a switchgear enclosure and underground cabling on site. A temporary compound will also be required to facilitate construction activities.

The key site elements are as follows:

- One, three bladed wind turbine of up to 110 m tip height with an installed capacity of between 2 and 2.5 MW
  - Turbine support foundations likely to measure 14m in diameter, and approximately 2 m in depth, requiring up to 350 m<sup>3</sup> of concrete and 38 tonnes of steel reinforcing.
  - A new access point from the A683 for the proposed 6 month construction
  - A 5 m wide access track approximately 700 m in length.
  - A temporary construction compound to house site offices, welfare facilities and storage.
  - A hard-standing area for construction cranes.
  - An on-site switchgear enclosure which will connect via an agreed in principle grid connection to a suitable nearby point on the local electricity distribution network.
  - A transformer either within the turbine nacelle, tower or externally in a separate cabinet.
  - An on-site electrical and control network of buried cables laid in trenches adjacent to the new track.
- 2.3 The supplier of the proposed turbine has not been identified but it will be a three bladed, horizontal axis machine with a hub height of approximately 70m, a blade length of 40m with a rotor diameter of 80m, giving a ground-to-tip height which will not exceed 110m. The assessment of the development within the EIA has been undertaken using the constraints of hub and overall height along with

approximate generating capacity. The turbine will be supported on tapered tubular steel towers. The rotors will consist of three fibreglass blades and will be attached via the hub and main shaft to the nacelle which contains the generator, gearbox and other operating equipment. The turbine will generate power at wind speeds between 4 and 25 metres per second, but will not operate outside this range for reasons of efficiency and safety.

- 2.4 The wind turbine will require a buried reinforced concrete foundation. The dimensions may change depending on the final make of turbine selected but a typical foundation will be 14m in diameter and 2-2.5m deep. The precise foundation design will be the subject of detailed design following ground investigation. Prior to excavation topsoil and subsoil will be removed and stored for reinstatement. Following excavation the foundations will be developed with a finish approximately 1m below ground level. Earthing cables and a perforated drain will be installed around the perimeter of the turbine foundation. A further short foundation base of the turbine tower will be cast into the reinforced concrete foundation and will be extended approximately 0.5m above the finished ground level. Selected suitable excavated material will be compacted in layers on top of the concrete foundation to terminate flush with the existing ground level, leaving sufficient room for topsoil reinstatement.
- 2.5 For routine operational access to the installed turbine it is proposed to utilise an existing agricultural access running north from the site onto Oxcliffe Road, close to Fanny House Farm. However, to enable the construction, operational and decommissioning phases of the proposed development, a new access will be required directly off the A683. The access will consist of a bitumous surfaced bell mouth leading to a 5m wide access track. The bell mouth is offset with a shallow flatter swept splay on approach to allow for abnormal loads to access the site from the west. The overall width of the access will be 43m, 40m being the splay design to accept abnormal loads as it is anticipated that all wind turbine components will be shipped to the Port of Heysham and will then be transported by road to the site. The eastern approach to the access is built to a tighter radius as this element is only anticipated to receive normal vehicular traffic. Localised overrun areas leading from the Port of Heysham to the site entrance will be limited with the need for limited carriageway widening, footway or verge reinforcement and temporary removal of street furniture. Once the construction of the wind turbine is completed the access to the A683 would be closed off but will remain in place should there be a need for more than routine maintenance.
- 2.6 A new access will be created to enable construction including the delivery of wind turbine components, from the A683. The new track will be 5m wide and approximately 700m long. The track would be built to a sufficient standard to allow construction and wind turbine delivery vehicles access to the wind turbine location, during the construction, operational and decommissioning phases. Construction of the track would be made up of a 450mm thick sub-base of suitable material, likely to comprise aggregate, and a 150mm thick top layer of fine crushed stone. Either side of the track drainage ditches designed and sized to the hydrological conditions will be installed.
- 2.7 The provision and route of the access track will require the crossing of two field drainage ditches. It is proposed to bridge the ditches as they are of relatively narrow width and will result in the least possible disturbance to the ditch channel and side. The width of the crossing will be kept to a minimum but will be wide enough to ensure safe crossing whilst preventing blocking or wash-out. The precise design is to be agreed following detailed on-ground assessment.
- 2.8 Whilst the point of access onto the A683 is defined, the precise route of the access track and bridge crossing as set out on the plan will require some flexibility (alignment and positioning) to within 20m. This will enable the precise route to be defined during the detailed design phase or indeed at construction. This will lead to improved design and the potential to reduce effects on the ground to habitats of presently unknown features. The access track and bridge crossing will remain post construction.
- 2.9 A temporary contractors compound will be formed approximately 3000sqm in area on the eastern side of the access road, approximately 100m from the A683. This will house site offices, welfare facilities and provide storage for plant and materials during construction and decommissioning. The base for the compound would be constructed using the same methodology as the access track. Buildings within the compound are likely to comprise portable buildings. At the end of the construction period the buildings and aggregate base of the compound will be removed and topsoil relayed, the area then being reseeded and restored to agricultural use.
- 2.10 Following construction of the turbine foundation and backfilling, a crane hard-standing (45 m x 30 m)

will be constructed adjacent to the turbine base. The hard-standing area is required for the cranes and delivery vehicles involved in erecting the wind turbine. The crane hard-standing will be constructed to the same specification as the access track although localised load-bearing pads will be required to support the crane outriggers. The load bearing pads are constructed of compacted granular fill and are of a deeper construction to the main hard standing. The precise location of the pads and the construction depth will be directly dependant upon the crane layouts and ground conditions. This approach significantly reduces the amount of imported material, only deepening the sub base where required. The crane standing area would remain post construction to allow for works access that would need a crane.

- 2.11 The electricity produced by the turbine will be converted to the appropriate voltage by a transformer housed either with the nacelle (hub of the turbine) or within a combined transformer and switchgear building located at the base of the turbine. Typically this building will be small in scale at 2.5m by 2.3m and standing approximately 2.3m high. The building is sat on a similar sized concrete plinth standing 1.3m above ground level. The switchgear enclosure will be secured with secure palisade fencing to meet appropriate regulations, typically 2.2m high. The colour of the building is finished to match the turbine.
- 2.12 All cabling is proposed to be routed underground. The cabling for the grid connection is proposed to run north from the turbine to the 6.6Kv network already present at the Heysham site. The route will follow the route of access tracks for ease of maintenance and aid separation from the day to day agricultural activities. Agreement has been granted in principle with Electricity North West for a connection to the grid but precise details of the point of connection are not agreed and will be the subject of a further application. To lay the cables, trenches approximately 1.1m deep and 610mm wide are typically required.
- 2.13 The construction period will be approximately six months with working taking place during daylight hours Monday to Friday. Weekend and night-time working will be minimised. Provisional estimates suggest that 1100 cubic metres of compacted stone will be required, although the exact quantities will depend on actual ground conditions encountered during construction. An allowance for 3500 cubic metres has been made in the Assessment. Material excavated during the construction of the turbine and infrastructure will be reused as far as practical on site, primarily for restoration of disturbed ground or during the implementation of the proposed habitat mitigation strategy. Ready mixed concrete for the foundation is to be source locally to ensure that material and water sources are kept off site.
- 2.14 The permanent land take associated with the development during the operational stage, which comprises the turbine foundation, site access track and crane pad hardstanding, totals to approximately 1.0 hectares. Following decommission after 25 years this land will be reinstated and returned to agricultural use.

### **3.0 Site History**

- 3.1 The site has a limited planning history, all relating to the development of wind energy at the site. It has been the subject of a withdrawn planning application to develop two wind turbines of 110m maximum height (69m column and 41m blades). This application (09/00155/FUL) was submitted in February 2009 and resulted in a formal objection by the Ministry of Defence (MoD). The objections were not overcome and whilst the development was considered acceptable in respect of landscape impact and residential amenity, the application was recommended for refusal at the July committee meeting. The summary for the reasons for refusal were as follows: -
  - Contrary to national interest in that wind turbines in the position shown would interfere with radar tracking of aircraft from Warton.
  - Insufficient information to show that wildlife interests of the site will be safeguarded.

Following the recommendation of refusal of the application and an inability to overcome the formal objection, the application was withdrawn by the applicant, British Telecom PLC before determination.

The current application has been submitted following ongoing discussions with the MoD and the ecology consultees. In order to address concerns raised over developing a turbine site close to Heysham Moss SSSI and to reduce impact upon neighbouring residential properties the new application has been reduced to a single turbine. The proposed site of the turbine reflects that of the



easternmost location of the original scheme and moves the turbine site approximately 380m further away from housing in south Heysham.

Application Number	Proposal	Decision
07/01790/FUL	Erection of a 60m high anemometer mast	Approved - Feb 2008
08/00697/EIR	EIA screening opinion for a wind turbine	June 2008
09/00155/FUL	Erection of 2 wind turbines and associated works including switch room, Cable routing and trenches, site access and tracks, including new vehicular access from A683, hardstanding area and contractors compound	Withdrawn – July 2009
11/00005/FUL	Continued siting of a 60m high anemometer mast	Approved – Feb 2011

#### **4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
<b>County Planning</b>	<p>Concludes that the proposed development would make a contribution to meeting the Lancashire renewable energy target in the Regional Spatial Strategy and would make a positive contribution to targets for reducing greenhouse gas emissions. Furthermore the proposed development would provide wider economic, social and environmental benefits. The likely landscape and visual impacts of the proposed development do not raise matters of strategic significance.</p> <p>One 2–2.5 MW turbine would, if approved, would provide a contribution to meeting the Lancashire Renewable Energy targets, of which there is a significant shortfall at the present time. The proposal would make a positive contribution to targets for reducing greenhouse gas emissions. The site is also not located within a Mineral Safeguarding Area in the draft Joint Lancashire Minerals and Waste Development Framework Site Allocations and Development Management Policies DPD</p>
<b>County Highways</b>	<p>The previous (2009) application for two turbines in a similar location established County Highways informal consent to use the A683 during the construction and decommissioning stages of the development, and the use of Clay Lane for operational access. Works have been identified that will require entry into a Section 278 (Highways) Agreement including the development of a Traffic Regulation Order for a temporary 30 mph. Although the scheme now differs there will be no change in the arrangements agreed under the previous proposal in relation to site access and the use of Clay Lane.</p> <p>The speed limit on the A683 has now changed to 60mph and the previously agreed arrangement will need to be revised to comply with the Design Manual for Roads and Bridges in terms of geometry and visibility requirements. A new safety audit will be required.</p> <p>The S278 (Highways) Agreement will require: -</p> <ul style="list-style-type: none"> <li>• The new junction works to the A683 including removal and reinstatement after erection of the wind turbine has been completed.</li> <li>• All off-site works to the existing highway network between the Port of Heysham and the site associated with enabling the turbine delivery vehicles, including reinstatement on completion.</li> </ul> <p>In addition, as above, a temporary 30mph speed restriction in the vicinity of the temporary construction access and the A683 is to be introduced with the cost of the Traffic Regulation Order being borne by the applicant.</p> <p>Suggested planning conditions:-</p>

	<ul style="list-style-type: none"> <li>• Scheme for the construction and subsequent removal of the temporary site access and the off-site highway works associated with facilitating the turbine delivery route from the Port of Heysham to be agreed</li> <li>• Development to be constructed in accordance with the agreed scheme</li> <li>• Construction not to commence until the 30mph temporary Traffic Regulation Order is in place</li> </ul>
<b>County Ecology</b>	<p>These proposals have the potential for impacts upon biodiversity, including:</p> <ul style="list-style-type: none"> <li>• Qualifying species of Morecambe Bay Special Protection Area - pink-footed goose;</li> <li>• Non-statutory designated sites: Heysham Moss – land adjoining SSSI Biological Heritage Site;</li> <li>• Habitats of Principal Importance – coastal and floodplain grazing marsh;</li> <li>• European Protected Species – great crested newts;</li> <li>• Protected Species and Species of Principal Importance – water voles, common toads, bats, breeding birds.</li> </ul> <p>In order for Lancaster City Council to be satisfied that the proposals are in accordance with the requirements of biodiversity planning policy, guidance and legislation, further information (great crested newt survey, pink-footed goose mitigation) is required prior to determination of the application. This includes:</p> <ul style="list-style-type: none"> <li>• A survey for great crested newts, together with a method statement for the protection of the species if newts would be affected.</li> <li>• Mitigation proposals for impacts on pink-footed geese should be approved by Natural England.</li> </ul> <p>If the above matters can be adequately addressed, then the following planning conditions/obligations will be required:</p> <ul style="list-style-type: none"> <li>• If required, approved mitigation measures for impacts on great crested newts will be implemented in full.</li> <li>• No site clearance, site preparation or development work shall take place until a Construction Environment Method Statement and Site Environmental Management Plan have been submitted and approved by Lancaster City Council in consultation with specialist advisors.</li> <li>• No site clearance, site preparation or development work shall take place until a Habitat Creation and Management Plan has been submitted and approved by Lancaster City Council in consultation with specialist advisors.</li> <li>• Detailed mitigation measures for impacts on pink-footed goose (as agreed with Natural England) shall be implemented in full.</li> </ul> <p><b>Update</b> - Following receipt of a Great Crested Newt survey it was concluded that as no evidence of great crested newts was found, the proposals are therefore unlikely to impact upon a population of this species locally and no mitigation is required for this species.</p> <p>However, common toads (Species of Principal Importance in England – Section 41 Natural Environment and Rural Communities Act (NERC) Act 2006) were found to be present in all ponds. It would therefore be appropriate for the applicant to submit a method statement to demonstrate that impacts on common toads and their habitat will be avoided. Recommends a planning condition requiring the submission of a construction environment method statement (CEMP) to include mitigation measures for impacts upon species including amphibians. As the presence of common toads has been confirmed in ponds in this area (and they are known to also use the ditches), it will be important to ensure that their protection is dealt with by the CEMP.</p> <p>Details of the approach to the mitigation for pink-footed geese have been the subject</p>

	of joint discussion with RSPB, Natural England and County Ecology. The approach to secure offset land (minimum of 28 hectares) within the general feeding areas of the geese is acceptable. The secured areas will have shooting rights removed and ongoing land management to encourage use by pink-footed geese.
<b>County Archaeology</b>	The desk study assessment has concluded that there is a medium to high potential for prehistoric activity on the site. Similar landscapes in the northwest have produced well preserved remains. It is however not considered likely that any surviving deposits would be of such significance as to merit preservation in-situ, but rather that preservation by record (archaeological excavation and recording) would be an appropriate means of mitigation. A condition is required to that effect.
<b>Environmental Health</b>	<p>Satisfied that disturbance from the proposed turbine will not cause disturbance to residential properties in the area. To ensure that noise does not become a problem to residents the imposition of the following conditions is recommended.</p> <ol style="list-style-type: none"> <li>1. Standard limitation on construction hours but also with a provision to allow evening working up to 9pm by prior arrangement with the LPA</li> <li>2. No piling operations are anticipated but should any driven pile systems be used prior notification in writing to the LPA will be required.</li> <li>3. At any currently occupied, and properly consented residential location, noise from the turbine shall not at any time exceed a noise level of 40dB daytime or 43dB night-time measured on the La90 scale over any 10 minute period, or 5dB above the agreed prevailing background noise level, whichever is the greater.</li> <li>4. In the event of any complaint of noise being received, the noise from the turbine shall be monitored for compliance with the requirement of condition 3, with results submitted to the local planning authority. Should any noise from the turbine exceed the limits set out in condition 3, under some or all operating conditions, measures shall be taken by the operator to reduce the noise output of the turbine as necessary to bring noise levels into compliance, whether by stopping its operation or otherwise.</li> </ol>
<b>Ministry of Defence (MoD)</b>	<p>Initial response raised a formal objection to the scheme. The development of a 110m high turbine which will be 33.5 km from, in line of sight to, and will cause unacceptable interference to the Air Traffic Control (ATC) radar at Warton Aerodrome.</p> <p>Wind turbines have been shown to have detrimental effects on the performance of MoD ATC and Range Control radars. These effects include the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns which air traffic controllers must treat as real. The desensitisation of radar could result in aircraft not being detected by the radar and therefore not presented to air traffic controllers. Controllers use the radar to separate and sequence both military and civilian aircraft, and in busy uncontrolled airspace radar is the only sure way to do this safely. Maximum turbine height for no visibility to radar is 38 metres. This is an indicative figure. Any changes to turbine heights should be resubmitted to Defence Estates Safeguarding for reassessment.</p> <p>If the developer is able to overcome the issues stated above, the MOD will request that all turbines be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.</p> <p><b>Update</b> - Following a more detailed examination and reassessment of the development a further consultation response now supersedes and <b>removes</b> the formal objection to the scheme. Suggested condition for the fitting of aviation lighting</p>
<b>National Air Traffic Services (NATS)</b>	Formal comments yet to be received. The applicant has been in discussion prior to submission where it was determined that the site is located underneath airway N615 and Upper N615 which has a base level of 14500ft and it is possible that the turbine will be detected by the NATS en-route radars at Lytham St Annes and Great Dunn

	Fell but is shielded from the Lowther Hill radar. The area is not critical for the manoeuvring of aircraft and it is considered that a single turbine in this location will have minimal impact upon their operations. Any response will be verbally reported.
<b>Civil Aviation Authority</b>	<p>The CAA would not wish to make any site specific observations, it is understood that the applicant is in discussion with NATS and MoD. Structure over 300 feet high need to be charted on civil aviation maps and should the wind turbine progress the developers will need to provide details to the Defence Geographic Centre via a planning condition. Consultation with other aviation stakeholders could raise the following points:</p> <ol style="list-style-type: none"> <li>The need to provide obstruction lighting if the structure is considered to be a credible aviation hazard.</li> <li>The rotor blades, nacelle and upper 2/3 of the supporting mast that are deemed to be an aviation hazard should be painted white.</li> <li>The number of pre-application enquiries associated with turbine developments has been significant. It may not be the case that a support for of a single turbine application in the generic area would result in the same positive response.</li> <li>Viewpoint of the local emergency services air support units should be sought.</li> </ol>
<b>Envirolink Northwest</b>	<p>Funded regionally and internationally to develop and support the NW energy and environment technology, including the support of renewable energy technologies. No site specific comments have been provided but one on the wider strategic context.</p> <p>Government has set ambitious targets for renewable energy; by 2020 15% of our energy needs should come from renewable sources. PPS 22 sets the national policy framework and states that the wider environmental and economic benefits of all proposals for renewable energy, whatever the scale are materials considerations that should carry significant weight in determining proposals.</p> <p>Policy EM17 of the RSS sets out that by 2010, 2015 and 2020 at least 10%, 15% and 20% respectively of the electricity needed to supply the region should be from renewable energy sources.</p> <p>The application is for a single 2-2.5MW turbine. Typical performance for turbines of such scale is an expected generation of 5000MWh per annum. This equates to the electricity demand of around 1100 homes or 2500 tonnes of CO<sub>2</sub>.</p>
<b>Environment Agency</b>	<p>Initial objections to the submission as a Survey of Great Crested Newt had not been undertaken. But following review of the Great Crested Newt survey, withdrawal of the objection, subject to suggested conditions: -</p> <ul style="list-style-type: none"> <li>Details for the protection/mitigation of damage to common toad</li> <li>Details of proposed mitigation measures and compensatory habitat provisions in respect of the loss of coastal floodplain grazing marsh</li> <li>A 5m buffer strip of at least 5 metres measured from the top of the bank of watercourse and ponds shall be identified and kept clear of any works associated with the development.</li> </ul> <p>Recommends bridge crossing (bank to bank) of the watercourses rather culverts</p>
<b>Natural England</b>	<p>No objection, but advises that the local planning authority considers the impact of the development on protected species, biodiversity and landscape. Other than generic guidance provided as part of this consultation, the following comments have been received:</p> <p>Natural England (NE) and RSPB have had meetings with the applicant's agent to discuss the scope of mitigation for the displacement likely to occur to feeding Pink-footed goose during the winter months. These are an SPA species for Morecambe Bay and any likely significant affect on this species will therefore need to be</p>

	<p>considered in accordance with the Conservation of Habitats &amp; Species Regulations 2010.</p> <ol style="list-style-type: none"> <li>1. NE have no concerns regarding collision risk to Pink-Footed Geese based on the information submitted in the ES, and believe that the impacts of displacement can be mitigated, and if an appropriate mitigation scheme is developed it can form the basis of a suitable planning condition so NE would be unlikely to object.</li> <li>2. Have agreed that a multiplier of 2 should be applied to the perceived loss of functional land within the 600m buffer around the turbine. They therefore expect the mitigation land to comprise a contiguous area of land of approximately 28ha.</li> <li>3. The search area should focus on suitable land north of the Lune Estuary in the first instance (outwith the 600m displacement distance of the proposed turbine), the area described in S8.6.10 of the Ornithology chapter should be considered if no land can be secured in the primary search area.</li> <li>4. There must be evidence that any proposed mitigation land is within an area where sporting/shooting rights are actively exercised, this land should not be within or adjacent to the existing designated areas where wildfowling agreements are already in place.</li> <li>5. Suitable mitigation would involve the suspension of all shooting over the entirety of the mitigation area for the life of the windfarm (construction, operation, decommissioning)</li> <li>6. The details need to be supplied to the LPA so that suitable conditions can be agreed with NE prior to determination.</li> <li>7. NE have discussed with colleagues in the North who agree with the principles of the mitigation and have suggested this could be an appropriate solution. I have yet to receive a formal opinion from our national specialists.</li> </ol> <p><b>Update</b> - Following discussion with National NE staff, agreement to the mitigation approach is accepted with the following additional comments added in respect of the loss of feeding areas for SPA birds: -</p> <ul style="list-style-type: none"> <li>• The 'qualifying land' should fall within the areas identified in the study completed by Pete Marsh on behalf of BT, focusing initially on the qualifying areas north of the Lune;</li> <li>• Once wildfowling has ceased on the appropriate area of land, this land should not become subject to any secondary or deliberate source of disturbance within the limits of control of the land manager.</li> </ul>
<p><b>Royal Society for the Protection of Birds (RSPB)</b></p>	<p>In principle, the RSPB have no objection to the development.</p> <p>RSPB and Natural England have had discussion with agent over the need and approach for mitigation/offset of feeding areas displaced by the development.</p> <ul style="list-style-type: none"> <li>• Any mitigation land needs to be at least 600m from our turbine;</li> <li>• A suitable (contiguous) area should be at least double the 'sterilised' area of 13.9 Ha contained in our submission</li> <li>• The land should be within the area detailed in paragraph 8.6.10 of our Ornithology chapter;</li> <li>• Within this area, there is a preference for land north of the Lune – alternatively, land Suitable mitigation measures would be the suspension of all sports/recreational shooting rights over the entirety of the mitigation area for the lifetime of our project. No other PFG mitigation measures would be necessary</li> <li>• Enhancement measures already proposed (control of water from ditches and management of the field next to Heysham Moss) to enhance the nature conservation value of the immediate area and thus demonstrate that measures in the NERC Act (no net loss <i>and enhancement</i>) are adhered to. This enhancement is additional to the mitigation for PFG, which we confirm is limited to buying out shooting rights over an agreed area of land.</li> </ul>

	<ul style="list-style-type: none"> <li>As a further 'enhancement measure', the 'goose alert' areas that Pete Marsh mapped on your behalf should be made publically available (ie. via GIS layers), as this information will enable Natural England/ RSPB/ decision makers to help conserve key pink-footed goose feeding areas (functionally linked to SPA's) in the future.</li> </ul> <p>Formal agreement has been reached over the approach to mitigation /offset for pink-footed geese.</p>
<b>The Wildlife Trust</b>	<p>Comment on the objectives set out in the EIA: -</p> <p>Objective 1 - To increase the quality and carrying capacity of the available habitat for pink-footed geese</p> <p>The proposed mitigation area is already regularly used for in excess of 2000 pink footed geese, queries the ability of this area to further increase the carrying capacity of the area. The ornithology chapter appears to conflict with this objective seeking to ensure the feeding numbers are not reduced. Measures that would make the land more attractive appear to have been discounted with no explanation.</p> <p>Objective 2 - To enhance and manage the remaining grazing marsh habitat in line with the UK BAP description</p> <p>Considers the 30% annual ditch clearance to be excessive, management of the neighbouring ditches have not seen relocation of key species.</p> <p>Objective 4 - To monitor the success of these measures and set in place management changes if necessary to improve such success.</p> <p>No provision for the monitoring of PFG foraging making it impossible to judge whether Objective 1 has been accomplished.</p> <p>The description conflicts with the ornithology mitigation indicating recording of location and numbers of al PFG each winter before enhancement and for five years after erection of the turbine. They are disappointed that the period for monitoring ceases after five years as long term monitoring of operational site would assist in the consideration of future applications</p> <p>Access track/ditch crossing – questions the need for the track to extend west and demand a second crossing. The turbine field would appear to have sufficient space to allow the turning area to be sited closer to the crane hardstanding</p> <p>Great Crested Newts – Survey has not been undertaken. The presence or otherwise of European protected species should be established prior to determination of the application. <b>Update</b> - Following receipt of the Great Crested Newt survey, noted that no evidence of newts, including Great Crested Newts, was recorded via the survey. Accordingly, they have no further comments to offer in terms of Great Crested Newts</p> <p>Construction Method Statement/Site Environmental Management Plan – These should be secured by means of a planning condition and supported by the employment of a suitably qualified and experienced Ecological Clerk of Works.</p> <p>Mitigation/Enhancement Management Plan – Habitat Management Plan to be produced post consent. As adjoining land managers of Heysham Moss SSSI/BHS, we would appreciate our Heysham site manager being involved in the development of this document in order to maximise biodiversity gain for both sites.</p>
<b>Office of Communications (OFCOM)</b>	No response received.

<b>Fire Safety Officer</b>	The Fire Authority has no objections to the proposal providing suitable access provision for fire service appliances. Advice is provided in this regard.
<b>Lancashire Constabulary</b>	No response received.
<b>Air Ambulance</b>	No response received.
<b>Parish Councils</b>	No response received.
<b>English Heritage</b>	The application has been considered but specialist staff do not wish to offer comment on this application. The application should be determined in accordance with National Local Policy guidance and on the basis of your specialist Conservation advice.
<b>Conservation Officer</b>	Does not consider that the development would have any significant impacts upon the Schedule Ancient Monuments (St Patrick's Chapel and Lancaster Castle) - or Heysham Village Conservation Area

## **5.0 Neighbour Representations**

- 5.1 At the time of compiling this report, a total of 40 letters (37 objection and 3 support) of representation were received as a result of neighbour consultations including a letter from David Morris MP for Morecambe and Lunesdale. The comments received have been summarised as follows: -

### **Letter from MP David Morris**

Writes on behalf of a number of residents who have contacted him raising objections to the development. The main areas of concerns are:

- Noise pollution and shadow flicker which are both detrimental to health
- Significant visual impact on the area dominating the landscape
- Clearly visible from garden areas and reduce property value
- Economic benefits to the area would be very small
- Approval of this application could result in additional applications to those already under consideration

### **Procedural Concerns**

- This is a revised version of the previous application, the original application was objected to by MoD and RSPB. How does this current application differ or overcome the original concerns.
- A private members bill by Lord Reay of Whittington is currently progressing through the House of Lords and has had a second reading. The Bill stipulates that no turbines should be erected within 1.5km from the nearest residence. It is suggested that whilst the outcome of the White Paper is unknown it would be inappropriate of the City Council to consider an application.

### **Residential Amenity Concerns**

- Too close to residential properties minimum separation distances from residential properties apply in Scotland, Wales and other European countries. The UK Noise Association recommends a minimum separation distance of 1 mile (1.6km) from residential properties. In Scotland a minimum distance of 2km is encouraged. The Governments of Germany and Denmark have now legislated a minimum setback distance of 2km after numerous noise pollution issues. The French Government requires a minimum distance of 1.5km. Independent medical experts now recommend that people should not live within 2.4km (1.5 miles) of a turbine cluster. The residents of Heysham also deserve this protection.
- Visually intrusive from the elevated position of nearby house many of the properties face directly towards the turbine development from an elevated position. Principal rooms, bedrooms and rear gardens will have a direct view of the development. Impact upon neighbouring residents will be compounded by the potential turbine development proposed by Banks Renewables.

- Noise disturbance – turbine development generate excessive levels of noise disturbing so close to residential properties. Evidence indicates that long term effects of noise can be detrimental to human health leading to sleep disturbance, abnormal heart beat and headaches.
- There is evidence that the noise radiation from wind turbines is made up of a number of sound characters, which include low frequency noise, infrasound, vibration, rhythmic pulsation, and tonal qualities. Acoustic infrasound is very low frequency sound which can travel further distances and easily penetrate most buildings and vehicles. Unlike higher frequencies, the ultra low frequency waves, produced as the turbine tips and blades rotate, can penetrate thick walls (passes through obstructions with less attenuation) and can be detected by the human body, and can be upsetting or unsettling. The longer wavelengths in low frequency noise resonate within rooms magnifying their loudness relative to the outside. Prolonged exposure to low frequency noise causes a complex disease known as vibro-acoustic disease. Evidence indicates that physical & mental health problems subsequently experienced by residents when living within 2km of wind turbines have been due to low frequency noise emitted by the wind turbines.
- Consideration should be given to the cumulative effects of living with this noise 24/7, 365 days per year, for the lifetime of the turbine (at least 25 years) and is not comparable with visiting for a few hours or days or working nearby during a weekday. This would be exacerbated for people who are retired or in their houses most of the time for other reasons. We would have no respite from the noise and it could have a detrimental impact on our mental and physical health.
- Close proximity to residential properties in Heysham
- Shadow flicker - The EIA assessment predicts that 9 properties, in the 900m calculation zone from the turbine, would likely be affected by effects of shadow flicker and the well-being of these residents must also be considered.

### TV interference

- Concerns that the development will disturb TV, radio and mobile phone reception. Once erected the ability to protect against such disturbance will be difficult to control. The EIA indicates that transmitters are likely to be effected by the turbine development potential effecting over 10,000 homes in the area.

### Character of the Area

- The area is already over developed with electricity supply infrastructure (pylons and power lines), increased sub station and possible 3<sup>rd</sup> nuclear station. The area cannot cope with additional structures
- The area appears to becoming a dumping ground for turbine applications; the immediate area has already been the subject of three applications. This development, if approved will lead to further applications
- The area to the south/east of Heysham development of any turbines in area will disturb the quiet, tranquil and scenic beauty of the area.
- The location of turbine development should, in principle be directed to areas without substantial residential properties to reduce impact.
- The location and scale of the development will impact upon views of Ashton Memorial, the Bowland Fells, Clougha and Ingleborough. The photomontages are misleading and indicate far less intrusion than will actually occur.
- If this wind turbine development were allowed to go ahead, this would also set a precedent for subsequent approval of the application for the 4 wind turbine Heysham South development, which is being proposed by Banks Renewables, to be built in the field just across the A683 from this development. The cumulative effect would be greater with respect to visual aspect and noise.
- The development does not accord with Policy E4 of the LDLP, it is out of scale and keeping with the area and inappropriate.

### Ecology

- Potential impact upon pink footed geese, the area is used extensively all year round for grazing and as a flight path during migration. The placement of turbines will disturb feeding



area, lead to bird strike, death and injury.

- The fields surrounding the turbine location are use by large number of wading birds when the tide fills the bay and estuaries.
- Potential to disturb bats in the area and the wider nature reserve. The sensitive and delicate nature of the Moss will be disturbed by such intrusive development.
- Concern over the impact of the neighbouring Heysham Moss SSSI. The area has many special plants, wildlife and ancient peat land. The area is home to a wide variety of breeding birds including, lapwings, grasshopper warbler, greater spotted woodpecker in addition to over wintering geese, snipe, teal and woodcock.

### Highways/Safety

- Visually distracting for uses of the neighbouring Heysham link road and other nearby highways.
- The development is likely to cause disturbance to household and neighbouring highways during the construction process.
- Evidence is available to indicate that there can be danger form ice build up on the blades being thrown great distances when the turbines start to move. Public footpaths run relatively close to the site and walkers could be affected.

### Energy Development

- Comments that the only future for energy generation is nuclear power.
- Wind energy development should be focussed upon off-shore with reduced impact on residential homes and the landscape
- Wind turbines are not cost effective and require heavy subsidy for construction. Neither are they an efficient generator of energy. The area is regularly calm and wind free. The amount of energy produced by these forms of development whilst appearing to be substantial is in effect has little impact upon the generation needs of the country. The neighbouring Heysham power stations (two and present and potential three) produce very large amounts of power approx 1320 MW each.
- BT have not provided a justification for such development, only seeking gain revenue at the expense of the landscape in this area.
- Wind energy development is grossly inefficient, many long periods of no wind, typical winter months with sustained high pressure with no wind for many weeks. . The production of power by constant sources such as nuclear power is the only practical way forward. Recent evidence indicates that turbines operated at only 24% capacity last year overall and only 5.8% during the period before Christmas. There is a strong need to develop other low-carbon forms of energy production.
- The wind generation figures appear to conflict with the monitoring statement produced by BT as part of the EIA submission.

### Social, Cultural and Economic concerns

- Heysham has an ancient history and conservation area, development will affect such areas.
- Loss of value to residential properties (*not a planning consideration*).
- Wind turbine development does not bring jobs or local employment into the area. Power station generates many local jobs and monies spent within the local economy. Turbine developments do neither.
- Turbine applications are “regularly approved” despite 100% rejection from local residents.
- Alternative energy is to be supported but not at the expense of the landscape.
- Disturbance noise and potential safety concerns are considered to be a potential violation of Article 8 of the Human Rights Act
- BT is seeking to develop wind energy merely for economic benefit with little regard to the impact of local residents upon this local and national sensitive site.
- 

### Letters of Support

- Include comments that are wholly supportive of the nature of development;
- Support for the development suggesting additional turbines could be accommodated in the

area without affect upon the character of the area given the presence of existing electricity infrastructure.

## **6.0 Principal Development Plan Policies**

6.1 National, Regional and Local planning policy are relevant to this proposal. The following list is of particular relevance and shall form the principle policy framework for assessing the application:

6.2 National Planning Statements (NPS), Planning Policy Statements (PPS) and Planning Guidance Notes (PPG)

***PPS1 (Delivering Sustainable Development)*** sets out the Governments overarching planning policies on the delivery of sustainable development and provides generic advice for all new development. The Government sets out four aims for sustainable development. These are:

- developing strong, vibrant sustainable communities
- protection of the natural and historic environment
- prudent use of natural resources
- promoting a strong, stable and productive economy

With regard to environmental protection, PPS1 states that a high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources, conserving and enhancing wildlife species and habitats and the promotion of biodiversity. It goes on to state that planning policies should take account of environmental issues; such as the mitigation of the effects of, and adaption to, climate change through the reduction of green house gases and the use of renewable energy. Where adverse impacts are unavoidable, mitigation and compensatory measures may be appropriate.

***PPS1 (Planning and Climate Change Supplement)*** indicates that planning has a key role to play in tackling climate change and securing progress towards the UK's emission targets. It also states that planning authorities should provide a framework that promotes and encourages renewable and low-energy generation and as such policies should be designed to promote and not restrict renewable technologies and supporting infrastructure. Subsequently, applicants for renewable energy development should not be required to demonstrate the overall need for renewable energy, nor should the energy justification for a proposed development in a particular location be questioned.

***PPS5 (Planning for the Historic Environment)*** now supersedes PPG15 and PPG16 in relation to the historic environment and archaeology. The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. In order to deliver sustainable development, PPS5 states that policies and decisions concerning the historic environment should:

- Recognise that heritage assets are a non-renewable resource
- Take account of the wider social, cultural, economic and environmental benefits of heritage conservation
- Recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained in the long term.

Policy HE1: Heritage Assets and Climate Change is particularly relevant. HE1.3 states that where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significant of heritage assets in accordance with the development management principles in this PPS and national planning policy on climate change. Policy HE6 of PPS5 states that where an application site includes or has the potential to include heritage assets with archaeological interest, planning authorities should require developers to provide an appropriate desk-based assessment or where appropriate a field evaluation with an application.

***PPS7 (Sustainable Development in Rural Areas)*** sets out the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. This advice is also formally provided in PPS 4 – Planning for Sustainable Economic Growth, which supersedes certain paragraphs of PPS 7. When determining planning applications for development

in the countryside, local planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to areas that have been afforded statutory designation for their landscape, wildlife or historic qualities. Major developments should not take place in these designated areas, except in exceptional circumstances. When determining planning applications for development in the countryside, planning authorities should:

- take account of the need to protect natural resources, and;
- provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22.

**PPS9 (Biodiversity and Geological Conservation)** sets out planning policies on the protection and enhancement of biodiversity and geological conservation through the planning system. The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted adequate mitigation measures are put in place and appropriate compensation measures sought.

**PPS22 (Renewable Energy)** is the overarching national policy that sets out Government's stance on renewable energy development and positive steps towards delivering Government's commitment to tackling climate change. PPS22 sets out a number of key principles that planning authorities should adhere to when considering applications for renewable energy developments. These include:

- Renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily;
- Regional and local policies should be designed to promote and encourage, rather than restrict, the development of renewable energy resources;
- The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations and should be given significant weight;
- Planning authorities should not make assumptions about the technical and commercial feasibility of renewable energy projects;
- Small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small;
- Developers of renewable energy projects should engage in active consultation and discussion with local communities at an early stage in the planning process;
- Proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.

The Government has already set a target to generate 10% of UK electricity from renewable energy sources by 2010. The White Paper sets out the Government's aspiration to double that figure to 20% by 2020. PPS 22 requires regional spatial strategies to include regional targets for renewable energy capacity in the region, and states that these targets should be expressed as the minimum amount of installed capacity. PPS22 also emphasises that the potential to generate substantial amounts of renewable energy from offshore projects should not be used as a justification to set lower targets for onshore projects.

PPS22 has regard to the potential landscape and visual effects of renewable energy developments and states that such effects may be minimised through appropriate siting, design and landscaping.

**PPS22 (Planning for Renewable Energy: A Companion Guide)** offers practical advice as to how the policies contained in PPS22 can be implemented. The guide provides advice and guidance relating to a range of technologies. With regards to wind turbine development, this guidance expands and covers social and environmental benefits, together with issues such as noise, shadow flicker, landscape and visual impact, access and associated infrastructure, electromagnetic

interference, ecology, historic conservation and archaeology. The companion guide should be read in conjunction with PPS22.

**PPG24 (Planning and Noise)** advises local planning authorities when determining planning applications for development which will either generate noise or be exposed to existing noise sources to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business. The authority should ensure that development does not cause an unacceptable degree of disturbance, considering carefully in each case whether proposals for new noise-sensitive development would be incompatible with existing activities. Authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations. Ambient noise should be taken into account when considering the application.

**PPS25 (Development and Flood Risk)** requires flood risk to be taken into account at all stages of the development process. PPS25 recognises that flooding cannot be wholly prevented, but its impacts can be avoided and reduced through good planning and management.

**Draft National Planning Statement (NPS) EN3 for Renewable Energy Infrastructure** – Section 2.7 relates to onshore wind and reiterates the guidance contained in PPS22. It identifies the key impacts of onshore wind development as the historic environment, landscape and visual, noise, shadow flicker, and traffic and transport. This policy also lists a series of information to be provided with applications.

**PPS (No Number Yet Allocated): Consultation (Planning for a Low Carbon Future in a Changing Climate)** - this consultation document brings together PPS1 Climate Change Supplement and PPS22 into a new draft PPS for *Planning for a Low Carbon Future in a Changing Climate*. The requirement for this is a response to a significant amount of new legislation and policy, such as the Climate Change Act 2008 and The Low Carbon Transition Plan and Renewable Energy Strategy (July 2009). The consultation document states that the planning system sets out the overall framework for development. This should help secure progress against the UK's emissions targets, both by direct influence on energy use and emissions through, for instance, encouraging energy efficiency, and through bringing together and encouraging actions from others. Policy LCF14: Renewable and low carbon generation is most relevant and reiterates a number of the criteria in PPS22 for determining planning application for renewable energy proposals. For particular importance, it reiterates that planning authorities should not require applicants for energy development to demonstrate overall need; and that significant weight should be given to wider environmental, social and economic benefits of renewable energy projects.

**Planning for Growth** – Minister of State for Decentralisation, Ministerial Statement 23 March 2011. The Statement is capable of regarded as material planning consideration and carries significant weight in determining planning applications. The Statement identifies that planning has a key role in rebuilding Britain's economy. The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. The answer to development and growth should wherever possible should be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

Local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development, whilst considering the likely economic, environmental and social benefits of the proposal including long term and indirect benefits such as consumer choice, more viable communities and more robust local economics

**The (Draft) National Planning Policy Framework** - sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. Whilst it is a consultation document and therefore subject to potential amendment nevertheless it gives a clear indication of the Government's 'direction of travel' in planning policy. Therefore the Draft National Planning Policy Framework is capable of being a material consideration although the weight to be given to it will be a matter for the decision maker's planning judgement in each particular case.

North West Regional Spatial Strategy (RSS) - adopted September 2008.

It is acknowledged that the regional tier of policy will be abolished following the implementation of the Localism Bill. At the present time the RSS remains part of the Development Plan although the Government's intention to abolish is acknowledged as being the likely, imminent direction of policy.

**Policy DP7 (Promote Environmental Quality)** seeks to protect environmental quality by, amongst other means, respecting the character and distinctiveness of places and landscapes; maintaining and enhancing the quantity and quality of biodiversity and habitat; the protection and enhancement of the historic environment; and maintaining tranquillity of the open countryside and rural areas.

**Policy EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets)** - The Region's environmental assets should be identified, protected, enhanced and managed. Schemes should deliver an integrated approach to conserving and enhancing the landscape, natural environment, historic environment and woodlands, and where proposals affect these assets then mitigation and compensation for loss or damage should be a minimum requirement. Of particular relevance is Policy EM 1 (A) which states that planning proposals should identify, protect and maintain distinctive features that contribute to landscape character in the Region. This approach recognises the importance of landscape character assessments undertaken by local authorities.

**Policy DP9 (Reduce Emissions and Adapt to Climate Change)** – as an urgent regional priority, plans, strategies, proposals, scheme and investment decisions should contribute to reduction in the Region's carbon dioxide emissions from all sources in line with national targets to reduce emissions to 60% below 1990 levels by 2050. Increasing renewable energy capacity and promoting micro generation are key measures identified to help reduce carbon emissions.

**Policy EM17 (Renewable Energy)** supports the development of renewable energy schemes. It states that in line with the North West Sustainable Energy Strategy, by 2010 at least 10% (rising to at least 15% by 2015 and at least 20% by 2020) of the electricity supplied in the North West should be provided from renewable energy sources. The following criteria should be taken into account but should not be used to rule out or place constraints on the development of all, or specific types of, renewable energy technologies. The criteria includes:

- anticipated effects on local amenity resulting from development, construction and operation of schemes (e.g. air quality, atmospheric emissions, noise, odour, water pollution and disposal of waste)
- acceptability of the location/scale of the proposal and its visual impact in relation to the character and sensitivity of the surrounding landscape, including cumulative impact
- effect on the region's World Heritage Sites and other national and internationally designated sites or areas, and their settings but avoiding the creation of buffer zones
- effect of development on nature conservation features, biodiversity and geodiversity, including sites, habitats and species, and which avoid significant adverse effects on sites of international nature conservation importance by assessment under the Habitats Regulations
- potential benefits of development on the local economy and local community
- effect on agriculture and other land based industries

**Policy EM18 (Decentralised Energy Supply)** expects local planning authorities to provide a framework that promotes and encourages renewable and low carbon energy development in order to contribute to the achievement of regional renewable energy targets.

### 6.3 Saved Policies of the Lancaster District Local Plan (LDLP)- adopted April 2004

**Policy E4 (Countryside Area)** – Within the countryside development will only be permitted where it is in scale and keeping with the character and natural beauty of the landscape, is appropriate to its surroundings in terms of siting, scale, design, materials, external appearance and landscaping, would not result in a significant adverse effect on nature conservation or geological interests, and makes satisfactory arrangements for access, servicing, cycle and car parking.

**Policy E7 (Protection of Water Resources)** – Development proposal which would affect an existing watercourse will only be permitted where the water quality would be maintained or improved, and there would be no significant adverse impact on the landscape, nature conservation, recreation and amenity importance of the watercourse.

**Policy E12 (Nature Conservation)** – Proposal must take into full account any impacts upon wildlife, wildlife habitats, protected species and important geological features. Where development is permitted, developers will be required to minimise any adverse impact and/or create and provide for the appropriate management of compensatory wildlife habitats.

**Policy E22 (Wind Farms)** – partly superseded by the Core Strategy, states that proposals for the development of wind turbines will be assessed against their impact on the character of the landscape (including cumulative impact), nature conservation, historical conservation and nearby dwellings.

**Policy E35 (Conservation Areas)** – development proposals which would adversely affect important views into and across a Conservation Area or lead to an unacceptable erosion of its historic form and layout, open spaces and townscape setting will not be permitted.

**Policies E44-E46 (Archaeology)** – development proposals should take into account archaeological considerations and the need to safeguard important sites from damage or destruction. Development proposals that would have an adverse impact on the site or setting of a scheduled ancient monument or other monument of national importance will not be permitted. Other sites of archaeological importance will also be protected. When development affecting such sites is acceptable in principle, a scheme for mitigation of damage should be secured to preserve the remains in situ, or where preservation is not justified adequate provision for investigation and recording before and during development will be required. An archaeological assessment and/or evaluation will be required as part of the planning application to make adequate assessment of the nature, extent and significance of the remains present and the degree to which the development is likely to affect them.

6.4

Lancaster District Core Strategy (LDCS) - adopted July 2008

**Policy SC1 (Sustainable Development)** seeks to ensure new development proposals are as sustainable as possible, minimise greenhouse gas emissions and are adaptable to the likely effects of climate change. This policy requires development proposals to be integrated with the character of the landscape and where appropriate enhances biodiversity. The use of renewable energy technologies and the efficient use of land (previously developed land) are measures promoted by this policy.

**Policy SC3 (Rural Communities)** seeks to build healthy sustainable communities by empowering rural communities to develop local vision and identity, identify and need local needs and manage change in the rural economy and landscape. Development should protect, conserve and enhance rural landscapes and the distinctive characteristics of rural settlements.

**Policy SC5 (Achieving Quality in Design)** – proposals should maintain and improve the quality of development in Areas of Outstanding Natural Beauty, Conservation Areas and other rural areas. New development should reflect the positive characteristics of its surroundings including the quality of the landscape.

**Policy ER7 (Renewable Energy)** seeks to maximise the proportion of energy generated in the District from renewable sources where compatible with other sustainability objectives. The need for renewable energy must be balanced against landscape impacts, local amenity, habitats and species, farming and land based industries and local transport networks. South Heysham is identified as a key focus for renewable energy generation including wind and biomass technology whilst ensuring the protection of Natura 2000 sites including the Morecambe Bay, Bowland Fells and Leighton Moss Special Protection Areas from adverse effects.

**Policy ER1 (Higher and Further Education)** states that Lancaster University is the Districts most important economic asset and its continued growth is important to the District and to the Region. This policy seeks to support the continued expansion of Lancaster University within the existing built-up part of the campus and, outside this area, where special justification is demonstrated.

**Policy E1 (Environmental Capital)** – its purpose to improve the District's environment by:

- protecting and enhancing nature conservation sites and landscapes of national importance,

Listed buildings, conservation areas and archaeological sites

- minimise the use of land and non-renewable energy
- resist development which would have a detrimental effect on environmental quality and properly manage environmental risks such as flooding,
- ensuring that development in the city of Lancaster and other historic areas conserves and enhances their sense of place
- protect and where possible enhance habitats and the diversity of wildlife species, and conserve and enhance landscape

**Policy E2 (Transportation Measures)** – ensuring all major development proposals are accompanied by enforceable measures to minimise and mitigate the transport impacts of development.

## **7.0 Comment and Analysis**

### **7.1 Principle of the Development**

In determining this application regard should be made to local policies contained in both the Lancaster District Local Plan and the Lancaster District Core Strategy. Both documents look favourably on renewable energy schemes and seek to promote and encourage proposals provided that any potential impacts are satisfactorily addressed. This includes an assessment of the scheme's impact on the character of the landscape, ecological interests, heritage assets, and residential amenity.

In making this assessment national planning policy for renewable energy (PPS22) clearly states that the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, is also a material consideration and should be given significant weight in determining proposals. This includes the contribution of the scheme to achieving regional and national targets for renewable energy generation. The proposed development, whilst relatively small (in comparison to other non-domestic turbine schemes) would make an important contribution to these targets.

### **7.2 Main Issues**

The main issues for Members to consider in the determination of this application are:

1. The benefits and contribution that the proposal would make to achieving regional and national targets for renewable energy generation.
2. The effects of the proposal upon the character and appearance of the landscape of the immediate and surrounding area.
3. The effects of the proposal upon the living conditions of nearby local residents, particularly in terms of visual impact, noise and shadow flicker.
4. The effects of the proposal upon biodiversity and habitat.
5. The effects of the proposal on the nearby heritage assets.
6. The effects of the proposal on television and radio interference
7. Other issues

### **7.3 Renewable Energy Generation**

The Climate Change Act 2008 was put in place to set legally binding targets for the UK to reduce greenhouse gas emissions by 80% by 2050. The UK Government has also set a target of 10% electricity to be generated by renewable energy sources by 2010, rising to 15% by 2015 and 20% by 2020. The EU Renewable Energy Directive has also set the UK with a legally binding target of achieving 15% of all energy from renewable sources by 2020. Government later produced the Renewable Energy Strategy (RES) in July 2009 which provides a strategy for how the UK can achieve the EU target of 15% of energy from renewables by 2020 in order to meet the wider challenge of climate change. The RES indicates that these targets will be delivered through mechanisms to provide financial support (feed-in tariffs and the Renewables Obligation); drive and clear away barriers; increase investment in emerging technologies; and create new opportunities for individuals, communities and business to harness renewable energy. Of the potential mix of technologies available to contribute towards these targets, wind energy development is identified as

one of the most developed and cost-effective renewable electricity technologies.

7.4 These targets are set out in PPS22 and adopted in the Regional Spatial Strategy (RSS). The RSS provides a breakdown of renewable energy generation targets for each county by renewable energy type. For example in 2010 Lancashire should have been generating 205.5MW of electricity from onshore wind turbines (including wind farms, clusters and single large turbines) and 239MW from all renewable technologies. The aim was to increase these figures to 249MW and 297.4MW respectively by 2015. However, as of November 2010, the total operating capacity (all renewable technologies) amounted to 137.8MW; a shortfall of 101.16MW relative to the 2010 figure. Further updated figures indicate that the total operating capacity (onshore wind turbines over 1MW with planning permission and operational) in Lancashire amounts to 142.4MW. This is a shortfall of 63.1MW to meet the latest 2010 target (from onshore wind turbines including wind farms, clusters and single large turbines) for the county. The struggle to meet targets across the Country has led to the publication of the UK Low Carbon Transition Plan 2009 and the UK RES 2009, which is likely to lead to adoption of a new national planning policy - *Planning for a Low Carbon Future in a Changing Climate*, superseding PPS1's companion guide and PPS22. This is currently a consultation paper. In addition to these national and regional drivers, adopted Core Strategy Policy ER7 supports renewable energy development in the whole, commenting that encouraging and establishing the District as a centre of environmental technologies is part of the District's economic vision. It does however indicate that the need for renewable energy must be balanced against landscape impacts, biodiversity and land based industries, such as farming. Partially saved policy E22 of the District Local Plan takes a similar approach.

7.5 The above policies and targets clearly emphasise the growing need for renewable energy installation in both the Region and the UK as a whole.

#### 7.6 **Efficiency of Wind Energy Development**

The companion guide to PPS22 indicates that the principle of harnessing wind energy by wind turbines is well established and that there is no doubt about the technical viability of wind power. Furthermore, it states that the UK is particularly well placed to utilise wind power. There is a vast range of policy documents produced by Government which endorse the use of renewables and wind technology in particular. These have been fed into national planning policy (PPS22) which clearly states that wind energy development is accepted as a key method for meeting energy demands of the country and states that planning authorities should not reject planning applications simply because the level of output is small – they still provide a limited but valuable contribution towards overall outputs. Current planning policy highlights the scale and urgency to address climate change. It is equally clear that the benefits of renewable energy proposals should be given significant weight in the determination of planning applications.

#### 7.7 **Predicted Efficiency on Site**

Estimated wind speeds have been sourced from the national wind speed database available from the Department of Energy and Climate Change (known as NOABL). NOABL estimates the annual average wind speed for the application site as 6.9m/s at 45m height. This is around the UK average and well suited to a wind turbine scheme. The application states that the scheme will generate sufficient carbon-free electricity to power approximately 1,110–1,400 homes each year of its estimated 25 year lifespan. This equates to the elimination of 2,260–2,825 tonnes of carbon dioxide each year by replacing conventional fossil fuel electricity generation.

7.8 Although some objectors have questioned the predicted efficiency of the turbine and lack of justification, opposition on the grounds of the efficiency, validity and viability of wind energy technology and development is not a material consideration. This issue has been addressed in many of the recent appeal decisions: In the case of the Sillfield planning appeal for the erection of three wind turbine generators and associated infrastructure, the Inspector Robin Brooks stated “...the precise nature of climate change, the contribution that wind power can make to averting such change, its inherent efficiency, the scale of carbon dioxide savings...are matters for the political arena rather than a planning [application]”. This view was echoed Paul Griffiths, the Planning Inspector for the appeal at Newlands Farm, Carlisle when he reported:

*“...Key Principle (v) of PPS22 confirms that assumptions about technical and commercial feasibility of renewable energy projects should not be made. I find it difficult to understand why a developer*



*would take a scheme to an Inquiry, if the project was not commercially sound”.*

Furthermore national policy dictates that applicants for renewable energy development should not be required to demonstrate the overall need for renewable energy, nor should the energy justification for a proposed development in a particular location be questioned.

7.9 It is abundantly clear in current planning policy of the scale and urgency to tackle climate change. It is equally clear that the benefits of renewable energy proposals should be given significant weight in the determination of planning applications. In this context, the output from the proposal and its overall contribution to meeting regional targets for the production of energy from renewable sources is acceptable and complies with the relevant policies listed in section 6.0 of this report. How these benefits balance against other material considerations will be discussed in the following sections.

#### 7.10 **Landscape and Visual Impact**

The applicant has carried out a thorough Landscape and Visual Impact Assessment (LVIA) as part of the submission and has undertaken this with regard to best practice and relevant legislation, policy and guidance. Computer generated Zones of Theoretical Visibility (ZTV) maps and wireframes have been produced within a 30km radius. These are based on bare ground conditions and as such represent the worst case scenario; they exclude any localised screening or intervening structures and therefore fail to take account of anything that lies between the viewpoint and the turbine. ZTV or visibility maps subsequently tend to overestimate the extent of visibility and as such the applicant has also provided a series of visualisations (or photomontages). These help illustrate a more representative view and are common practice when dealing with applications of this type, although it is acknowledged that such visualisations do not provide the perfect view/experience of the development as they can not illustrate the motion of the turning blades, nor the visual context against changing weather condition backdrops.

7.11 Notwithstanding this, a selection of 18 representative viewpoints experienced from various distances and directions (8 within 5km and a further 10 up to a distance of 30km, to include views from highpoints across Morecambe Bay and higher ground to the east) has been provided. All the viewpoints are supported by wireframe drawings. The landscape character areas were agreed with the local planning authority prior to the application being submitted. Despite some criticism from objectors, the methodology undertaken as part of the submitted LVIA follows standard practice and is not disputed or questioned by Officers or the relevant statutory consultees, such as Natural England and the County Planning.

7.12 In addition, 30km cumulative ZTV maps and wireframes have also been produced which identifies built, sites in planning and sites at scoping stage.

- Consented and Built: - Armistead, Askam, Barrow Offshore, Caton Moor, Dewlay Cheese, Harlock Hill and Kirkby Moor;
- Sites in Planning: - Claughton Moor Community, Lancaster University, and Orchard End;
- Sites at Scoping: - Heysham South, Longfield Tarn and Port of Heysham.

7.13 The aim of the LIVA is to identify, predict and evaluate potential key effects arising from the proposed development, in particular the visual effects and landscape effects. Firstly, it should be noted that there is a distinction between landscape effects and visual effects. The former is the degree to which the site and the immediate landscape setting can accommodate change with regard to effects on its fabric, character and quality. Visual effects of the proposal relate to how the proposal will change the character of available views and change the amenity of visual receptors. The sensitivity of potential visual receptors will vary depending on the location of viewpoints, receptor activity and the importance of a viewpoint. Parameters of landscape sensitivity equally depend on the landscape value, quality and capacity to accommodate development. The applicants have clearly identified that residents living within view of the proposal would usually be regarded as the highest sensitivity group, although the threshold for significance of the visual effects relies on professional judgement. This is a matter which warrants careful consideration of local circumstances. The assessment suggests that it is generally rare for the impact of the development on a single property to be categorised as high significance for the development overall. This is an

area of continued controversy and will be discussed later in the report, although it is clear from previous Inspector decisions that the impact of a wind turbine proposal on a single property can clearly be classified as 'high sensitivity' and result in an impact of high significance.

- 7.14 In terms of the assessment undertaken, for clarification purposes landscape sensitivity is described as high, medium and low; and the magnitude of change arising from development described as substantial, moderate, slight or negligible. Magnitude of change can vary in response to distance; the duration of the effect; the extent of development in the view and the field of view; the background to the development; and other built development visible. The significance of landscape or visual effect is assessed in terms of major, moderate, minor or none. For example, where landscape sensitivity is considered high and the magnitude of change arising from the development is described as substantial (i.e. a total loss or major alteration to key landscape elements/features such that the baseline landscape character will be fundamentally change), the significance of the landscape and visual impact is regarded 'major'. The measure of significance does not however necessarily imply an adverse effect. The effect may be temporary or permanent; direct or indirect; positive or negative. These terms are used to provide consistency throughout the submission and form part of the analysis of landscape and visual impact.
- 7.15 The application site is located in the low lying predominantly flat area of Heysham Mossland with rising Heysham-Overton low coastal Drumlins to the east, west and south of the site. The site lies wholly and central to the national recognised Lune Estuary character area (No.31) which sits adjacent to open sea, and Bowland Fringe and Pendle Hill landscape character area (No.33). The key characteristics, amongst many, of the Lune Estuary include: -
- Landform - broad relatively flat lowlands enclosed by steeply sloping escarpments, opening out dramatically into the undulating landscape of the coastal strip with substantial drumlin features
  - Land cover - range of coastal landscape features towards the mouth of the estuary including extensive salt marshes, reclaimed mosses and marshland, a small area of mossland at Heysham, sand and shingle beaches north of the estuary and sandstone cliffs at Heysham.
  - Visual Character - panoramic vistas across the valley and Lancaster from higher ground
  - Cultural Features - development concentrated along the coastal strip where Heysham Power Station and caravan sites dominate the coastal scenery, with the remaining pastoral elements providing important countryside wedges.
- 7.16 The Lancashire County Council Landscape Character Assessment - 'A Landscape Strategy for Lancashire' (2000) - has provided baseline information for the submitted LVIA. This document defines a number of Landscape Character Types (LCTs), which are then sub-divided into Local Landscape Character Areas (LLCAs). The development site is wholly within a single landscape character types and areas. The site lies within the Heysham Mosslands 16f LLCA. The description of the LLCA is as follows: -
- 16f Heysham Moss - Located between the built up areas of Lancaster to the east and Heysham to the west only a small part of Heysham Moss is now uncultivated. It is largely a pastoral landscape where fields are drained by straight ditches and divided by post and wire fencing, resulting in an open and expansive landscape. Electricity pylons, associated with the nearby Heysham Power Station, are particularly noticeable as they cross the moss. The A683 between Lancaster and Heysham also crosses the moss, bringing traffic movement into the open landscape. The proximity of the City of Lancaster influences the character of the mossland in the north of the character area where trading estates, residential estates and caravan parks spill out onto the mosslands, obscuring the landscape pattern and eroding the rural nature of the landscape.*
- 7.17 The Landscape Sensitivity to Wind Energy Development in Lancashire, document focuses on the appropriate scale of such development for the LLCA that the site is situated within. It should be noted that single turbines were not considered in the context of this broad strategic study. According to the study, small, medium and possibly larger scale wind energy development comprised of 11 to 25, 1.3MW+ wind turbines may be appropriate for the landscape character area, 16f - Heysham Moss, which the site is situated within. This area is identified as having a low landscape sensitivity to wind energy development.

- 7.18 In terms of landscape and visual effects, the development proposed would have different impacts (temporary/permanent, direct/indirect and positive/negative) in response to the construction, operational and decommissioning stages of the development, although it is clear that the operational stage of the wind turbine will give rise to prolonged landscape and visual effects. Whilst this is the case, temporary effects at the construction and again at the decommissioning stage will occur, including ground excavation, compound and storage areas, vehicle movement, foundation areas and cable runs. The application indicates that the construction operation would take place over a period of approximately 6 months. The landscape effects encountered during the construction phase are considered to be no greater and broadly similar to those experienced during the operational phase. Following erection of the turbine all land, other than the access track, the turbine and crane pad, would be removed and the land reinstated back to its original agricultural form upon the turbine becoming operational. The proposal therefore maintains a significant proportion of pasture land across the site (7.4ha), which would allow the land to be continued to be utilising for grazing sheep. The reinstatement of the site upon construction can be adequately controlled by an appropriately worded condition.
- 7.19 The LVIA has assessed in detail the LLCA within a 10 KM radius of the site. It is considered that beyond this distance the turbine will be seen as a minor element in the landscape and only in conditions of good visibility. Consequently, the impact upon national character areas will only be slight or negligible. The assessment has concentrated on the Local Character Areas within 10km. As indicated earlier in the report the turbine is centred in Heysham Mosslands LLCA but a further 12 LLCA lie within the 10km radius. The ZTV maps indicate that the turbine will be visible or partially visible from within all the LLCAs in the 10km area. The sensitivity, magnitude of change, effect and significance has been assessed for all 13 LLCAs. The ZTVs clearly show that the theoretical visibility of the turbine (both hub height and blade tip height) would be widespread within 10km of the proposed turbine to the north and south. Topography to the east of the site limits visibility beyond 8km. The submitted visualisations help illustrate the likely landscape and visual effects of the development. Of the 18 sites selected, which includes sites within 0.8km–20km of the application site, the sites most likely to experience significant landscape effects are those where landscape sensitivity is high and the magnitude of change substantial. It is clear that the character areas in and immediately adjacent to the site (Heysham Mosslands, Heysham-Overton Low Coastal Drumlins and Lune Open Coastal Marsh) will have significant direct (landscape) effects with a medium to high sensitivity to change. The indirect effects (visual) being experienced over a greater distance from the turbine. There will clearly be a substantial magnitude of change to the fabric, character, quality and visual amenity of the landscape within a 5km range which would result in significant effects.
- 7.20 Visual effects in particular are concerned wholly with the effect of the development on views and the general visual amenity as experienced by people (receptors). Visual effects are assessed in relation to viewpoints, settlement, properties, tourist and recreational destination and transport routes. The proposed development will be visible from many aspects within a 10km range. The most prominent views will be from neighbouring residential properties and the A683 Heysham link road, within 1km of the site. The site will also be visible from the Heysham Moss Site of Special Scientific Interest (SSSI) and nearby public rights of way together with the local road network. There are a significant number of individual residential properties that will have clear sight of the proposed turbines. The impact on residential amenity will be discussed under a separate heading.
- 7.21 It is considered that the direct effects on the landscape resource will be limited and ultimately reversible. Direct effects relate to such elements as the construction of the access track, turbine and switchgear enclosure. This development will only occupy a small portion of the site, this leaves the majority of the existing landform, fields and vegetation unaffected. Mitigation measures will aid any local impact by preventing soil erosion and changes in ground water conditions.
- 7.22 The potential effects on the quality and setting of designated landscapes were also assessed. Two National Parks (Lake District 17km and Yorkshire Dales 27km) and two AONBs (Forest of Bowland 7km to the east and Arnsdale and Silverdale 10km to the north) lie within the study area. In addition, eight Parks and Gardens on English Heritage Register of Parks and Gardens were also assessed within the study. The boundary to the Lake District NP lies 17 km from the proposed turbine and is considered to a high sensitivity to change however it is considered that beyond 20km the turbine is unlikely to be visible and as can be seen at viewpoint 17 at Grange-over-Sands the turbine appears as an insignificant element within the large scale landscape. A similar assessment is considered for the Yorkshire Dales NP with only limited views at considerable distance of the turbine from the western flanks of fells above Ingleton.

- 7.23 Both AONBs are considered to have a high sensitivity to change. Within the Forest of Bowland AONB the ZTV indicates that there will be limited views of the turbine but when viewed it will be across open landscape within a large scale landscape, consequently the magnitude of change will be slight and the significance moderate. The ZVT indicate that views with the Arncliffe and Silverdale AONB will be limited and restricted to views from the low-lying coastal areas at considerable distance. As can be seen at viewpoint 16 Jenny Brown's Point illustrates the turbine is will appear insignificant in a large landscape.
- 7.24 Of the eight registered Parks and Gardens within the study area, four Capernwray Hall, Dallam Tower, Levens Hall and Sizergh Castle are identified in the ZTV as having no visibility of the turbine from either the property or immediate settings. Stanley Park lies 24 km to the south and whilst highly sensitive to change at the distance the turbine could potentially be viewed, the change will be negligible. Holker Hall to the north similarly is highly sensitive to change but lies 17km from the turbine site. Views are likely to be severely limited by numerous large trees in the parkland and if viewed the change to the large landscape will be negligible. The two registered gardens that lie closest to the site are Lancaster Cemetery (6km) and Ashton Memorial (6km). Both are highly sensitive to change but potential visibility from Lancaster Cemetery is limited and contained by mature trees. When views are available the turbine will be seen as a minor element across the Heysham peninsula and will not be significant. Similarly the views from Aston memorial will be limited to the north and west slopes and in areas will be contained by trees in the woodland setting. Where viewed the turbine will be seen at a distance in a large landscape and will not be significant.
- 7.25 The submitted LVIA has also considered the impact of the development on settlements with the study area. The principal settlements in the area are Lancaster, Morecambe Heysham, Fleetwood, Grange over Sands, Ulverston and Barrow. Smaller settlements at Middleton, Overton, Glasson, Aldcliffe and Galgate have also been assessed. All settlements in the study are considered to be high sensitivity due to residential receptors. The closer settlements could experience some form of visibility as shown on the ZTV maps and visualisations. The overall landscape and visual effects from Fleetwood, Grange over Sands, Ulverston and Barrow are considered negligible given the distance at which the turbine could be viewed. In Lancaster the change is considered to be slight with more localised moderate change from the Abraham Heights neighbourhood. The significance is considered to be moderate-to-none across the majority of the city. Viewpoint 7 is considered to fairly representative of views from the visible areas of Lancaster. Morecambe will potentially have visibility from all areas as identified in the ZVT maps but will in practice be restricted by the built form and vegetation. Open views will be restricted to the southern edge of Morecambe along Oxcliffe Road Viewpoints 5 and 9 illustrate the changes which will range from slight in the centre of town to substantial on the southern edge. Where viewed the turbine will appear as a significant and prominent large scale element. Heysham again will vary significantly across the area. From the historic core and lower Heysham views will be limited and the significance of the effect will be moderate. In areas to the east of Middleton Way visibility will increase and the turbine will be prominent within the Heysham Mossgate area. The elevated position will result in moderate to substantial change to areas close to the development with result of the changes ranging from major to moderate. A more detailed assessment of residential amenity within 2km of the site will be considered in more depth further in the report. Middleton and Overton are considered to major/moderate effect but at distances of between 1.5 to 2km with limited views and the presence of infrastructure between the site and the settlements. Glasson, Aldcliffe and Galgate all have views limited by built form and landform. The elevated areas of Glasson afford some direct views as illustrated in Viewpoint 10 but the draw no significant effect. There are no reasons to dispute these conclusions.
- 7.26 Key transport routes have also been assessed. Road and rail are considered to be medium sensitivity whilst cyclists and footpath users are high. This distinction relates to the time for potential exposure to the development when moving through the area. At the M6 motorway, viewpoint 11 lies beyond 10km and the change is considered to be slight. Along the A6, with a representative viewpoint 11 at, Junction 33, there is potential for views of the development when travelling along it. Around Lancaster the turbine will be approximately 5km away but views will be restricted by built form and vegetation. Views at Hest Bank and Galgate are likely to be more open but at the distances the turbine will be viewed in a larger landscape and the changes are considered to be slight. The A683, with a representative view in viewpoint 6 on the bypass, runs close to the site (approximately 500m) and on to Heysham Dock and the power stations. Potential visibility will be high with some variation due to built form and vegetation. There is considered to be a moderate

change on receptors given the transitory nature. The overall effect is moderate with local major effects. The West Coast, Morecambe Branch and Furness Railways have also been assessed but the conclusions draw no significant effect other than a very localised major/moderate on the Heysham branch line. National cycle network routes (NCR) 6 and 69 run within 3 and 5 km respectively of the site. Viewpoint 8 is considered to provide a representative view on NCR 6 and change from these routes is considered to be slight on receptors and not significant. NCR 72 runs along the southern coastline in Cumbria with negligible change on receptors and not significant. Long Distance footpaths, Lancashire Coastal Way, Cistercian Way and Cumbrian Way have also been assessed with generally slight change on receptor and not significant. Locally the Lancashire Coastal Way follows the Lune Estuary. The turbine will be seen across the Lune Estuary as a vertical element against the skyline. The magnitude of change will be moderate with the overall effect major/moderate and therefore significant.

#### 7.27 Cumulative Landscape and Visual Effects

The proximity of the proposed turbine to other wind farms has also been assessed and forms an important part of the ES. Neighbouring wind farm/turbines were considered including the operational Caton Moor and Dewlay Cheese. All the operational sites are located in differing LCAs and are substantial distances away from one another. In view of this they are able to co-exist without transformation of landscape type and coalescence of character. However there would be significant cumulative landscape and visual effects arising from the interaction of the Heysham turbine with the planning and scoping stage sites (in particular Heysham South and Port of Heysham). Within 5km of the site significant cumulative effects are predicted to arise on the settlements of Heysham, Lancaster, Morecambe, Overton and Glasson. Significant cumulative effects are also predicted on the A683 Heysham link road and short sections of coastal footpath as it crosses open terrain. The cumulative viewpoints were chosen as being representative of vantage points within the study area. Significant effects on receptors would be experienced from the Stone Jetty, Morecambe and Glasson Dock both in respect of the Port of Heysham development. No objections have been raised in respect of cumulative landscape and visual effects and development of the proposed turbine and the operational sites.

#### 7.28 Conclusion Landscape and Visual Impact

It is considered that the likely landscape and visual impacts of the proposed development do not raise matters of strategic significance and would not unduly impact upon the National Character Areas. However, the development will result in some significant localised landscape and visual impacts, a view shared by officers and consultees. The LLCA's known as Heysham Mosslands, Lune Open Coastal Marshes and Heysham-Overton-low Coastal Drumlins are considered to be significantly impacted upon by the development. The turbine will be viewed from within the majority of the areas which all enjoy a high degree of indivisibility. The proposed turbine will appear within a large, wide landscape as a new vertical feature and a focus within the landscape. It is also noted that the local landscape has already been extensively modified with the construction of two nuclear power stations, the routes of three transmission lines with associated pylons, industrial complexes, road and rail infrastructure and expanding residential areas.

7.28 However, whether the impact of the development would outweigh the overall benefits of the proposal requires a carefully considered and balanced judgement with regards to national, regional and local planning policy. PPS22 states that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily. It is becoming evident from recent appeal decisions (both allowed and dismissed) and the increase in planning submissions for turbines in this District and others, that proposals for development of this nature in more sensitive, intricate and more densely populated and urbanised locations are becoming more frequent. This presumably is principally due to the larger landscapes being at full or near capacity or that such other landscapes are designated and afforded the greatest level of landscape protection. This in itself means sites outside of designated areas are more likely to become under pressure to develop. The Government is under increasing pressure to support renewable energy schemes and consequently development of this nature in non-designated landscapes will undoubtedly have to be accepted more often. Lancaster Core Strategy policy ER7 (Renewable Energy) reflects localised support for such development identifying Heysham South as a focus for renewable energy generation including wind and biomass technology.

7.29 On balance it is considered that the landscape and visual impacts identified would be outweighed by the long-term environmental benefits of the proposal and in accordance with PPS22, the wider landscape impact is considered to be acceptable and as such the environmental benefits of the proposal would outweigh any localised impacts on the character of the landscape in this instance.

## 7.30 **Residential Amenity**

### Visual Effects

Unlike Scotland and Wales, there are no statutory limits (at present) or policy separation distances for wind turbines in relation to dwellings set for England. It is also clear from a number of recent appeal decisions (Gargrave, Sillfield, Carlisle and Eagland Hill) that Inspectors are paying greater regard to the effects of wind turbine development on the living conditions of nearby properties. However the consideration of impact is not exclusive to properties within what is perceived to be close proximity (and this particular application has considered amenity impacts beyond figures of 650m). Following these recent appeal decisions and submission to this District it is clear that the impact of development upon residential amenity is a major, material consideration in the determination of the planning application. At present there is no published guidance on the assessment of visual amenity. A methodology and approach to a Residential Visual Amenity Assessment (RVAA) assessment has been the subject of agreement with the LPA.

7.31 A phased approach has been taken to identify whether or not the proposed turbine would be visible from dwellings within 2 km radius of the proposal. Theoretical visibility mapping was used to identify properties which would experience the turbine, a second phase involved field work to note the address of the property, number of storeys, nature of urban character, direction in which the turbine would be viewed, presence of screening and likelihood of visibility from the location. The nature of those views were confirmed from ground floor and principal frontages. Direct views have been defined as a view straight towards the turbine (rather than oblique) from ground or upper floors. Open views is a view that is largely unimpeded by intervening vegetation or built form. The study has been assessed on the ground and considered to be sound, reflecting the findings of officers. This approach now provides a structured and repeatable approach to defining potential changes. The assessment has not used photomontages to assess the level of visibility but the application has been supplemented with the addition of photomontages following a request from the LPA to provide a series of photomontages along the east edge of the Heysham housing area.

7.32 The assessment acknowledged the large areas of housing within the 2km radius and cluster types were identified to group together housing of similar form, orientation and scale. A total of 80 clusters were identified ranging from single dwellings to large groups of dwellings. The assessment concluded that of the 4,855 properties within the survey area, 554 properties would experience direct or open views of the turbine.

### 7.33 Key Information

The nearest properties are Downlands Farm/Woodlands, sited 578m from the turbine. The edge of the main group of built residential properties to the west of the turbine on the Heysham ridge lie between 786m to 1,020m from the turbine. The Heysham Mossgate site is still under development and additional housing will be brought closer to the turbine along with the development of a large area of public open space (POS). The new dwellings when constructed will be approximately 800m from the turbine and the POS 900m from the turbine.

7.34 There are a large number of properties within the survey area that will have visibility of the turbine in a variety of locations all around the site, although the application will focus on the nearest residential properties surrounding the turbine site.

### 7.35 North of the Turbine

The Fanny House Farm group lies approximately 1.4km north of the turbine. The properties are two storey and sit on the south side of Oxcliffe Road the orientation is southeast. The dwellings have substantial farm buildings to the west and south and will have only partial views of the turbine limited by built form. Furthermore, the distance from the turbine means that there will be no overbearing impact.

- 7.36 Oxcliffe New Farm Residential Caravan site comprises a complex of 23 static caravans. The site lies 1.3km north of the turbine. The boundaries of the site have substantial evergreen trees and the majority of the caravans have an east west orientation. Units on the southern edge of the site will have partial views but most will be screened by other units. Furthermore, the distance from the turbine means that there will be no overbearing impact.
- 7.37 Whittam House/Hall are a cluster of detached houses/barn conversions sited on either side of Oxcliffe Road. The group lies 1.5km north of the turbine. Whittam House is two storeys in height site on a raised bank to the west of Oxcliffe Road. The orientation is east west with no direct views. A neighbouring barn conversion has direct views of the turbine from a principle elevation and garden area. Some restriction of view will be gained from boundary vegetation but it considered that the distance will prevent the turbine being dominant in a wide landscape.
- 7.38 Stud Farm Residential Caravan site lies to the north of Oxcliffe Road, 1.9km from the turbine site. A substantial landscaped bund follows the boundary of the site with Oxcliffe Road. The caravan/park homes are closely sited and most of the units will have only limited views screened by built form. The units on the southern boundary of the site will have partial views across a flat open landscape screened by the landscaped bund. Furthermore, the distance from the turbine means that there will be no overbearing impact.
- 7.39 Oxcliffe Road is fronted on its northern site by a ribbon of detached and semi-detached properties with principle elevation facing south towards the turbine. Private garden areas face north away from the turbine. Many of the properties also have residential caravan to the rear. The properties will have direct views (at distance of 1.9km) of the turbine as view point 5 illustrates. The views will be over a large open and flat landscape and are not considered to be overbearing.
- 7.40 Northeast – East of the turbine
- Downlands Farm/Woodlands are the closest properties to the development at approximately 580m. A shallow rise of land lies immediately to the rear of Woodlands which has a stand of dense conifers wrapping behind and to the north of the properties. The orientations of principal windows look directly to the turbine but all direct views are screened by landform and vegetation. Downlands Farm has an east west orientation with no direct views of the turbine. The turbine will be visible from other locations within the farmland.
- 7.41 Moss Side Farm/North Farm are two farm groups approximately 900m from the turbine. Moss side is orientated away from direct views of the turbine but with clear vies across a flat open landscape from other parts of the farm. North Farm is sited further north and is orientated with partial view from the front elevation of the turbine as they are partial screen by trees close to the farmhouse and agricultural buildings. The turbine will be visible form other locations within the farmland.
- 7.42 Hillside Farm a two storey dwelling lies 740m from the turbine site on the south side of the A683. To the east of the main group of arm buildings. The orientation of the principle elevation is away from the turbine. Views from the farm house will be screened by built form. Clear views of the turbine will be available from other parts of the farm viewed across an open flat landscape and is not considered to be unduly dominant.
- 7.43 Old Woodhouse is part of a cluster of several properties approximately 1.5km from the turbine. Most of the dwelling is orientated away from the turbine with no direct views. Land rising behind the dwellings will also screen outlook of the turbine.
- 7.44 Millhouse lies 1.4km from the turbine and has westerly orientation with windows providing views across open grassland towards the turbine. The land immediately in front of the dwelling is slightly higher than the dwelling with boundary hedgerows to the adjacent road. The views will be most prominent form the upper floors but at a distance that is not considered dominant.
- 7.45 Riverside Farm/Greenbank lie 1.4km from the turbine with rising land immediately behind the properties. Orientation of Greenbank restricts views of the turbine with views only available to the upper rear windows to Riverside at a considerable distance.

7.46 Southeast to South of the turbine

Heaton Hall and Wymber Hill Farm/Cottage lie 1.9km and 1.6km respectively. The properties have only partial views screened by built form and views from secondary areas at a considerable distance.

7.47 Downyfield Farm and Lodge (Grade II listed buildings) lie 1.8km from the site. The rear of the main farmhouse is orientated towards the turbine but with most views screened by the built form of agricultural buildings. The lodge lies further west and is orientated away from the turbine. Views will be available from elsewhere in the farm but at some distance.

7.48 Southwest of the turbine

Old Trafford Residential Caravan Park is a cluster of densely spaced park homes access off Borrans Lane. Dense woodland surrounds the east and southern boundaries but views to the north towards the turbine are open. The orientation and spacing of the units will severely limited views from within the site. The units on the northern boundary will have limited views screened by vegetation at a distance of 1.4km.

7.49 Broadfoot Residential Caravan Park a tightly clustered group of mainly static caravan sited on gently rising ground to the north. The spacing and orientation will limit views from most units or areas inside the site. Trees along the north and part eastern boundaries will further aid screening of the turbine. Partial views will be afforded to the units on part of the north boundary but at a considerable distance of 1.7km.

7.50 West to Northwest of the turbine

This comprises the main residential area to South Heysham running along the north-south orientated ridge. Properties to the east of the ridge are considered in detail. Viewpoints 1 to 4 provide an illustration of the relationship of the turbine when viewed from several locations within the housing area of South Heysham of its eastern flank. The photomontages are considered to accurately represent general views within the housing area both close to the edge of the housing development but also within the older established residential area higher up the ridge and further away from the proposed development. Following discussions with the agent additional photomontages have been provided from within residential properties along the eastern edge of the built form and within the area to be designated as Public Open Space (Viewpoint 1). These additional viewpoints sought to provide views from properties with direct views of the turbine with either the intervening transmission line either viewed with the pylon or through power lines.

7.51 Peplow Road/Littledale Avenue/Mallowdale Avenue – lie at least 1km from the turbine and form the boundary with the older residential properties and the ‘newer’ established housing development. Many of the properties in these areas have orientation which face away from the turbine and will not predominantly have direct views. The east side of Peplow Road and the Bowland Road cluster are all two-storey properties and will have views of the turbine. The lower views will be partially limited by vegetation and built form/fencing but clear views will be gained from upper floors. Within these views the turbine will be seen behind the line of transmission pylons and lines running broadly NE/SW across the large flat landscape.

7.52 Meldon Road is located 800m from the turbine with development. The northern end of Meldon Road is only developed on the west side of the road directly overlooking the turbine from an elevated position. The Heysham branch line runs parallel with vegetation bounding the rail line on both sides. Views will be partly limited by vegetation from ground floor only. Gardens to the rear will not have direct views of the turbine. The southern end of Meldon is developed on both sides of the road with a mixture of bungalows and houses. Many of the properties will be screened from the turbine by built form and local vegetation.

7.53 Jenny Close/The Spinney/Longmeadow Lane are found at the northern end of Meldon Road and comprises mainly of two storey dwellings laid out on a series of curved cul-de-sacs. A large area of established trees lie immediately to the east of the housing spanning land to either side of the rail line. The trees form the edges to the Heysham Mossland SSSI. Representative views are provided in Viewpoints 21 and 22. The layout of the cul-de-sac will restrict open views from many of the properties in this area. Views at ground floor and gardens will also be limited by vegetation to the east. Properties with an east west orientation will have direct views from the upper floors. The view



of the turbine will be seen within a large landscape with many vertical features at a distance of 800m.

- 7.54 A large area of public open space (POS) is to be developed on the edge of the new housing complex at Mossgate Park. The POS will form part of a larger landscaped area which is to run around the eastern boundary of the new housing development abutting the Heysham rail line. Viewpoint 1 provides a representation of the views from the main area of POS. The turbine will be viewed at a distance of 800m from the POS. Currently the area is open and much of the turbine will be viewed though the difference in level and trees around the SSSI will block views of the lower part of the turbine tower. In time, with the establishment of planting within the POS it is anticipated that the turbine will still be clearly visible but may be partially screen. The turbine will again be viewed with transmission lines and pylons in the foreground against a wide, open landscape.
- 7.55 An area of housing is currently under construction and some approved areas are yet to be built out. Two areas of housing are to be built; one of which lies to the north of Redwing Close/Lapwing Close. This area will be over 1000m from the turbine and will only gain partial views of the turbine due to the built form of the other area of proposed housing to the east. Viewpoint 19 provides a representative view; this view being from a newly occupied property on the development. Again many of these new dwellings will have only partial views due to orientation and other new dwellings. The layout of the new dwellings will lead to properties on the eastern edge of the housing having open views of the turbine. These views will be at a distance of over 800m and viewed with transmission lines and pylons in the foreground against a wide, open landscape.
- 7.56 Tern Grove/Swift Gardens is a cluster of modern two storey houses with open front garden and enclosed rear gardens. The houses are laid out around two short cul-de-sacs resulting to a varied of aspects and orientations to the houses and gardens. Many properties will have views restricted by built form but many will have direct views, particularly from the upper floors and some screening is provided at ground level by trees along the rail line and boundary treatments. Again the views of the turbine will be at a distance of over 1km with views of transmissions line and pylons both in the foreground and beyond the turbine.
- 7.57 Conclusion of Visual Effects
- Whilst acknowledging that significant effects may arise in the private context to a large number of dwellings, it is considered that the overall change in visual amenity would not be unacceptable, given the separation distance from proposed turbine and in general nature of views of the turbine within a large landscape from dwellings in the local area.
- 7.58 **Noise**
- The issue of potential noise disturbance is a concern raised by many of the objectors to the scheme. A noise assessment has been incorporated into the EIA as part of the submission documents. In accordance with PPS22, the applicant's noise assessment has had regard to the methodology and guidance in ETSU-R-97 (The Assessment and Rating of Noise from Wind Farms). The guidance advises that turbine noise levels at the nearest noise sensitive properties should be kept to within 5dB(A) of the existing evening or night time background noise level. This is in line with standard practice for assessment of most sources of noise except for transportation and mineral extraction where higher levels are permitted. A fixed lower limit of between 35 and 40dB(A) (day-time) and 43dB(A) (night-time) may be specified when background noise is very low, i.e. less than 30dB(A).
- 7.59 The local Environmental Health Officer is in agreement with the methodologies and has been in direct consultation during the assessment, agreeing positions for monitoring. The two locations identified were Longmeadow Lane and Downlands Farm. Longmeadow Lane lies close to the site and is considered to be an urban receptors. Downlands Farm is the closest property to the development and is considered to be a rural receptor. Measurements were taken in July but following concerns raised by residents at a public exhibition that background noise could be higher in summer, a set of winter measurements were also taken in November and December. Following a change in the guidance further measurements were taken at Downlands Farm and Redshank Drive between November and January 2011.
- 7.60 The assessment further identified the nearest noise receptors, 8 in the urban areas and 5 in the rural area to assess impact both at the construction and operational phases of the development. The assessment concluded that noise levels during the construction period could exceed limiting levels

but only during night work and Sunday morning and evenings, but predicted noise levels at the operational phase would be significantly lower than the permitted levels.

7.61 The full results of the survey were submitted to the Council's Environmental Health Officer who is in agreement with the Assessment that noise disturbance will not be caused to the occupants of residential properties in either the urban or rural areas as a result of the construction and turbine operation, subject to the addition of suitable conditions to control the timing of the construction activities and to address any mitigation should noise be an issue. It is anticipated the proposal will not cause an unacceptable degree of disturbance to surrounding residential properties and therefore accords with the provisions of PPS24.

#### 7.62 **Shadow Flicker**

Shadow flicker is a particular phenomenon associated with wind turbines. It is the effect of the sun shining behind rotating blades and creating an intermittent shadow inside nearby buildings. The advice given in the companion guide to PPS22 explains that shadow flicker can only occur when sun shines through the turbine blades, thereby casting moving shadows. It only occurs inside buildings and only where the shadows are seen through a narrow window opening creating the effect of light flicking on and off. The guidance also indicates that it will only occur when certain metrological, seasonal and geographical conditions prevail and as such the effect is not constant. For the effects of shadow flicker to occur there would have to be uninterrupted bright sunshine for shadows to be cast. Subsequently, buildings, trees and other topographical features could help reduce the potential effect.

7.63 PPS22 states that 'Flicker Effects have been proven to occur only within ten rotor diameters of a turbine'. An assessment of potential shadow flicker has been undertaken on the basis of a bare landscape to a distance of 900m. In practice intervening buildings and vegetation is likely to reduce the effect. The assessment determined that nine dwellings could potentially be affected by weak shadow flicker at differing times (both during the day and season) with only five properties within 800m. The potential yearly duration occurred on no more 14 days in the year and varied from a low maximum of 6.2 hours down to 2.2 hours. The former figure represents an average duration of 21 minutes. These figures are based on a worst-case scenario with optimal lighting condition and no intervening buildings or vegetation. In practice, this is unlikely to occur and the potential for exposure to shadow flicker is deemed to be low.

7.64 The applicant has indicated that mitigation is probably unnecessary but would be kept under review for at least a full year following operation of the turbine and mitigation measures (usually cessation of blade movement) deployed if disturbance of amenity occurs. This could be addressed by a suitably planning condition.

#### 7.65 **Ecology**

One of the key aspects of the proposal is the impact the development as a whole will have on the biodiversity of the area having regard to the relevant legislation and policy. The site comprises semi improved agricultural land made over to grassland for low level cattle grazing. The site covers 7.4 ha. and is divided by a series of field drainage ditches of varying flow, width and depth. A small section of the western boundary of the site abuts Heysham Moss Biological Heritage site (BHS). 270m away from the boundary of the site lies Heysham Moss Site of Special Scientific Interest (SSSI) and Local Nature Reserve (LNR). The site has only limited hedgerows and no trees. The application site falls outside but is close to the specific designated site. The impact of the development on protected species and their habitats is a material consideration in the determination of a planning application. In order to comply with planning policy and other relevant legislation, the development proposal needs to demonstrate that the development has been located and designed in a way that would avoid ecological impacts and that mitigation/compensation measures are sufficient to fully off-set all unavoidable ecological impacts and deliver enhanced quantity and quality of biodiversity and habitat. It should also be demonstrated that habitat connectivity would be maintained and enhanced. PPS9 clearly states that the applicant must demonstrate where harm or damage is unavoidable, mitigation and compensation for the harm or loss must be commensurate.

7.66 The impacts of the development in relation to biodiversity do not just relate to the installation of the turbine and the direct effects of the turbine in motion. Impacts will arise from all the other works necessary to facilitate the development, including the creation of the access, the new track, ground

disturbance and excavation, areas of hardstanding and underground cabling routes. To deliver this the proposal will result in the loss of a short section of hedgerow fronting the A683, limited hedge laying and the bridging of two ditches. Access cannot be made via the existing access to the north due to its limited width and highway implications associated with the transportation of the turbine. Concern has been raised over the bridging of the ditches but this relates mainly to the methodology (ensuring bridging rather than culverting to minimise impact).

7.67 In order to assess the impacts of local biodiversity an extended Phase 1 Habitat Survey and species specific surveys have been carried out. Initially some objections from statutory bodies were raised, in particular the lack of a Great Crested Newt (GCN) survey. Following completion and submission of a GCN survey the range and methodology of the surveys carried out to date have not been disputed by Officers, the County Ecologist or Natural England and as such seem acceptable for the purposes of this proposal.

7.68 The assessment of potential impact and possible mitigation approaches has been broken down into three distinct elements, Habitats and Species, Ornithology and Geology/Hydrogeology/Hydrology.

#### 7.69 Habitat and Species

Analysis of the Habitat survey identified the potential for significant impacts associated with:

- loss of UKBAP coastal floodplain grazing marsh
- disturbance to ditches from construction activities; and
- construction activities affecting habitats

The following mitigation and enhancement measures have been proposed: -

- Development of a Construction Environmental Management Plan (CEMP) including measures to reduce spillages and hydrology impact and the potential for harm to terrestrial species.
- Development of a Method Statement to include reasonable avoidance measures to reduce impacts on species during construction works
- Production of a Habitat Management Plan outlining measures to enhance habit on site for the benefit of local wildlife including birds, bats and invertebrates.

This approach has been supported by the various ecological consultees and subject to agreement via condition of the Plans and Statement, no objections are raised in principle.

#### 7.70 Ornithology

The site lies close to the internationally protected Morecambe Bay SPA/Ramsar site. The study considered birds which move or migrate over the application site, its immediate surroundings and birds which use the area for breeding, roosting or foraging. The study has been undertaken following consultation with RSPB, Natural England, Lancashire Bird Recorder, Heysham Moss Warden and Heysham Bird Observatory Warden. The methodology and results of the study have been accepted by the consultees. It concluded that the development will lead to the direct loss of habitat through the construction process but could lead to a much greater indirect loss of habitat through disturbance and avoidance of the site. Whilst other species were noted in the area, this is particularly pertinent to pink footed geese (PFG) that use the site and adjoining land in large numbers for winter grazing.

7.71 Localised mitigation has been agreed with the consultees and will include control regarding under-draining the area, not to undertake landforming which might drain the area, the thinning and laying of bushes and hedges along drains to reduce visual obstructions for the PFG, not to undertake sport or recreational shooting on the area, and the summer grazing of cattle only. In addition, offset land is to be provided at a ratio of 2 to 1 for the 13.9 ha of displaced land. A total of 28ha of land is to be sourced, ideally north of the Lune but south of the Lune is acceptable. Again the land would involve the suspension of all sports/recreational shooting rights over the entirety of the mitigation area for the lifetime of the project and suitable land management. Whilst the specific land has not been identified the approach to be taken has been agreed with RSPB, Natural England and County Ecology. The applicant has also indicated a willingness to control the mitigation land by means of a Unilateral Undertaking as this land falls outside the application site. In addition planning conditions would be required to control the use of the land within the application site.

7.72 Geology/Hydrogeology/Hydrology

Baseline surveys have established that on-site watercourses and associated flora and fauna have low sensitivity to the development. Whereas the nearby SSSI and the River Lune and Morecambe Bay are more potentially vulnerable to the development. The development, particularly during the construction period will have the potential to impact upon the water environment in the form of erosion/sedimentation or pollution. The switch gear enclosures were considered to be a high risk from tidal sources and moderate form onsite drainage. Control of erosion, sedimentation and pollution during the construction period is now standard practice but would be addressed following detailed site analysis via a Construction Method Statement. This approach is support by officers and consultees including the Environment Agency.

7.73 Conclusion Biodiversity and Ecological Impacts

In terms of impacts on biodiversity it is considered that the proposal, without appropriate mitigation has the potential to impact upon biodiversity. The applicant has proposed extensive mitigation which has already been the subject of prior discussion with consultees and subject to development of the site is accordance with the agreed Statements/Management Plans and provision of off-site mitigation. It is considered to adequately comply with the ecological/biodiversity policies listed in section 6.0 of this report.

7.74 **Heritage Assets**

Heysham Conservation Area and the Scheduled Ancient Monuments - St Patrick's Chapel and High Cross in St Peter's Churchyard lie to the west within 2 km of the turbine site. Lancaster Castle and Priory and its associated conservation area lie over 4km to the east.

7.75 PPS5 confirms central government's overarching aim which is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. In addition, policy HE1 of PPS5 acknowledges that conflict between climate change objectives and the conservation of heritage assets can occur and advises that in such instances the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of heritage assets.

7.76 The proposal must also be assessed against local policies which acknowledges the need to "preserve or enhance" conservations areas which may be affected by development within the wider landscape setting. The key issue in this case appears to be whether the changed views from the conservation areas would cause unacceptable harm to their character and appearance. The ZTVs indicate that the turbine will be visible from part of the conservation area and from St Patrick's Chapel. In practice views from the conservation will be very limited and partial. Views from St Patrick's Chapel are severely restricted by trees.

7.77 English Heritage and the Council's Conservation Officer share the view that the development whilst be partially visible and would not unduly impact upon either the Scheduled Ancient Monument or the Heysham Conservation Area. On balance it is considered this would not result in unacceptable harm since the development will still enable the conservation area and the Scheduled Ancient Monuments to be appreciated and enjoyed. Furthermore given the degree of separation it is considered that the turbine would not unduly dominate the setting of the conservation area.

7.78 There are also a number of listed buildings (Grade II) in the locality. None are within 1km of the site. The nearest being Old Woodhouse in Heaton approximately 1.5km from the site. A number of farm groups have listed farmhouses, including Colloway Farm and Downyfield Farm and Downyfield House. Again these buildings are approximately 1.7m from the turbine site. Lancaster Castle and Priory, both Grade I listed buildings, are situated some distance from the development site (4km) and whilst the turbine will be viewed from this elevated location the turbine will be seen at a distance against a backdrop of industrial and other commercial development including Heysham Power Stations and transmission lines

7.79 The turbine will be visible to varying degrees from these structures and it is acknowledged that the setting of these assets contributes towards their heritage significance. However, given the separation distances and the existence of the Power Stations, transmission pylons and industrial

development this would mitigate any significant adverse impact to the setting of the Castle/Priory considered to have only a limited impact on designated heritage assets. Viewpoint 7 taken from Lancaster Castle illustrates the potential relationship and changes to outlook from the elevated priory precinct area.

7.80 Furthermore, It is also worth noting that the English Heritage document: “Wind Energy and the Historic Environment” acknowledges that climate change is itself likely to be detrimental to the historic environment for reasons which include alterations to our weather system. This document also points to the reversibility of wind energy developments which can further mitigate their impacts. It is also important to note the reversibility feature of wind energy developments in the long-term since they can just as easily be removed from a landscape when decommissioned in the future. It is therefore recommended that provision is made for the remediation and restoration of the site and infrastructure when it is decommissioned.

#### 7.81 **Archaeology**

The submitted Environmental Statement has appropriately quantified the impact of the development and concluded that there is a medium to high potential for prehistoric activity on the site. The County Archaeologists indicates that similar landscapes in the northwest have produced well-preserved remains. The desk study assessment has concluded that there is a medium to high potential for prehistoric activity on the site. Similar landscapes in the northwest have produced well preserved remains. However It is not considered likely that surviving deposits would be of such significance as to merit preservation in-situ, but rather that preservation by record (archaeological excavation and recording) would be an appropriate means of mitigation. This could be appropriately controlled by condition and is considered to accord with guidance outlined in PPS5 and policies E44, E45 and E46 of the LDLP

#### 7.82 **Electromagnetic, TV Reception and Radio Interference**

Wind turbines like all electrical machines produce electromagnetic radiation, which can cause interference to other electrical devices. However most turbines and their components comply with the European Commission Directive on Electromagnetic Compatibility (89/3360EEC). PPS22, states that “provided careful attention is paid to siting, wind turbines should not cause any significant problems of electromagnetic interference”. The applicant provided OFCOM with details of the scheme prior to submission. The site design is such that no adverse impacts upon telecommunications are predicted to occur and no mitigation is anticipated to be required.

7.83 The potential impact upon TV reception has been assessed using the BBC tool for wind-farm assessment. The tool indicates that using the analogue signal the development could lead to the likelihood of interference to TV reception in 86 homes with no alternative service and 10,254 homes which may have an alternative service. Potential mitigation at the developers expense could include:

- Change in aerial height
- Replacement of receiving aerial
- Retuning of TV receivers
- Provision of satellite or cable services

7.84 In practice, the scheme for change over to a digital signal started in November 2007 and has been completed in this area. Digital signals generally do not suffer from interference such as ghosting or sudden picture deterioration, consequently the turbine development is not predicted to have a significant effect on television or telecommunications. Mitigation measures should be assessed once the site is constructed and operational in agreement with the applicant and the local planning authority and carried out at the applicant’s expense. This is standard practice and could be addressed by a suitable planning condition.

#### 7.85 **Impact on Aviation**

With regards to aviation interference, the applicant has submitted a detailed aviation assessment which is considered acceptable with no objections received from the Ministry of Defence, the Civil Aviation Authority and the National Air Traffic Service (to be confirmed) The proposed development has been examined from a technical safeguarding aspect and does not conflict with the relevant

safeguarding criteria. Neither the size nor location represents an operational hazard provided the turbine is fitted with aviation lighting.

## 7.86 Highways and Access

Highway implications associated with wind turbine development are concentrated over three phases; construction; operation/maintenance and; decommissioning.

7.87 The submitted highway/traffic chapter within the ES considers all three phases. The construction falls into two distinct phases the first is construction operations associated with the access road, turbine foundations and crane base. These operations use standard tipper and ready-mix vehicles and given the location on the A683 are not considered to significantly raise traffic on the approaches to the site. The second phases is much shorter (typically on a single day at times of limited traffic flow) where specialist vehicles delivery the large, heavy elements of the turbine. The main turbine components will be delivered on 8 low loaders all classed as abnormal roads

- Blades – 3 vehicles for 3 blades
- The Hub – 1 vehicle
- The Nacelle – 1 vehicle
- The Tower - 3 vehicles for 3 tower sections

7.88 The close relation of the site to the Port of Heysham makes this the preferred route for the loads. The stages of the routes would be : -

- Delivery to the Port of Heysham
- A589 heading east from the port towards Higher Heysham
- Turn onto the A683 across the main roundabout in Heysham
- Continue along the A683 to the proposed site entrance.

7.89 Following commissioning, the operational period would involve access via an existing farm track to the north of the site with a single two-way trip each month. The access to the A683 would be closed off and only be used if the need for abnormal works arose.

7.90 The proposed access, vehicles routes for both the main construction and abnormal loads have been assessed by County Highways who have raised no objections. The construction of the access has also been agreed in principle together with the imposition of a temporary 30mph speed limit along a short section of the A683 during the construction phase.

7.91 Operational effects mainly relate to the impact of the turbines on drivers, in particular driver distraction. PPS22 Companion Guide states in paragraph 54 covers this issues and states:

*‘At all times drivers are required to take reasonable care to ensure their own and others’ safety. Wind turbines should therefore not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous’.*

Consequently, the issue of driver distraction, in the absence of objections from the relevant authorities would not prove problematic in this case. The proposed turbine has been positioned to provide a reasonable set back distance from the A683 and is not considered to result in a significant driver distraction and as such raises no highway objections.

7.92 The decommissioning of the wind farm once the 25 year lifespan has been reached will take place over an estimated 3 months and will in part be a reverse of the commissioning stages of development.

## 7.93 Social/Economic

There have been a number of concerns raised regarding the impact of the development on nearby house prices, human rights and the local economy. The submitted ES has provided a thorough assessment of likely socio-economic impacts, including the impact on the local economy, recreation and tourism, and nearby land uses, concluding that any effects would occur at the local and regional level and are deemed to be minor and short term; therefore not significant. There will be clear

employment opportunities associated with the construction. It is also thought that the development would contribute positively towards improvements towards the socio-economic profile of the area. There is no reason therefore to believe that wind turbine development will adversely affect the local economy.

- 7.94 The immediate land use is grazing for sheep and cattle other than the land associated with access road, turbine and crane base the remaining land of the application site and the adjoining land will be maintained in agricultural use. All the land associated within the development site will return to agriculture following decommissioning of the site.
- 7.95 Two public rights of way run close to the site but outside the boundaries of the development. The development will not affect these routes in the long-term or are considered to be an issue during the construction phase.
- 7.96 The main tourism focus in the immediate area is within Heysham Village and associated coastline. Heysham Golf Course lies approx 1.5km. Heysham Moss and nature reserve are both within 1km of the site both attract visitors and conservation volunteers on a regular basis. No significant effects are identified that may affect the integrity of the SSSI or its amenity value. Overall, it is considered that the turbine will have little effect upon the recreation and tourism opportunities in the area.
- 7.97 In conclusion, the impact of the development on the local economy, recreation/tourism and adjacent land uses is not considered adversely negative and would not be a reason to refuse planning permission.

7.98 **Icing**

With regards to icing, ice throw is a phenomenon that occurs, again, under certain climatic conditions and is the consequence of ice forming on the rotor blades under very cold climatic conditions. When temperatures rise and the ice melts there is the potential for the phenomenon to occur. PPS 22 states that.... *"the build up of ice on turbine blades is unlikely to present a problem on the majority of site in England. For icing to build up on turbines particular weather conditions are require that in England occur for less than one day per year"*. Despite the very limited potential safety systems within the turbine would detect subtle changes to the turbines performance and would shut the turbine down as an unspecified fault had been sensed. In addition the vibration sensors which detect imbalances would also cause the turbine to shut down

7.99 **Micro-siting**

The applicants have indicated in the submission the need for 50m micro-siting for the development. Given the relatively close relationship of the site to the Heysham Moss BHS and the close relationship to neighbouring residential properties, Officers do not feel micrositing is appropriate in this instance.

**8.0 Planning Obligations**

- 8.1 Confirmation has been received from the applicant of a willingness to provide a Unilateral Undertaking for the provision of offset land, the removal of shooting rights and maintenance for the life time of the development as detail in Para. 7.71.

**9.0 Conclusions**

- 9.1 National and regional planning policies, together with local planning policy seek to promote and encourage proposals of renewable energy development. PPS22 clearly states that the wider environmental, social and economic benefits of such proposals should be given significant weight in the determination of planning applications. However, all other material considerations must be considered and balanced against the benefits of the proposal
- 9.2 One of the key principles of PPS22 requires that proposals should demonstrate how environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures. Similarly, national, regional and local policies seek to ensure the District's environmental assets are protected and enhanced and where appropriate mitigated.

- 9.3 There is no doubt that the proposal offers a positive step towards renewable energy targets and would comply with national policy (including recent Statements and draft consultation documents) and regional policy with regards to its contribution towards meeting the UK's government targets. Having regard to the submitted information, planning policy and the consultation responses (statutory, non-statutory and neighbour representations), the main issues to be weighed against the proposal is the impact upon the character of the landscape, the impact upon biodiversity and residential amenity implications.
- 9.4 Planning policy which has been developed to address the issue of renewable energy runs parallel with PPS7, which seeks to protect the countryside for the sake of its fundamental character. Similarly, both regional and local planning policy seek to protect and enhance environmental assets and ensure new development is in scale and keeping with the character and natural beauty of the landscape and is appropriate to its surroundings. There is no doubt that the character and appearance of the landscape would be subject to a degree of change and the countryside in this location would be affected. However, the site in question does not fall within a designated landscape and is not a completely uninterrupted landscape. The site is situated in a large open landscape which is punctuated by communications infrastructure, several transmission lines and associated pylons, two power stations and supporting electrical infrastructure and transport networks, both rail and road. The presence of such infrastructure along with new housing developments already has a significant impact on the character of the landscape. The introduction of the turbine is not considered to be detrimental but would add a new focus and a further vertical element in this predominantly horizontal landscape.
- 9.5 It must also be noted that the character of the landscape is a product of past influences both natural and manmade and that landscape will continue to evolve in response to changes in climate, farming practices and housing and development needs as we move towards a low carbon future. It is acknowledged that turbine proposals evoke strong opinions depending on the viewpoint of the receptor. However, just as landscapes develop and change over long timeframes so does the public perception of those landscapes. Furthermore, a significant factor to be considered is the fact that the turbines have a lifespan of 25 years and after that it likely the land will be reinstated to its former condition within reason. As such it is recommended that the short-term adverse effects on this landscape, which is already interrupted with other man-made features, is limited to a relatively small localised area and located outside any special designated area, and is therefore outweighed by the long-term environmental benefits of the proposal
- 9.6 PPS9 seeks to ensure that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place and appropriate compensation measures sought. It is clear that without appropriate mitigation the development has the potential to impact upon biodiversity. The applicant has proposed and committed to extensive mitigation which has already been the subject of prior discussion and agreement with the ecological consultees and has their support. Subject to appropriate conditions to fully develop and implement, Construction and Environmental Habitat Management Strategies together with a legal agreement in respect of the provision and control over offset land for pink footed geese, the development is considered to mitigate against the development and lead to enhancement of the ecology of the area.
- 9.7 The potential impacts on residential amenity are considered significant. There are a limited number of properties which could be affected by shadow flicker. Shadow flicker can be adequately mitigated as noted earlier in the report. Concerns over noise have been considered via the noise assessments and data produced by the applicant. It is considered by our Environmental Health colleagues that the development can satisfactorily operate within close proximity to dwellings and keep within the limits set by ETSU-R-97, which remains the current guidance to assess the impact of noise generated by wind turbine developments. Furthermore, noise can be reasonably controlled by condition to mitigate any potential impacts. The condition will relate to the limits set by ETSU-R-97. With regards to visual impact, there have been a number of relatively recent appeal decisions that have concentrated on residential amenity impacts (visual impact) of wind farms generally within 650m of properties, although there are recent appeal cases where turbines have been approved closer to dwellings. In this case only two dwellings lie closer than 780m from the turbine. The closest dwelling is 580m away from the turbine but is orientated away from the turbine with landform



and substantial trees screening directly behind the dwelling. The other property lies over 700m from the turbine and faces away from the development. All the remaining dwellings lie at least 780m away from the turbine, a distance which has proved acceptable in many planning approvals and appeal decisions where there is direct and/or open orientation to the installation.

- 9.8 It is clear from the above comments that there are potential adverse affects on landscape and on neighbouring residential amenity; however, the effects on living conditions are not of sufficient magnitude to outweigh the benefits of the proposal and warrant a refusal of planning permission. The proposed development would make a small but very important contribution towards the meeting of statutory targets set by Government to tackle climate change. It is very clear in planning policy that the need for renewable energy must therefore carry considerable weight and as such, after very careful consideration of all the potential impacts and effects, on balance, the benefits of the proposed turbine would outweigh both the landscape and residential amenity concerns. Members are therefore advised that that the proposed development can be supported, subject to appropriate conditions to address outstanding matters noted in the report and the legal agreement referred to.

### Recommendation

That Planning Permission **BE GRANTED** subject to a legal agreement to deal with TV and radio interference and pink footed geese mitigation and the following conditions:

1. Standard Time Limit
2. Development in accordance with the approved plans and submitted ES
3. Turbine and associated infrastructure shall be removed from site and land reinstated in accordance with a scheme to be agreed with the local planning authority before the expiry of 25 years from the turbine being operational.
4. If the turbine fails to produce electricity to the grid for a continuous period of 12 months, it and associated infrastructure shall be removed within a period of 6 months and the land reinstated in accordance with a scheme to be agreed with the local planning authority
5. No micro siting unless otherwise agreed in writing with the local planning authority
6. No development shall commence until a Construction Traffic Management Plan has been submitted and agreed (this would include vehicle routing, timing, management of junctions, crossings, details of escorts of abnormal loads construction not to commence until 30mph temp TRO in place)
7. Implementation of a Construction Traffic Management Plan
8. No development shall commence until an Construction Management Plan and Construction Method Statement has been submitted and agreed in writing with the local planning authority (this would include timing of construction works, construction method and surface treatment of all hard surfaces including sections of the proposed access track, details of site drainage, details of wheel washing facilities, control of pollution, disposal of means of surplus material, timing of cable trenching and foundation works, timing of and construction methods and management of site compound including parking arrangements; and details of the reinstatement of temporary working areas including the access). The CMP and CMS shall be carried out in accordance with the agreed details
9. All cabling on the site shall be installed underground, precise point of connection to be agreed
10. Standard limitation on construction hours but also with a provision to allow evening working up to 9pm by prior arrangement with the LPA
11. No piling operations are anticipated but should any driven pile systems be used prior notification in writing to the LPA will be required
12. Access to be provided in accordance with the approved plans before commencement of development
13. No development shall commencement until an Environment Management Plan has been provided and agreed in writing. The development shall be carried out in accordance with such agreed details and implemented thereafter in accordance with the agreed timetables (the Environment Management Plan would include mitigation measures that will be adhered to during construction and operation of the turbine for the protection of species (e.g. nesting and wintering birds, amphibians, bats, water voles) and habitats, including watercourses.
  - Pink Footed Geese mitigation
  - Ditch improvements/enhancements
  - Ditch crossing details
  - hedgerow retention

- long term management
- habitat creation
- restoration following cessation of operations
- the time of site preparation to avoid breeding bats and birds

14. Tree protection, none to be removed other than agreed condition
15. Archaeology - programme of work to be agreed
16. Materials, design, finish of turbine and all permanent above ground infrastructure to be agreed
17. No development shall commence until precise details of the semi-matt external finish and colour of the turbines have been submitted and approved by the local planning authority. The turbines shall not be illuminated, other than aviation lighting (in the form of infrared lighting), or display any name, sign, symbol or logo.
18. Noise condition restricting the turbine to the limits set by ETSU-R-97 - At any currently occupied, and properly consented residential location, noise from the turbine shall not at any time exceed a noise level of 40dB daytime or 43dB night-time measured on the La90 scale over any 10 minute period, or 5dB above the agreed prevailing background noise level, whichever is the greater.
19. Noise condition – In the event of any complaint of noise being received, the noise from the turbine shall be monitored for compliance with the requirement of condition 3, with results submitted to the local planning authority. Should any noise from the turbine exceed the limits set out in condition3, under some or all operating conditions, measures shall be taken by the operator to reduce the noise output of the turbine as necessary to bring noise levels into compliance, whether by stopping its operation or otherwise..
20. Scheme for dealing with noise complaints
21. Scheme for decommissioning and restoration strategy to be agreed
22. Before the wind turbine is brought into use, a scheme for the avoidance of shadow flicker for legally occupied buildings (dwellings and place of work, such as offices) within 10 rotor diameters of the wind turbine has been submitted agreed and operated in accordance with the agreed scheme.
23. The wind turbine shall not be brought into use until a scheme to secure the investigation and alleviation of any electro-magnetic interference to terrestrial and digital TV caused by the operation of the turbine. (Awaiting further information to confirm exact wording of this condition together with potential legal agreement).
24. Turbine aviation lighting to be agreed
25. Precise routing of the access road
26. Precise details of the crane hardstanding foundations

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **Background Papers**

None.

Agenda Item	Committee Date	Application Number
A6	19 <sup>th</sup> September 2011	11/00603/FUL
<b>Application Site</b>  Land Off A6 Scotland Road  Warton  Lancashire	<b>Proposal</b>  Erection of proposed new workshop, parts store, showroom, display areas and associated landscaping, access, car parking and drainage works	
<b>Name of Applicant</b>  Rickerby Limited	<b>Name of Agent</b>  Mr Steven Abbott	
<b>Decision Target Date</b>  31 August 2011	<b>Reason For Delay</b>	
<b>Case Officer</b>	Ms Petra Williams	
<b>Departure</b>	Yes	
<b>Summary of Recommendation</b>	Approve subject to receipt of details regarding satisfactory external material, Arboricultural Impact Assessment and resolution of parking issues.	

## **1.0 The Site and its Surroundings**

- 1.1 The site that forms the subject of this application is a low lying agricultural field with a site area of 0.65 hectares, that sits approximately 1m below the level of Scotland Road (A6). The western boundary of the site is marked by a raised embankment (approximately 6m above site level) which carries the West Coast Mainline. This creates a thin ribbon of land running north-south between these two transport corridors. The site boundaries comprise a mature field hedge on the northern boundary, post and wire fencing alongside the railway embankment and a post and wire fence along the eastern boundary with a mixed tree and hedgerow scrubland occupying an area between the field boundary and the A6 footway. The eastern boundary of the site abuts the A6 which is intersected by the A601(M) Junction 35a roundabout. The existing access to the site is via a field gate off the A6 at the northern end of the eastern boundary. Substantial tree coverage on the roundabout provides screening of the site from the eastern approach.
- 1.2 The site is located approximately 1.5km north of the centre of Carnforth and is disconnected from the town's urban area. The Pine Lake holiday complex is situated to the north east of the site on the opposite side of the A6. To the immediate south there is an area of low-lying wetland which in turn abuts the Local Authority Recycling Centre. Opposite the Recycling Centre, on the other side of the A6 there is a transport service station (Truckhaven). Agricultural land lies to the north of the site and to the west of the railway line.
- 1.3 There is a public footpath running in a south-west/north-east direction along the eastern boundary of the site and the adjacent A6 is served by buses running to and from Lancaster via Carnforth to the south, and to and from Keswick via Kendal to the north. The site is approximately 1.9km from National Cycle Network Route 6 and Regional Route 90. The nearby A601 (M) provides access to the M6 motorway which is approximately 1.5km to the south.

- 1.4 The site is identified as being within the Countryside Area on the Lancaster District Local Plan proposals map. The site itself does not fall within any built conservation or nature conversation areas but it is immediately adjacent to the Arnside and Silverdale Area of Outstanding Natural Beauty which is situated to the west of the site with its eastern boundary abutting the West Coast Railway line.

## **2.0 The Proposal**

- 2.1 The applicant, Rickerby Ltd is an established agricultural machinery and equipment sales and servicing company. They have a network of branches incorporating machinery maintenance workshops, from which they serve the agricultural industry throughout the North of England and Southern Scotland.

It is the applicant's case that this type of business supports the rural economy and in particular the agricultural industry. They now require new and improved larger premises to replace their existing but inadequate rented base in Holme. This is necessary to enable Rickerbys to better serve their established customers in South Cumbria and Lancashire. In terms of a development site the applicant's stated requirements are:

- Minimum 1.5 acre site;
- On or close to main highway network, within the M6 corridor; and,
- Rural or edge of town location for access by the agricultural industry.

- 2.2 The proposal is for the creation of new buildings for both employment and sales purposes in relation to the agricultural machinery repair and sales, in particular the sale and repair of tractors and combines. The development proposals have been put forward in order to relocate an existing Rickerby outlet from approximately 6km away in Holme (Cumbria) to the Carnforth area. The development will operate on a 24/7 basis and will comprise:

- A workshop building (655sqm ground floor area) which includes a showroom area of 123.75 sqm. This building will include a mezzanine floor providing parts and tool storage as well as a managers office;
- An open fronted, covered display area building (296sqm ground floor area);
- An open display area;
- New access and roadway;
- Car parking (8 customer parking spaces (including 1 disabled bay), 5 staff parking bays, 3 internal van bays;
- Hard and gravel surfaced yards; and
- Vehicle washing bay.

The application states that the area to the immediate south of the site will be purchased by the applicant should planning permission be granted. The application describes this as a wetland area which is unsuitable for development and would be retained as a biodiversity habitat. However this piece of land is not within the submitted red edge plan.

- 2.3 The proposal will also necessitate the redesign of part of the roundabout adjacent to the site. This will involve the applicant working in conjunction with the Highway Authority (Lancashire County Council) to alter the design of the junction. This would involve realigning the A6 northbound carriageway to the east so that it would have a shape more consistent with a roundabout (rather than the almost straight approach lane it currently enjoys, which permits faster vehicle speeds). This would force vehicles arriving from the south to slow down on the approach the junction, thereby improving highway safety.

## **3.0 Site History**

- 3.1 The applicant previously submitted an application for a screening opinion from the Local Planning Authority (LPA) regarding the proposed scheme. The screening opinion established that the proposal would not have significant effects on the environment in the context of the Environmental Impact Assessment Regulations, and as such an Environmental Statement is not required to accompany this application. The applicant has also engaged in pre-application discussions with the LPA over the course of a number of meetings.

**4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
<b>United Utilities</b>	No objections.
<b>National Grid</b>	No comments received within consultation timescale.
<b>Network Rail</b>	No objections.
<b>Forward Plans (Policy Officer)</b>	<p>Satisfied with letter dated 31<sup>st</sup> August 2011. This letter explains why the Carnforth area is preferable to other locations in the Lancashire area and also identifies that there are no other suitable sites in the Carnforth area which could be utilised for their business.</p> <p>Proposal is acceptable provided that the following issues are addressed:</p> <ul style="list-style-type: none"> <li>• That conditions are considered to ensure that the premises are retained in the future for business which has some relation to the rural economy;</li> <li>• That the proposal considers the protection of land to the south of the site from future ribbon development, at pre-application stage the idea of protecting this land for its nature conservation was discussed. There no reference to this in the planning application this issue should be pursued with the applicant;</li> <li>• That the highway improvements proposed in this application are satisfactory to the County Council Highways Authority;</li> </ul>
<b>Environmental Management Team</b>	No objection to this development providing surface water flow rate is not increased and remains as 'Greenfield runoff'. The yard indicates gravel, therefore must applicant must confirm is permeable. Building surface water drainage must be either soak-away or restricted.
<b>Environmental Health</b>	<p>No objections subject to the addition of conditions relating to:</p> <ul style="list-style-type: none"> <li>• Noise assessment and control</li> <li>• Unexpected land contamination</li> </ul>
<b>Environment Agency</b>	No objections in principle subject to the addition of conditions relating to a scheme for the provision of surface water drainage works
<b>Tree Protection Officer</b>	Object to the planning application pending submission of a detailed Arboricultural Implications Assessment.
<b>County Ecologist</b>	No comments received within consultation timescale
<b>County Landscape Officer</b>	No comments received within consultation timescale
<b>Natural England</b>	Awaiting comments.
<b>Arnsdale &amp; Silverdale AONB Unit</b>	Awaiting comments.
<b>County Highways</b>	No objection in principle subject to clarification of parking provision, swept path analysis and the addition of conditions. The proposed re-alignment will require the applicant to enter into a legal agreement with the Highway Authority.

<b>Carnforth Town Council</b>	No objections – recommends approval in principle.
<b>Warton Parish Council</b>	No adverse comments. Points raised regarding the following: <ul style="list-style-type: none"> <li>• Foul water drainage</li> <li>• Highlights some weaknesses in the Ecological Survey</li> <li>• Lack of information regarding how the wetland site will be managed</li> <li>• The wetland must not be used as a “biological filter bed”</li> </ul>

## **5.0 Neighbour Representations**

5.1 No comments received within consultation timescale.

## **6.0 Principal Development Plan Policies**

6.1 National, Regional and Local planning policy are relevant to this proposal. The following list is of particular relevance and forms the principle policy framework for assessing the application:

6.2 National Planning Statements (NPS), Planning Policy Statements (PPS) and Planning Guidance Notes (PPG)

***PPS1 (Delivering Sustainable Development)*** - Sets out Key Principles to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. The key principles include : -

- 1 – Development plans should ensure that sustainable development is pursued in an integrated manner in line with core principles.
- 2 – Seeks to reduce energy use by the encouraging patterns of development, reducing the need to travel, reduce freight transport.
- 3 – Spatial approach to be at the heart of planning for sustainable development
- 4 – Promote high quality design

The Government is committed to promoting a strong, stable, and productive economy that aims to bring jobs and prosperity for all. In considering applications the Local Planning Authority should recognise the wider benefits economic development can bring, ensure that locations are available for economic development. Policies should promote mixed use developments for locations that allow the creation of linkages between different uses and can thereby create more vibrant places. Provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space, sport and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car. Reduce the need to travel and encourage accessible public transport provision to secure more sustainable patterns of transport development. Planning should actively manage patterns of urban growth to make the fullest use of public transport and focus development in existing centres and near to major public transport interchanges; while recognising that this may be more difficult in rural areas.

With regard to design PPS1 advocates that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

***PPS4 (Planning for Sustainable Economic Growth)*** - All planning applications for economic development should be assessed against the following impact considerations:

- Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- The accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
- Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it

functions;

- The impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives; and
- The impact on local employment.

Policy EC6 of this document refers specifically to Planning for Economic Development in Rural Areas and states that local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty. Furthermore para EC6.2a advises that LPAs should strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans.

**PPS7 (Sustainable Development in Rural Areas)** sets out the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. This advice is also formally provided in PPS 4 – Planning for Sustainable Economic Growth, which supersedes certain paragraphs of PPS 7. When determining planning applications for development in the countryside, local planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to areas that have been afforded statutory designation for their landscape, wildlife or historic qualities. Major developments should not take place in these designated areas, except in exceptional circumstances. Key principles include:

1. Decisions on development proposals should be based on sustainable development principles, ensuring an integrated approach to the consideration of:

- Social inclusion, recognising the needs of everyone;
- Effective protection and enhancement of the environment;
- Prudent use of natural resources; and
- Maintaining high and stable levels of economic growth and employment.

2. Good quality, carefully-sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community (e.g. affordable housing for identified local needs); maintains or enhances the local environment; and does not conflict with other planning policies.

3. Priority should be given to the re-use of previously developed ('brownfield') sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of sustainability considerations (for example, in their remoteness from settlements and services) in comparison with greenfield sites.

4. Where urban development is planned to encroach into the countryside it would normally be expected to be planned through Development Plans. Exceptions in the form of departures need to be justified by very special circumstances.

**PPS9 (Biodiversity and Geological Conservation)** sets out planning policies on the protection and enhancement of biodiversity and geological conservation through the planning system. The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted adequate mitigation measures are put in place and appropriate compensation measures sought.

**PPS25 (Development and Flood Risk)** requires flood risk to be taken into account at all stages of the development process. PPS25 recognises that flooding cannot be wholly prevented, but its impacts can be avoided and reduced through good planning and management. A sequential risk-based approach should be applied to determining the suitability of land for development in flood risk areas is central to the policy statement and should be applied at all levels of the planning process.

**Planning for Growth** – Ministerial Statement from the Minister of State for Decentralisation, 23 March 2011. The Statement is capable of regarded as material planning consideration and carries

significant weight in determining planning applications. The Statement identifies that planning has a key role in rebuilding Britain's economy. The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. The answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

Local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Consider likely economic, environmental and social benefits of the proposal including long term and indirect benefits such as consumer choice, more viable communities and more robust local economies.

**The Draft National Planning Policy Framework** - sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. Whilst it is a consultation document and therefore subject to potential amendment it nevertheless gives a clear indication of the Government's 'direction of travel' in planning policy. Therefore the Draft National Planning Policy Framework is capable of being a material consideration although the weight to be given to it will be a matter for the decision-maker's planning judgement in each particular case.

### 6.3 North West Regional Spatial Strategy (RSS) - adopted September 2008.

It is Government intention to revoke the RSS as part of the Localism Bill and as such this intention is a material consideration.

**Policy DP7 (Promote Environmental Quality)** seeks to protect environmental quality by, amongst other means, respecting the character and distinctiveness of places and landscapes; maintaining and enhancing the quantity and quality of biodiversity and habitat; the protection and enhancement of the historic environment; and maintaining tranquillity of the open countryside and rural areas.

**Policy EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets)** - The Region's environmental assets should be identified, protected, enhanced and managed. Schemes should deliver an integrated approach to conserving and enhancing the landscape, natural environment, historic environment and woodlands, and where proposals affect these assets then mitigation and compensation for loss or damage should be a minimum requirement. Of particular relevance is Policy EM1 (A) which states that planning proposals should identify, protect and maintain distinctive features that contribute to landscape character in the Region. This approach recognises the importance of landscape character assessments undertaken by local authorities.

### 6.4 Saved Policies of the Lancaster District Local Plan (LDLP)- adopted April 2004

**Policy E3 (Area of Outstanding Natural Beauty)** – development within and adjacent to Areas of Outstanding Natural Beauty which would either directly or indirectly have a significant adverse effect upon the character or harm the landscape quality, nature conservation interests, or features of geological importance will not be permitted. Any development must be of an appropriate scale and use materials appropriate to the area.

**Policy E4 (Countryside Area)** – within the countryside development will only be permitted where it is in scale and keeping with the character and natural beauty of the landscape, is appropriate to its surroundings in terms of siting, scale, design, materials, external appearance and landscaping, would not result in a significant adverse effect on nature conservation or geological interests, and makes satisfactory arrangements for access, servicing, cycle and car parking.

**Policy EC6 (Criteria for new Employment Development)** - New employment development must maintain or improve the quality of the business environment and cannot be allowed to worsen local environmental conditions. Safeguards are also required to ensure that adjoining land-uses are not adversely affected by employment related activity. In Lancaster, Morecambe, Heysham and Carnforth new employment will be permitted which;

- Makes satisfactory provision for access, servicing, cycle and car parking;
- Is easily accessible to pedestrians and cyclists;



- Is appropriate to its surroundings in terms of siting, scale, design and external appearance;
- Uses high quality facing materials and landscaping treatment to frontages visible from roads and other public places;
- Provides for the screening of servicing and open storage areas from public frontages and from adjoining countryside;
- Makes satisfactory arrangements for the disposal of sewage and wastewater and does not have a significant adverse effect on water quality;
- Does not have significant adverse impact on the amenities of residents and businesses by reason of noise, smell, grit, visual intrusion, light, traffic generation or parking;
- Upgrades environmental conditions where these are unsatisfactory.

## 6.5 Lancaster District Core Strategy (LDCS) - adopted July 2008

**Policy SC1 (Sustainable Development)** - seeks to ensure new development proposals are as sustainable as possible, minimise greenhouse gas emissions and are adaptable to the likely effects of climate change. This policy requires development proposals to be integrated with the character of the landscape and where appropriate enhances biodiversity. The use of renewable energy technologies and the efficient use of land (previously developed land) are measures promoted by this policy.

**Policy SC3 (Rural Communities)** - seeks to build healthy sustainable communities by empowering rural communities to develop local vision and identity, identify and need local needs and manage change in the rural economy and landscape. Development should protect, conserve and enhance rural landscapes and the distinctive characteristics of rural settlements.

**Policy SC5 (Achieving Quality in Design)** – proposals should maintain and improve the quality of development in Areas of Outstanding Natural Beauty, Conservation Areas and other rural areas. New development should reflect the positive characteristics of its surroundings including the quality of the landscape.

**Policy SC7 (Development and the Risk of Flooding)** – Requires development proposals to be assessed in accordance with the search sequence set out in PPS25.

**Policy ER2 (Regeneration Priority Areas)** – Identifies Carnforth as a priority area which will be developed as a local service centre with the development of large derelict sites, relocation of poorly located uses and new pedestrian links.

**Policy ER3 (Employment Land Allocations)** – does not identify the site as being allocated for employment. Also provides an overview of how employment land is allocated and give six key criteria:

- Located within the main urban areas (Lancaster Morecambe and Carnforth);
- Be attractive to key sectors;
- Be located on previously developed land “as far as possible”;
- Be accessible to shops/ community facilities;
- Be connected to the M6 via suitable roads that do not pass through residential areas.

**Policy ER5 (New Retail Development)** – aims to focus need on regeneration and reinforcing the vitality and viability of existing centres.

**Policy ER7 (Renewable Energy)** - seeks to maximise the proportion of energy generated in the District from renewable sources where compatible with other sustainability objectives. The need for renewable energy must be balanced against landscape impacts, local amenity, habitats and species, farming and land based industries and local transport networks.

**Policy E1 (Environmental Capital)** – its purpose is to improve the District’s environment by:

- protecting and enhancing nature conservation sites and landscapes of national importance, Listed buildings, conservation areas and archaeological sites
- minimise the use of land and non-renewable energy
- resist development which would have a detrimental effect on environmental quality and properly manage environmental risks such as flooding
- ensuring that development in the city of Lancaster and other historic areas conserves and

enhances their sense of place

- protect and where possible enhance habitats and the diversity of wildlife species, and conserve and enhance landscape

**Policy E2 (Transportation Measures)** – ensuring all major development proposals are accompanied by enforceable measures to minimise and mitigate the transport impacts of development.

## **7.0 Comment and Analysis**

7.1 The main issues for Members to consider in the determination of this application are:

1. Policy Implications (the principle of development) and whether the applicant has made the exceptional case necessary to make a departure from planning policy acceptable;
2. Design, Setting, Character (design merits/landscape);
3. Tree/Hedgerow (environmental) Implications;
4. The highway implications of the proposal;
5. Flood Implications.

## **7.2 Principle of Development in this Location**

Carnforth has been identified by the applicant as an ideal strategic location from which to serve the agricultural community in South Cumbria and Lancashire. The application states that the company has spent in excess of two years searching for commercial sites within the Carnforth area that are available for industrial use, and they have not found any that are suitable for their agricultural operation or readily available. The current site has been chosen due to good road connections to south Cumbria and north Lancashire. This is considered essential to the applicant's business not only for machinery delivery but also for ease of access to and from their farming customers. This site is also close to existing commercial uses along Scotland Road and other essential services (e.g. Booths Supermarket, Carnforth Town Centre). Although the proposal relates to a previously undeveloped site and is therefore a departure from planning policy, it is acknowledged that the specific requirements of the business in question (i.e. the sale and repair of agricultural machinery) is bespoke and would be more appropriately located in a position outside of an urban centre.

7.3 National planning guidance and the recent "Planning for Growth" Ministerial statement identifies that planning has a key role in rebuilding Britain's economy. The answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. The guidance seeks to direct economic development towards the main urban area with 5% of business directed to the rural areas. The location of such development should be close to one of the main village settlements laid down in policy SC3 of the Lancaster Core Strategy. Planning policy does however acknowledge that it can be difficult to locate all forms of rural enterprises in such locations. The type and nature of the economic proposal must also be considered; in this case, the application seeks to develop a workshop, showroom and display area in association for repair and sale of large agricultural machinery and vehicles. By its very nature this type of business serves a large radius of local farming enterprises, particularly in the Lune Valley and it is considered that the type of the business is one which demands a rural or rural fringe location.

7.4 The general principle for either a sales (retail) or employment proposal would be to find a suitable and appropriate site in a central and accessible location which can be accessed by variety of means of transport; for instance a town centre location or a site allocated for a specific employment use. However, the information provided does set out a number of reasons as to why the application site may be more suitable and that in this circumstance the general principles applied to employment proposals should be afforded less weight. Particularly that the nature of the business generates significant movement of farm traffic from rural areas, which would make it inappropriate to locate such a business in a centre of town location. An accessible location outside of the main settlement is seen as the most preferable for the future growth of this business.

7.5 The site is outside areas of land allocated for industrial development within the Lancaster District Local Plan. Whilst the site is well screened from its surroundings and is relatively self-contained, any proposal here would effectively create an isolated development on this side of the A6. The site is however close to existing industrial development, including Lancashire County Council's own depot to the south, the Transport Service Area to the East (Truckhaven) and also the Pine Lake Hotel,

Chalet complex. It is argued that the application site is relatively poor low-lying agricultural land and is difficult to farm economically due to the field's small size, awkward shape and difficult access for today's forage harvesters and other agricultural machines. Nevertheless the issue of uncontrolled development to the north of Carnforth is a concern and should Rickerby Ltd vacate the premises in the future then the Local Authority may fall under pressure to allow an alternative use. However each case must be determined on its own merits in accordance with planning policies and it is not appropriate to prejudge the outcome of any future proposals for this site.

## 7.6 Consideration of Other Sites

Throughout the pre-application process the applicant was advised to investigate alternatives to greenfield site development. The overriding desire of Rickerbys is to be sited within the Carnforth area, due to its good transport connections and its desire to be at the heart of the Cumbria/Lancashire area that it needs to serve.

One option involved the potential relocation to Carnforth (Kellet Road) Business Park, which has a part-outline, part-full planning permission. Development of the 'full' elements has recently commenced on site, although it is understood that the units that benefit from the full planning permission have already been allocated to end users. The site was investigated and the applicant advises that the agents acting for the landowner informed that it would be approximately 2 years before land would be available on site. This would also be subject to a Reserved Matters application too. The cost of the land was also cited as a reason why the site would not be financially viable. The applicant has produced figures quoted to them per acre, and these are clearly figures associated with higher-end 'business park' uses rather than an agricultural-related enterprise

- 7.7 The other major location considered was the TDG site on Warton Road, Carnforth. This site is imminently due to be marketed and the LPA has aspirations for a mixed use development in this location, taking advantage of its central position within Carnforth. It was not considered appropriate for the Rickerbys business due to the transport constraints posed by Market Street, particular with regard to large vehicles. Although it is anticipated by the applicant that the development would not generate high volumes of traffic, it would generate trips by large commercial vehicles from time-to-time as well as agricultural vehicles. District Core Strategy Policy ER2 already acknowledges existing problems faced by HGVs dealing with poor access through Carnforth. This site was dismissed for these reasons.
- 7.8 The applicant has also submitted marketing information for an existing commercial site (Rogerson's) at Yealand Conyers. However this is office space within existing buildings which are available for rent and as such the site would not be suitable for the business operations of Rickerby Ltd.
- 7.9 Other allocated employment sites within Carnforth which were considered by the applicant include Millhead, where there is no land currently available and which would present similar highway issues as the TDG site given its location. Lodge Quarry is fully-occupied at the present time; and Carnforth Levels, where again there is no land presently available. Having reviewed each of the sites outlined above the LPA is satisfied that none of them is suitable, available and viable to accommodate the proposed development (or a variant thereof).
- 7.10 It is argued in the application that the nearby developments (Pine Lake, Truckhaven and Keer Bridge Recycling Centre) already have a significant physical impact on the A6 'corridor' and were all granted permission in a similar development plan policy context as now; i.e. all are in the 'open countryside', but have appropriate justification of being located in their current position, and all are located outside the AONB which is on the opposite side of the railway embankment. The submitted Planning Statement point out that planning permission was granted for Pine Lakes and Truckhaven in 1986 and 1990 respectively. This was under the previous development plan. Also highlighted is the recycling depot which was granted consent in 1998. However this application was determined at County level rather than the Local Authority. The application also highlights three other business developments in the general locality which have been permitted by the Council since the year 2000 (although these are located in Yealand Conyers and Dock Acres, rather than in the immediate surrounds).

However it is argued that although situated within a rural location each of these examples involved redevelopment or change of use of previously developed sites.

7.11 Conclusion Regarding Principle of Location

In terms of location the proposal must be balanced against the provisions of PPS1, PPS4 and PPS 7 as well as the more recent Ministerial Statement "Planning for Growth". It is acknowledged that LPAs should strictly control economic development in the countryside away from existing settlements. However LPAs must also ensure that appropriate weight is given to the need to support economic recovery and that applications which secure sustainable growth are treated favourably (consistent with policy in PPS4) where this would not compromise the key sustainable development principles set out in national planning policy.

7.12 The proposal site is an agricultural field on the outskirts of a main urban area and would be developed for a specific end user for a use associated with agricultural activities. The site is reasonably well served by various transport modes and within a 10-15 minute walking distances of shops and services within Carnforth. Furthermore the site has excellent connectivity to the motorway network. The applicant has expressed a specific need to establish a business outlet within the Carnforth area and has satisfactorily demonstrated that other sites have been considered and that there are no other suitable and viable sites in the Carnforth area which could be utilised for their business.

7.13 It is therefore considered that the submitted information satisfies concerns over site location, although it should be noted that this view has been reached taking into account the applicant's agricultural-related business. This site would not satisfy the locational tests if it were for a non-agricultural business and this should be borne in mind if ever the site becomes vacated in the future.

Therefore, whilst the proposal constitutes a departure from planning policy the LPA accepts the case made by the applicant in terms of locational requirements.

7.14 Design, Setting and Character

Despite the presence of the adjacent road network and railway line, as well as the existing built development referred to in paragraph 1.2, the site itself is an agricultural field within the Countryside Area and adjacent to the boundary of the AONB. As such any development must be sensitive to its surroundings and should incorporate suitable materials and design in order to comply with saved Local Plan policies E3 and E4 as well as District Core Strategy policies EC6, SC3 and SC5. PPS 7 states (paragraph 12) that planning authorities should take a positive approach to innovative, high-quality contemporary designs that are sensitive to their immediate setting.

7.15 The proposed development consists of a single storey workshop building with an associated parts store and sales reception for the servicing, repair and sales of large agricultural machinery. The workshop building will be built next to the eastern boundary and will have a low pitched roof (7.1m to pitch and 6m to eaves). The workshop will be accessed by three sectional overhead doors, one to each workshop bay whilst the store are will have its own sectional overhead delivery door together with a main customer entrance to the sales reception at the front of the office. Adjacent to the workshop building will be a machinery storage building built along the northern elevation which will be open on one side (6.5m to pitch and 5.7m to eaves). Adjacent to the machinery storage building it is proposed to site a vehicle wash-bay with its associated silt trap. Externally it is proposed to provide a concrete pavior apron to the workshop and parts store within the remaining area of the secure yard having an open gravel finish. In general design terms the proposal is considered to represent an appropriate form and scale.

7.16 The proposed materials for the workshop and sales building are white profile clad walls, profiled dark grey roofing sheets, white aluminum framed windows, dark grey doors and white rainwater goods. The open, covered display building will have vertical timber open jointed weatherboarding to two sides with one (western) gable profiled dark grey wall sheets and profiled dark grey roofing sheets

7.17 The application points to existing tree and hedge screening around the site and the lower site levels compared to the adjacent A6 and railway line. Nevertheless the policies referred to in 7.14 above seek to protect it from any development that may directly or indirectly have a significant adverse effect upon their character, or harm the landscape quality, nature conservation or important geological features. Whilst the general design of the buildings and site arrangement is acceptable, the proposed use of white cladding to the exterior of the development would not reflect the typical characteristics of buildings within the rural landscape. Officers are concerned that the development

would present itself as a stark and incongruous feature. The application argues that the proposed use of white is necessary as it is part of the company's 'house' colours which are an important business consideration. However in planning terms the use of white cladding remains inappropriate in this location and is an issue of significant concern. Therefore Members are advised that in order for the application to be considered favorably this issue regarding external materials must be addressed to the satisfaction of the LPA. A remedy was proposed during pre-application which would see the introduction of a more appropriate colour (e.g. green, brown etc) but the retention of a 'white strip' around the building with the Rickerbys name contained therein. Members will be advised of developments regarding this issue at the meeting.

#### 7.18 Trees and Hedgerow

The submitted Design and Access Statement (DAS) acknowledges the importance of the screening offered by the existing trees and hedgerow within the site. The DAS states that the existing mature field hedgerow along the northern boundary will be retained and that the only break in the existing boundary planting will be where the new access is proposed, which will involve the removal of a 30m stretch of planting. It is proposed that native species hedging is extended into the site for a short distance on each side of the new access road.

7.19 There are no tree preservation orders or conservation area constraints affecting trees within or immediately adjacent to the proposed development site. However there are important mixed species hedgerows and mature trees principally to the south of the site and along traditional boundary lines. The trees and hedgerows act as an important buffer zone between the greenfield site and the public domain. They have the potential to provide extremely important screening again between the proposed development and the busy A6 public highway to the east and West Coast mainline that is immediately west of the site.

7.20 Trees and hedgerows include species of beech, hawthorn, maple, cherry, goat willow, crab apple rowan, elder and lime; an important resource for a range of wildlife communities. The DAS outlines an intention to retain existing trees and hedgerows within and around the site and undertake additional tree planting to maintain the existing greening and screening benefits. However an Arboricultural Impact Assessment (AIA) has not been submitted. This is considered essential as trees and hedgerows are implicated by the development proposals. There is potential for damage to trees as a result of a number of different construction works and activities which may result in the loss of tree health, stability, vitality and sustainability beyond the development period leading to a significant loss in amenity. The need for an AIA has been raised with the agent who has indicated an intention to submit the necessary information for review by the Tree Protection Officer prior to application determination. An update on tree issues will be provided to Members at Committee, but it is envisaged that a satisfactory AIA can be presented by the applicant.

#### 7.21 Highway and Transport Matters

The development is in close proximity to the public highway network, bus routes, and public footway, whilst Carnforth Railway Station is approximately 2km away. Access to the development will be relocated to a central point within the eastern boundary while the existing access will be gated and used for emergency access only. The vehicle access must be able to accommodate a wide range of agricultural vehicles to manoeuvre safely to and from the site. The proposed development will be accessed from a new arm to the A6/A601(M) roundabout junction on its western side. The realignment of the northbound Scotland Road has been agreed in principle with Lancashire County Highways Officers (pre-application) and will provide much improved deflection on this approach, allowing the safe provision of the new access on the west side of the roundabout and benefitting other users of this junction. The design, procurement and supervision of works within the public highway will be carried out by the highway authority (County via a legal agreement entered into with the applicant).

7.22 It is considered that the visitors to the site will be not just specific to the agricultural related business, but will be pre-determined visits (i.e. to repair or purchase agricultural equipment) and therefore the site will not appeal to the general public. As such the submitted Transport Statement predicts that the development will have minimal impact on traffic generation. This prediction is based on a traffic survey of an existing branch of Rickerbys in Penrith, which is similar to that proposed at Carnforth in terms of building size and parking spaces. This demonstrated a low number of vehicle movements within peak hours.

7.23 The development will include 8 customer parking spaces (including 1 disabled bay), 5 staff parking bays, cycle parking and 3 internal van bays. However the development is likely to be car-reliant and therefore adequate parking must be provided for staff and visitors. As such the Highways consultee has requested an increase in on-site parking provision to a total of 24. The agent has argued that although the applicant is willing to provide more on-site parking space, this is not necessary due to the breakdown of how people will work on the site:

- 2 salesmen – spend the majority of time out on farms, where most sales take place;
- 2-3 storemen – work in the in the parts store; and
- 7-11 technicians – work in the workshop and out on site repairing machinery. Their vans will be parked in the yard and will not use the staff parking area.

The LPA is minded to side with the applicant in this regard, given the working arrangements above and the potential for the business to influence travel patterns. To this end a condition is imposed requiring a Staff Travel Plan to be submitted and approved by the LPA prior to the business first operating from the site.

7.24 Flood Risk Issues

The application site lies within Flood Zone 3, which is defined as having a high probability of flooding. However the proposed development is classified as “less vulnerable” within PPS25. The submitted Flood Risk Assessment (FRA) is considered acceptable by the Environment Agency who are satisfied that the proposed development does not pose an unacceptable risk of flooding or exacerbate flood risk elsewhere, provided that the mitigation measures identified within the FRA are implemented. It is proposed to drain the site via a sustainable urban drainage system, and a detailed drainage scheme has been submitted.

7.25 The site drains naturally from North to South with the southern half of the site from the narrow point southwards being relatively wet. There is an open culvert under the railway embankment at the narrow point of the field and a ditch adjacent to the railway embankment at the southern end of the site which leads to a second culvert under the railway embankment. Both these culverts lead to ditches on the West of the railway embankment which in turn lead to the River Keer. The proposed finished ground floor level throughout the occupied building is 300mm above the existing surrounding ground level which places the proposed floor at 7.1m Above Ordnance Datum (AOD), which is above the contingency level of the possible rise in sea level and is above the 1:100 year flood level of the River Keer. It is considered that the development therefore would satisfactorily comply with the provisions of PPS25 and Core Strategy Policies E1 and SC7.

7.26 Biodiversity

PPS9 outlines the Government’s objectives with regard to biological and geological diversity and seeks to ensure that it is conserved and enhanced so that development can integrate biodiversity and geological diversity with other considerations. In this case geological diversity is not an issue with regard to the application site. However, wetland area to the south between the development site and the Council Depot has some ecological value (albeit it is not designated, even at the local level). Nevertheless an ecological survey of this area has been submitted and it concludes that the proposed development will not detrimentally impact the biodiversity of the wetland area. The application states that this area of land will be purchased by the applicant and will remain undeveloped. Although the site does not fall within the red edge of the submitted plans it is envisaged that the management of this land as a biodiversity resource can be controlled via a Grampian-style planning condition.

7.27 Renewable Energy

The DAS gives consideration to alternative energy sources and relevant green building issues and proposes that the development will incorporate low-energy lighting. High efficiency oil boilers will be installed incorporating automatic controls that will shut down the workshop heating when the overhead doors are opened. It is also proposed that the building will be highly insulated and the low pitch roof design will minimise thermal heating demand and maximise efficiency. Rainwater harvesting was also considered as an option but considered to be an unviable option due to the

predicted low water usage on site.

## 7.28 Rural Employment

When considering schemes involving economic developments in rural areas, PPS4 states that local planning authorities should adopt a positive approach to proposals which secure sustainable economic growth with particular regard to accessibility, quality of design, impact on the economic and physical regeneration of an area and the impact on local employment. It is acknowledged that in terms of rural employment the scheme will be beneficial to the Carnforth area it is proposed to initially employ 11 people with a view to this figure increasing to 16.

## 8.0 Planning Obligations

- 8.1 As outlined in paragraph 7.17 of this report the development will necessitate the realignment of the adjacent A6/A601 (M) roundabout junction. As the measures proposed relate to works on highway land they should be secured by way of a Section 278 agreement and this package of highway improvements is offered as part of the submission.

## 9.0 Conclusions

- 9.1 The subject site is currently undeveloped and falls outside the urban area. The amount of development proposed would urbanise an area of greenfield land on the main approach to the market town of Carnforth. The proposed development will constitute a limited, but welcome rural employment opportunity and to a degree lessen the need for commuting out of the locality. The applicant is an existing employer in an agricultural related business who is unable to relocate to an alternative site which is available and viable within the Carnforth Area.
- 9.2 The key issues focus on the principle of the location and the proposed materials of the buildings. Other matters of concern relate to the area of land to the south of the site, parking provision and tree protection matters. It is anticipated that the latter issues can be satisfactorily resolved prior to Committee, although the former issues are primary considerations.
- 9.3 In seeking to balance the relevant policy drivers associated with this application it is considered that significant weight should be given to the provisions of PPS4 and 'Planning for Growth', provided other development principles are not compromised. In planning policy terms, it is accepted that there are no available allocated employment sites that could accommodate the proposed development and due to the nature of agricultural-related enterprise and the operational requirements of the applicant's business, an exceptional case has been made. However the development is within the Countryside Area and adjacent to an AONB and as such the external materials should reflect the character and quality of the rural area. It is considered that if this, along with the outstanding tree assessment issue can be satisfactorily addressed the application can be recommended for approval.

## Recommendation

That **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

1. Time limit – 3 years
2. Approved plans
3. External materials
4. Surfacing treatment
5. The level of the access at the application site shall be constructed 0.150m above the crown level of the carriageway of Scotland Road.
6. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary, for a minimum distance of 10m into the site shall be appropriately paved in bituminous macadam, concrete, block pavers or other approved materials.
7. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and the vehicular turning space shall be laid out and be available for use before the development is brought into use.
8. Wheel cleaning facilities
9. Any external source of lighting shall be effectively screened from the view of a driver on the adjoining public highway.

10. Luminance Limits condition
11. No part of the development shall be commenced until all the highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the LPA in consultation with the Highway Authority.
12. Staff Travel Plan to be agreed
13. Scheme for construction of site access and off site works
14. Noise impact assessment
15. Hours of vehicle repair and maintenance work outside the buildings shall restricted to 0700-1800
- 16.. Unforeseen land contamination
17. Implementation of flood risk mitigation measures identified within the FRA
18. Maintenance/management of the wetland area south of the site.
19. Implementation of tree protection plan
20. Implementation of arboricultural method statement (subject to receipt of details prior to Committee)
21. Landscaping (new tree planting)
22. Maintenance regime for trees
23. Scheme for the provision of surface water drainage works

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **Background Papers**

None.



Agenda Item	Committee Date	Application Number
A7	19 September 2011	11/00436/CU
<b>Application Site</b> 4 Old Station Yard Kirkby Lonsdale Carnforth Lancashire LA6 2HP	<b>Proposal</b> Retrospective use of land and buildings for stone working only including storage of pre cut and worked stone in specified areas in association with that use and the retention of an open – fronted workshop building	
<b>Name of Applicant</b> Mr E Fairhurst	<b>Name of Agent</b> Mrs Miranda Barnes	
<b>Decision Target Date</b> 11 July 2011	<b>Reason For Delay</b> Ongoing discussions	
<b>Case Officer</b>	Mr Karl Glover	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval subject to conditions	

### **Procedural Matters**

- (i)** Members will note that this is a resubmission of application **09/01015/CU** which was refused retrospective planning consent by the Planning and Highways Regulatory Committee in May 2010. The reasons for refusal were based on the applicant being incapable of ensuring that HGV movements could be controlled in such a manner that loading and unloading could be contained within the site, and that HGVs were parking on adjoining roads to the detriment of the living conditions of local residents and the impact on the rural area in the vicinity.
- (ii)** Whilst the above application was refused, Members were minded to allow a 12-month period where enforcement action would not be pursued to secure the cessation of the use. This was to allow the applicant to demonstrate whether the stone yard was capable of operating within the site without detriment to the local residents. If the use was proven to be able to operate without harm after 12 months, further regularising steps would be invited.
- (iii)** This retrospective application has been submitted following numerous complaints from residents within the 12 month period. Investigation by the Development Management Section and discussions with the applicants and their agents has taken place. A detailed explanation of how events have unfolded is provided within the comment and analysis section of this report.

### **1.0 The Site and its Surroundings**

- 1.1 The subject site is located at the northern end of the Old Station Yard industrial area, to the South East (approximately 1.5 miles) of Kirkby Lonsdale and the west of the A65. The industrial estate comprises of four industrial units which are bounded by a high bund with semi-mature screen planting on all sides except the South and is surrounded on all sides by open, undulating Countryside and agricultural land.

- 1.2 There are two residential properties adjacent to the southern end of the estate (Station House and Willow Copse) close to the estate road entrance and a further residential property to the east (Green Acre) of the estate midway up its length, separated by a narrow field and access from Long Level (the old Roman Road running north/south to the estate).
- 1.3 The estate is accessed from a cul-de-sac section of the former A65 road which has an adequate junction with the present A65.
- 1.4 The Unit 4 site presently contains a large, existing and approved two storey building at the south end which now houses manufacturing/stone-cutting processes on the ground floor with offices on the first floor of the western end of the building. A small open-fronted building is located adjacent to the eastern side of the site and there are a number of externally located stone saws, rock tumbler and finishing machines, generally located along the eastern side of the site.
- 1.5 Virtually the whole open area of the site has been concreted with the exception of the far northern end which is used for the storage of uncut stone. The westernmost part is occupied by pallets of finished product awaiting delivery, along with the area immediately to the north of the main building.

## **2.0 The Proposal**

- 2.1 This proposal is a resubmission of a previously refused application (09/01015/CU) for the retrospective use of the land and buildings at plot 4 for the storage, working and distribution (B2/B8) of stone and stone products and the retention of the unauthorised open-fronted workshop building backing onto the west side of the plot.
- 2.2 Originally activities began in February 2004 as a stone storage and distribution business. This was expanded in 2005 to include the stone-working and cutting activities, mainly within the existing buildings, and in November 2008 the open-fronted workshop was erected. The present use has therefore been taking place on this site to some degree for 6 years and now employs over 30 local people. The business operates from 07:00 to 17:30 Monday to Friday, 07:00 to 1200 Saturday and not at all on Sunday.
- 2.3 The processes and activities involve the following:
- a) The delivery of large rocks by HGVs from the applicants quarry which are transported using JCB equipment into the main building where they are washed and cut using fixed saw equipment;
  - b) An open fronted building within the yard used for the cropping of stone using fixed machinery as well as the cutting and polishing of smaller stones using hand equipment;
  - c) Finished stone pillars and flags are then transported away from the site using HGV to be either stored at the Ingleton Depot or straight to the order address

As part of this application, the applicant proposes to re-configure the open yard area to create more useable circulation space and room for the turning and loading of large HGV's and the parking of skips.

## **3.0 Site History**

- 3.1 This site and estate were formerly the Kirkby Lonsdale Station Yard and continued to be used as a haulage and transport depot after the closure of the railway line.

**96/00135/FUL** - Permission was granted in 1996 for the erection of 4 industrial units and associated access road and landscaping. This permission limited the use of the estate generally to light industrial (B1) and storage (B8) uses and specifically limited unit 4 (this application site) to "*Haulage store and workshop and trailer park, unless otherwise agreed in writing by the Local Planning Authority*". The permission also removed permitted development rights in relation to building extensions without the written consent of the Local Planning Authority.

This permission was implemented in accordance with its conditions and forms the basis of the current development. However, over the years the occupiers of these units have changed a number of times, the nature of their uses have also changed and most have had subsequent extensions to the original buildings. All of the building extensions (except the new building on plot 4) have

received planning consent.

- 3.2 It is perhaps worth noting that a recent application in September 2010 (Ref: **10/00802/CU**) was approved by Members and was made by the Occupants of Unit 2 (Alan Stephenson Coaches). This was for a retrospective application for the part change of use of a vehicle storage and maintenance building to storage, distribution and business uses for Units 2a, 2b, 2c, 2d and 2e.

Whilst this does not directly affect the current proposal, Members are advised that planning conditions were imposed on 10/00802/CU restricting occupancy of the following units to the following businesses:

Unit 2a – Alan Stephenson Coaches  
 Unit 2b – Mortimer's Storage  
 Unit 2c – Scott's Storage  
 Unit 2d – La Maison Storage  
 Unit 2e – Kirkby Lonsdale Brewery

None of the above units can now be sub-divided further, or sold, disposed of, let or amalgamated to larger units without the express consent of the local planning authority.

Other conditions imposed on the permission included the removal of permitted development rights for new structures, the control of hours of operation to 0800-1800 Monday-Saturday, the restriction of any commercial vehicle movement between the hours of 0000-0600 daily, and the maintenance of loading, unloading and manoeuvring areas.

#### **4.0 Consultation Responses**

- 4.1 The following responses have been received from statutory consultees:

<b>Statutory Consultee</b>	<b>Response</b>
<b>Lancashire County Highways</b>	No objections to the regularisation for the operation of the stone yard; satisfied that the site is able to now operate in a satisfactory manner, but it is essential that loading/unloading areas, turning areas and over-flow parking areas must be clearly marked out for these purposes and kept clear of other obstructions at all times. Recommended conditions have been provided.
<b>Environmental Health</b>	No objections provided suitable conditions are imposed – These include the hours of operations, suitable wheel-wash facility to be included at the entrance of the site, dust control measures, no parking outside the premises, all vehicles to be fitted with 'white noise' reversing alarms and a scheme of measures to reduce noise caused by impact of stone during loading and unloading of vehicles. Ongoing noise assessments have taken place since February 2009 the results of which are explained in more detail in the comment and analysis section of the report.
<b>Contaminated Land Officer</b>	No objections.
<b>Parish Council</b>	No objections.
<b>Environment Agency</b>	<p>No objections. This is based on their assumption that the use will not create additional foul drainage flows (as indicated on the planning application submission) and that wash waters from stone cutting operations will continue to be collected in a sealed tank and taken off site in accordance with the Environmental Permitting Regulations 2010.</p> <p>The EA have also commented that they would not wish to see any further disposal of either sewage or trade effluent to the existing (Klargester) package treatment plant used by the Old Station Yard as a whole, as the use of this plant is reliant on the Old Station Yard unit holders maintaining a plant that they do not own.</p> <p>A site meeting had taken place on site with the Environment Officer and the Senior</p>

	Environmental Health Officer to discuss issues raised by a nearby resident. As a result it was determined that there was some naturally occurring surface water scum in the nearby beck; this is not attributed to the applicant's business as it is also found upstream of the application site. As such there is not seen to be any further detrimental impact on the watercourse as a result of the retrospective use of the stone yard.
<b>Tree Protection Officer</b>	No objections subject to a condition for the retention of all trees on site.

## **5.0 Neighbour Representations**

5.1 10 items of correspondence objecting to the proposals, including letters, emails and copy letters to other authorities (the Environment Agency and Lancashire County Highways) have been received from the three properties that are in close proximity to the Stone Yard. The principal reasons for opposition relate to:

- Concerns that the applicants currently rent depot premises in Ingleton which falls within Craven District, and will no longer be available for the storage of finished stone or service vehicles by the applicant due to a residential housing scheme which has been granted planning consent for 28 dwellings. It is suggested that if this is the case the applicant will have no other option but to return the vehicles and stone products back to the Stone Yard (Unit 4) resulting in the over stocking of the yard and the re-occurrence of stationary vehicles and skips outside the site parking on the access road.
- Submitted noise assessment reports were based on favourable recording conditions. Neighbours comment that the reality of the 'shrieking' noise of saws, the noise of machinery and plant, noise from 'thunderous' bangs of rocks being dropped and moved, noise from the rock tumbler, and loud noise impact from the yard radio are not reflected within the noise assessment conclusions.
- The applicant does not abide by the stated working hours, works continue outside the hours of operations stated within the application.
- The Klargester sewerage system in the Station Yard is seriously overloaded, it cannot cope with the continued overload and is leaking its contents into the nearby beck.
- Problems with dust, in wet weather a proportion of dust is still carried into the nearby beck and in dry weather it blows directly from the yard and off the road on to the residents windows, which damages the frames and coats the interior surfaces including food, furniture and electrical goods.
- One of the neighbours cites a recent application by Fairhursts to Craven District Council to develop a similar facility on a nine acre site near Bentham. As part of the supporting evidence for that application the applicants put forward the following points:-
  - The company has outgrown its present premises (at Kirkby Lonsdale Station) and there is no possibility of expansion;
  - The existing site has inadequate external storage areas, the building is too small for stone-cutting and facilities for staff are again inadequate;
  - The existing site cannot meet the demands for the products the company supplies and new premises are desperately require to meet the demand and to further expand the company.

This application was refused on the grounds of its unacceptable environmental impact.

- Surrounding screen mounds are being removed from the inside to leave an inadequate and unstable land form making the site visible from the distant fells.

Contextual photographic evidence has been submitted with three of the five letters of objections. The images taken in 2008 show the yard with large amount of finished stone stored centrally within the site, what appears to be the removal of landscaping to the bund screening. Images taken in

2011 primarily relate to silt and spoil within the nearby beck, vehicles parked on the access road leading to the stone yard, the word SAND written on a soiled windscreen of a car along with a sign advertising Fairhurst Stone Yard for nationwide deliveries, open to the public and trade.

- 5.2 This is a relatively brief overview of the main and most salient points of the objections. The unauthorised use of this site for the purpose proposed also has a substantial history of enforcement complaints prior to submission of this application, echoing similar complaints.

## **6.0 Principal Development Plan Policies**

### **6.1 National Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)**

National Planning Policy as laid down in Planning Policy Statements (PPS1 – Delivering Sustainable Development, PPS4 – Planning for Sustainable Economic Growth, PPS7 – Sustainable Development in Rural Areas) PPS18 Enforcing Planning Control and Planning Policy Guidance 24 (Planning and Noise) is relevant to the consideration of this application. In particular:-

- 6.2 **PPS1** paragraph 19 suggests that planning authorities should seek to enhance the environment as part of development proposals. Significant adverse impacts on the environment should be avoided and alternative options pursued. Where such impacts are unavoidable, mitigation measures should be considered.
- 6.3 **PPS 4**, Policy EC6 (Planning for Economic Development in Rural Areas) suggests that LPA's should ensure that the countryside is protected for the sake of its intrusive character and beauty, the diversity of its landscape, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all to this and, economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled.
- 6.4 Previously paragraphs 4, 5, 17 and 18 of **PPS 7** – relating to the location of development and the re-use of buildings in the countryside – would have been applicable but these paragraphs have since been replaced by the provisions of PPS4.
- 6.5 **PPG18**, Enforcement: Paragraph 12 advises Local Planning Authorities on how to deal with unauthorised development which has no realistic prospect of being relocated. Local Planning Authorities should make it clear to owners or occupiers that they are not prepared to allow operations to continue at present levels and indicate timescales within which actually would stop or be reduced to acceptable levels. Agreement on modified levels is preferable but the paragraph legitimises the use of enforcement notices to secure a reduced level of activity.
- 6.6 **PPG24** Paragraph 10 states that much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that a subsequent intensification or change of use may result in greater intrusion and they may wish to consider the use of appropriate conditions.
- 6.7 **Planning for Growth** – Minister of State for Decentralisation, Ministerial Statement 23 March 2011. The Statement is capable of regarded as material planning consideration and carries significant weight in determining planning applications. The Statement identifies that planning has a key role in rebuilding Britain's economy. The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. The answer to development and growth should wherever possible should be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

Local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Consider likely economic, environmental and social benefits of the proposal including long term and indirect benefits such as consumer choice, more viable communities and more robust local economics.

- 6.8 **National Planning Policy Framework** - The National Planning Policy Framework sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. Whilst it is a consultation document and therefore subject to potential amendment nevertheless it gives a clear indication of the Government's 'direction of travel' in planning policy. Therefore the Draft National Planning Policy Framework is capable of being a material consideration although the weight to be given to it will be a matter for the decision maker's planning judgement in each particular case.

#### Local Planning Policies

#### 6.9 Lancaster District Core Strategy

Lancaster District Core Strategy Policy **SC1** (Sustainable Development) seeks to ensure that new development proposals are as sustainable as possible, minimise greenhouse gas emissions and are adaptable to the likely effects of Climate Change and sets out a range of criteria against which proposals should be assessed.

- 6.10 Core Strategy Policy **SC3** (Rural Communities) seeks to build healthy sustainable communities by empowering rural communities to develop local vision and identity, identify and meet local needs and manage change in the rural economy and landscape, but essentially seeks to focus development on villages identified as having fire essential services. Development outside these settlements will require exceptional justification.

- 6.11 Core Strategy Policy **E1** (Environmental Capital) seeks to safeguard and enhance the Districts environment by a range of measures which include; resisting development which would have a detrimental effect on environmental quality and public amenity and; directing development to locations where previously developed land can be recycled and reused.

#### 6.12 Lancaster District Local Plan (Saved Policy)

This site is located within a small but long established commercial/industrial estate, formerly a railway station goods yard. The estate is covered by the blanket 'Countryside' designation of the 'Saved' Proposals map to the Lancaster District Local Plan and Saved Policy **E4** (The Countryside area) of that plan. The site itself is not specifically identified in the plan.

- 6.13 Saved Policy **E4** requires development in the countryside area to be; in scale and keeping with the scale and natural beauty of the landscape; appropriate to its surroundings in terms of siting, scale, design, materials, external appearance and landscaping; to have no significant adverse effect on nature conservation or geological interests and; to have satisfactory access, servicing and parking arrangements.

### 7.0 Comment and Analysis

#### 7.1 Changes to Site Operations

- 7.2 In an attempt to achieve the regularising of the existing use of the site and the open-fronted work shelter, the applicant states that he has taken the following mitigation measures (since the previous refusal of planning consent) in an attempt to demonstrate that the use of the yard can be operated without adverse impacts on the surrounding amenities of the area.

- Storage of raw materials off site - the applicant has purchased a quarry in Rochdale where raw materials are now stored before delivery to this site for working into stone products; this is to significantly reduce the amount of on-site storage of raw materials.
- Delivery of raw materials to site – The raw materials are brought to site using articulated vehicles. There is an area to the rear of the site which is and will be limited to 300sq.m. When vehicles enter the site they will unload the raw materials from the area immediately adjacent to the storage area. When vehicles enter the site they will manoeuvre within the central area of the yard which does and will remain clear of all obstacles at all times.
- Storage of finished materials – The finished stone products are stored temporarily in the area

to the front of the building which is and will continue to be limited to a maximum of 300sq.m, following which they are collected and stored at a depot in Ingleton. This depot is owned by a Mr Robert Dawson and is subject to an extant planning permission for residential development. A letter has been provided by the landowner confirming his intentions to develop the site on a phased basis. This will allow Mr Fairhurst to continue to use the Ingleton depot for a further five years. The applicant has stated that he has also identified a new site in Ingleton which he is in the process of agreeing a lease on.

- 7.3 During the twelve month suspension of enforcement action following the previous refusal, a number of spontaneous site visits were carried out by Officers to see if there was any articulated lorries or service vehicles belonging to the Stone Yard parking outside the entrance of the site along the access road and to also see if the amount of finished stone being stored centrally within the site had decreased. During a number of visits the access road towards the Stone Yard (Unit 4) had remained free from any vehicles at all; however there was a van and trailer parked on the road outside Unit 2.
- 7.4 The amount of uncut stone (large boulders) located abutting the screen bunding towards the northernmost part of the site had, during these unannounced site visits, significantly reduced from previous levels, with the consequent impact of allowing greater space within the yard area for manoeuvring vehicles.
- 7.5 Many of the issues raised by the Highway Authority on the last application were the result of overly intensive operations and the storage of materials within the site which the applicant has now seemed to have resolved by purchasing the Rochdale Quarry where the raw materials are now stored before delivery to this site for finishing and working. The applicant has also provided additional storage of finished products at their depot in Ingleton, when these cannot be delivered directly to the customer. This has therefore cleared up large portions of the site originally used for the storage of materials and should therefore reduce its impact on the surrounding highway, where difficulties were previously experienced. The submission of the letter of 'comfort' from the current landowner, confirming that the current Ingleton site will be available for use for five years, will allow an alternative site to be found during this period.
- 7.6 The applicant has provided a revised site plan which annotates numbered hatched areas and identifies each operation on site. These areas have also been demarked on site to scale as shown on the revised plan. The allocated marked areas include:
1. A new proposed overflow parking area;
  2. Area for the storage of imported, palletted stone flags;
  3. Loading/Unloading Areas;
  4. Vehicle turning area;
  5. Storage of uncut raw material;
  6. Allocated skip storage area;
  7. Storage area for cut pillars and flags.
- 7.7 During a recent site visit from the Lancashire County Highways Officer it was reported that a heavy goods vehicle entered the site dropped off raw materials and left, fully manoeuvring within the confines of the site, without the need to turn and reverse down the access road. This is seen to be a substantial improvement as a result of freeing up the yard and storing materials at different site locations.
- 7.8 Noise & Dust Assessments
- 7.9 It appears to your officers, from personal site visits and from the representations received that the main issues arising from the operations associated with the day to day use of the Stone Yard primarily relates to the noise generated by the movement and working of the stone in the yard and the intrusion caused by noise and dust generated by HGV's accessing, loading and unloading within the site itself.
- 7.10 In relation to noise, the application was accompanied by a Noise Assessment carried out by acoustic consultants URS. The report provides readings from 2009 and the results of more recent assessments. The principal noise sources identified on the subject site during the assessment related to:

- Cutting/washing noise from open east facing factory;
- Industrial generator located to the north of the main building;
- Polishing and cutting using handheld equipment in the east of the site (including radio noise);
- General noise produced in the yard area (radio, forklift truck movements, background machinery);
- Noise from open north facing, main factory door (boulder cutting/washing taking place inside);
- Fixed machinery with large cutting blade in the east of the site.

The assessment of noise impact was carried out in accordance with BS4142 (Method of rating industrial noise affecting mixed residential and industrial areas). Noise measurements were taken from Unit 1 Old Station Yard, and the residential properties known as Old Station House, Willow Copse and Green Acre. The general conclusions of this assessment submitted with the application was that the noise levels at both Unit 1, and Old Station House/Willow Copse were “marginal, below the level of complaints likely” however for Green Acre (the closest residential property to the site) the outcome was that “Complaints were likely” due to noise from beeping and banging from the site. A number of suggestions had been made which could reduce the level of disturbances.

7.11 Notwithstanding the noise assessment submitted with the application your Environmental Health Officers have also been monitoring the impacts of noise since February 2009 the results of which are as follows:

<i><b>Date</b></i>	<i><b>Description of Monitoring</b></i>	<i><b>Conclusions</b></i>
February 2009	Several observation visits by EH Officers during afternoon/early morning/evening	Trailers parked along roadway, Much vehicular activity
December 2009	Noise Assessment by EH officers	Noise from Fairhurst's activities audible and intrusive at Green Acre - Noise Control measures required
July 2011	Noise survey by EH officers	Noise from Fairhurst's activities audible and intrusive at Green Acre, Some noise audible at Station Tea Rooms rear garden - Noise control measures required

7.12 The Noise from the operation of Fairhurst's Stone Yard comes from various sources, including the playing of radios, the unloading of uncut stone, the cutting of stone and vehicle movements. The monitoring of the noise by your Environmental Health Officers has shown that noise from Unit 4 is a particular problem at the Green Acre bungalow (a reflection of the conclusions stated in the URS assessment), which enjoys open aspect over fields to the rear of the Fairhurst's site. Noise affecting the Old Station properties at the entrance to the industrial estate is largely due to vehicle movements. It has been noted that a significant amount of dust from the site continues to be spread along the roadway, due largely to carry-over on vehicles leaving the site. No visible dust from stone cutting or handling has been noted during formal observations.

7.13 The results and observations of both the Noise Assessments are particularly similar and, on reflection, it has been concluded by Environmental Health Officers that specific planning conditions would be effective in controlling both noise and dust from the application site. These findings are acknowledged by the applicant and the suggested conditions, which include limiting the hours of operation of the site, a Site Activities Management Plan and a condition requiring a wheel-wash facility, have also been accepted. In terms of its scale and impact therefore, it would appear that the continued use of the site in the manner proposed can be adequately mitigated in terms of its impact on surroundings and neighbouring amenities.

7.14 Traffic & Highway

7.15 The previous application was accompanied by a Traffic and Highways Report, which found that during a 12 hour survey, 28 vehicles arrived at the application site and 34 vehicles left. This was less than the trip generation of Unit 2 and represented only 25/30% of the total trip generation of the



estate. The more recent updated traffic figures submitted within this application show that HGV traffic generation has reduced since 2009. Average daily traffic movements are now approximately 3 HGVs arriving at the unit compared with 11 that were recorded in 2009.

7.16 The findings of the Traffic Report indicate a substantial difference in vehicular movements, this appears to be as a result of the reconfiguration of the yard, and the changes in operation of the unit have resulted in reduced daily HGV movements and more space within the yard for HGVs to manoeuvre. HGVs can now enter and leave the yard in forward gear. In order to reduce the likelihood of off-spill parking on the access road an additional five car parking spaces have been proposed within the revised site layout.

7.17 Other Considerations

7.18 The unauthorised open fronted work shelter building does not itself raise any significant planning issues since it is well screened by the planted bund which surrounds the whole site. However it has been suggested within the noise assessment submitted with the application that this building should be given a closed front to contain the noise of the activities carried on within it. It has been discussed with your Environmental Health Officer the implications of close fronting the building and what implications this may result in by means of dust control, ventilation requirements and if there may be any adverse impacts for employees working within. It has been suggested that this would not cause any particular issues, as the working stone cutters operate with water sprays damping and cooling down the saws which prevents airborne dust being created.

7.19 This is an established rural employment site, serving the needs of not only this District, but also surrounding districts. It is geographically well-located off a principal access route connecting Cumbria and Scotland with West Yorkshire. In visual terms the impact of the site on the surrounding rural area is limited by the significant mature landscaping and bunding which surrounds it, and a condition recommended at the end of this report will ensure that all existing trees are retained on site. In terms of policy and planning guidance it is possible to identify policies which would argue both for and against the development. In this regard it is considered that the fact this is not a new isolated development but a commercial use on a well-established, small but intensive rural industrial site is critical in considering the locational principle of the proposal and would militate in favour of approval.

7.20 If the principle in locational terms is accepted then the Committee must determine the acceptability (or otherwise) of the impact of the business' operations upon nearby residential neighbours, and whether the material changes to the business' operations discussed in this report (since the previous refusal of consent) have addressed the concerns expressed during the last application and the current submission. Members also have to consider whether the operations can be satisfactorily controlled via the imposition of the planning conditions contained in this report.

7.21 The applicant has clearly revised the site layout of Unit 4 which provides specific maintained areas for specific activities. The site is due to be marked out prior to the committee meeting for the avoidance of doubt which relates to the revised site layout attached to this report. The key to effective control of this will require the monitoring and enforcement of appropriate conditions. Whilst it is unrealistic to assume that the site can be monitored on a daily or weekly basis, given the current levels of Planning Enforcement Officers, any complaints received would be investigated.

**8.0 Planning Obligations**

8.1 None.

**9.0 Conclusions**

9.1 This application has come about through the consequences of the sudden and rapid expansion in the activities of an otherwise well established (though unauthorised) rural business, on an equally well established industrial estate in the rural area. The development currently supports 20 full time employees predominantly from the surrounding rural area of Lancaster, South Cumbria and Craven District.

9.2 There are no objections to the development from the statutory consultees. Most importantly the Environmental Health Service, after undertaking independent noise assessments, has concluded

that with the imposition of suitable conditions both to control activities within the site and prevent unauthorised activities taking place on the access road and other areas they would not raise objections to the development.

- 9.3 It would appear that the activities surrounding the use and operation of the site can be monitored and controlled by means of conditions in such ways that remove the causes of disturbance and impact upon the neighbouring residential neighbours, and it would also appear that the site operator (the applicant) has shown substantial willing to implement these changes by marking out the site and by acquiring further sites for storage and operations. The applicant will be required to abide by the conditions listed below which are designed to regulate their activities and be enforceable should any future breaches of planning control warrant action. In these circumstances it is difficult to oppose the development on justifiable planning grounds in principle.
- 9.4 However there is one notable proviso to this recommendation of consent. The Fairhursts Stone Merchants has clearly become a well established employment enterprise within this rural location and it now operates as part of a network of three sites, which excavates stone (Rochdale Quarry site), cuts it to customer requirements (Stone Yard) and then stores it for distribution (Ingleton Depot & Stone Yard). Previous evidence has shown that it cannot operate without some harm to residential amenity if it operates in isolation (i.e. without alternative off-site storage facilities). As such a temporary five year condition is proposed. This is designed to ensure that this network of three sites referred to by the applicant is maintained, so as not to put capacity pressures on the Cowan Bridge Stone Yard, thus causing detriment to neighbouring residents. The period of five years has been selected because it accords with the five-year letter regarding the Ingleton site, referred to in paragraph 7.5 of this report. This will allow the local planning authority to reconsider the application at the expiry of this period.
- 9.5 The conditions below are aimed at ensuring the business can operate without detriment to private and public amenity and include, amongst others, measures to control and regulate the internal layout of the yard, prevent the use of access road for work purposes, control hours of operation, provide enclosed buildings for stone cutting operations, stabilisation of the embankment and other measures to ensure minimum disturbance.

### **Recommendation**

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Temporary permission for the period of five years
2. Amended Plan (Revised Site Plan and Management Plan) 28<sup>th</sup> July 2011
3. Development in accordance with submitted plans and details
4. Hours of operation and all vehicle movements to and from site limited to 07:00 to 17:30 Monday to Friday and 07:00 – 12:00 on Saturdays- no working or deliveries on Sundays or Bank Holidays.
5. Approved Layout, including turning space and car parking spaces (details of which must be formally agreed in writing), to be fully marked out on site and implemented within 2 months of the date of the consent and retained at all times thereafter.
6. Details of the lorry loading area to be submitted and agreed in writing the approved lorry loading area shall be retained at all times thereafter
7. Vehicle turning area to be kept clear at all times to enable vehicle manoeuvring
8. No commercial activities associated with the applicant's use/business to take place outside the site curtilage.
9. All vehicles used on site to be fitted with "white noise" or similar, reversing alarms.
10. A Site Activities Management Plan, including:
  - A scheme to control dust;
  - A detailed scheme of measures (e.g. use of lifting gear and absorbent rubber matting) to reduce noise associated with the impacts of stone handling, loading and unloading;
  - The construction of a suitable enclosure/building to house all of the stone cutting machinery, details of which shall be submitted to and approved in writing by the Local Planning Authority, to prevent noise causing disturbance at Green Acres or Station House.
  - Confirmation that all stone cutting, splitting, tumbling, finishing and polishing operations shall take place within the enclosed buildings identified as being appropriate by the local planning authority; and,

- Confirmation that all stone cutting machines shall be fitted with 'super silent' saw blades at all times.

Shall be submitted in writing to the local planning authority within 2 months of the date of this consent. The approved scheme shall then be fully implemented within 4 months of the date of this consent, and shall be adhered to in full at all times thereafter.

11. Within 2 months of the date of this consent, details of a retaining wall to be built along the entire inner face of the site screen bund shall be submitted in writing to the local planning authority. The approved scheme shall then be constructed in accordance with the agreed details within 8 months of the date of this consent, and the wall shall be retained in full at all times thereafter.
12. Retention of all existing trees on site
13. No stone whether cut or awaiting cutting to be stored externally on the site other than in areas 2,6 and 9 identified on the revised site plan, and in each case no higher than 5m from existing ground level.
14. Wheel wash facility at site entrance, designed to prevent runoff of slurry water onto the road surface shall be provided within 2 months and retained at all times thereafter.

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **Background Papers**

1. Attached (revised) Site Layout Plan

The site plan illustrates the layout of 'The Old Station Yard'. A red dashed line outlines the proposed development area. Key features include:

- 01** Proposed overflow parking area
- 02** imported, palletted stone flags
- 03** No extension of curtilage or removal of perimeter landscaping belt within the banking
- 04** loading / unloading area
- 05** vehicle turning area
- 06** storage of uncut raw material
- 07** skip area (6m x 2.4m each)
- 08** open-fronted workshop building
- 09** storage area for cut pillars and flags
- 10** existing main building

Other labels on the plan include 'banking', 'parking area', 'site entrance', '18000', '10000', '15000', '12000', '11000', '10000', '9000', '8000', '7000', '6000', '5000', '4000', '3000', '2000', '1000', '0'. A north arrow is located in the bottom right corner.

Agenda Item	Committee Date	Application Number
A8	19 September 2011	11/00613/VCN
<b>Application Site</b> Land At Mossgate Park Mossgate Park Heysham Lancashire	<b>Proposal</b> Variation of Conditions 7, 8, 10 and 11 and removal of Condition 9 on approved application 95/00398/REM for the landscaping of former proposed play area	
<b>Name of Applicant</b> MAC (NW) Ltd.	<b>Name of Agent</b> Charles Aspden	
<b>Decision Target Date</b> 3 October 2011	<b>Reason For Delay</b> N/A	
<b>Case Officer</b>	Mr Andrew Drummond	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

## **1.0 The Site and its Surroundings**

- 1.1 The application site falls within an area of Heysham known as Mossgate. It is a relatively new residential development comprising bungalows and houses set along Meldon Road and a series of cul-de-sacs stemming off this artery road. The private residences are occasionally broken up by landscaped areas with a swathe of scrubland along the eastern, southern and south-western boundaries.
- 1.2 The land falls to the west of the Heysham-Morecambe railway line, elevated above the flat landscape to the east, affording views of the Bowland Fells, Lancaster and the Lune Valley. The area to the north and west are established residential areas, with land to the south gradually being developed into further residential areas.
- 1.3 The application site is not designated within the Lancaster District Local Plan. On the eastern side of the railway line lies Heysham Moss, which is a Site of Special Scientific Interest (SSSI). This is also part of the wider Countryside Area that covers much of the District. There is a Tree Preservation Order covering the amenity area on the south and south west boundary and another covering the northern part of the landscaped area off Highdale.

## **2.0 The Proposal**

- 2.1 The application seeks to remove condition 9 and vary conditions 7, 8, 10 and 11 on the planning permission 95/00398/REM. These currently state:

*Condition 7 - The proposed landscaped amenity areas lying along the east, south and south west sides of the site shall be securely fenced off, prepared and tree planted in accordance with the approved plan during the planting season 1996/97 to the reasonable satisfaction of the local planning authority.*

*Condition 8 - Before any of the dwellings hereby approved are first occupied, detailed schemes for the layout and equipment of the play areas specified on the approved plan shall be submitted to and approved in writing by the local planning authority.*

*Condition 9 - Before any development is commenced on site appropriate signs indicating the location of the proposed play areas shall be displayed on site and maintained to the satisfaction of the local planning authority until the completion of those areas.*

*Condition 10 - The approved landscaping scheme including the provision of landscaped amenity areas, footpaths with lighting, bridleways, play areas and kickabout/recreation areas shall be implemented in phases related to the construction of the proposed dwellings which shall be submitted to and agreed in writing by the local planning authority before any of the dwellings hereby approved are first occupied. All such areas and facilities shall be completed in phases in accordance with the approved scheme to the reasonable satisfaction of the local planning authority before any of the adjacent houses are first occupied.*

*Condition 11 - Unless otherwise agreed with the local planning authority, by a suitable agreement for adoption and maintenance, all landscaped amenity areas, play areas and kickabout/recreation areas and their associated footpaths not adopted by the Highway Authority shall be maintained to the satisfaction of the local planning authority for a period of 10 years. This maintenance shall include the replacement of any tree or shrub which is removed or dies, or is seriously damaged or becomes seriously diseased, by a species of similar type and size to that originally planted, the repair or replacement of any defective play equipment, fencing or gates in accordance with the approved scheme, the maintenance of footpaths in a safe condition in materials of the type originally used for their construction and the maintenance of amenity grassland.*

- 2.2 The application has been submitted further to discussions between the Council's Environmental Services Department, the Council's Regeneration and Policy section and the developer (MAC) to reflect past occurrences and the present situation.

### **3.0 Site History**

- 3.1 The wider area in this part of Heysham, known as Mossgate, has been party to numerous planning applications over the last 2 decades, predominantly for residential development. The only application pertinent to the pending submission is 95/00398/REM and its associated outline application:

Application Number	Proposal	Decision
95/00398/REM	Reserved matters application for 146 houses and bungalows, roads layouts and landscaped areas	Approved
93/01139/OUT	Outline application for residential development of 45 hectares including a sports complex, pub and shops	Approved

### **4.0 Consultation Responses**

- 4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
<b>Tree Protection Officer</b>	<p>No objections to the new landscape proposal subject to submission of the identified information:</p> <p>A new landscape scheme has been proposed affecting the former proposed play area. The existing elder/hawthorn hedgerow is proposed for retention with a total of 12 new trees - 6 field grown apple trees and 6 rowan, size 10-12cm girth at planting. The number or trees, species, size at planting and their location are all satisfactory. A maintenance regime is required for a minimum period of 10 years post planting and must be agreed in writing. In addition the planting period must also be agreed in writing. A regime must also be agreed for the maintenance and management of the grass area.</p>

## **5.0 Neighbour Representations**

5.1 One 'neutral' letter has been received, providing the following comments but neither supporting or objecting to the application:

1. If hedgerow and paths are to be adopted then could MAC please do an asset transfer to the council or provide a sum to pay for the continued maintenance of the land.
2. MAC has failed to maintain the tree line on the footpath "Drovers Walk" (covered by Tree Preservation Order 402), for a number of years and therefore a commuted sum to be used to improve this pathway which has fallen into disrepair through this neglect should be secured.
3. Please can the railings surrounding the proposed Play Area 2 be removed and donated to another local community group for reuse?
4. Can MAC please be required to provide a complete register of all land which it holds/manages in the areas of Mossgate & Windermere Parks for the purpose of identification?
5. Can neighbouring properties be consulted on whether they want more or less lighting in the area around Play Area 2?
6. MAC Construction should actively engage with the planning department to fulfill its prior and current commitments.

2 other pieces of correspondence have been received - one supporting the proposal and the other simply raising a query regarding the play area.

## **6.0 Principal Development Plan Policies**

6.1 National Planning Policy Statements (PPS) and Guidance notes (PPG)

**PPS1** (Delivering Sustainable Development) - provides generic advice for all new built development. Sites should be capable of optimising the full site boundary and should deliver an appropriate mix of uses, green and other public spaces, safe and accessible environments and visually pleasing architecture. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources, conserving and enhancing wildlife species and habitats and the promotion of biodiversity.

**PPG17** (Open Space, Sport and Recreation) - advises local authorities to avoid any erosion of recreational function and maintain/enhance the character of open spaces. Authorities should also protect and enhance those parts of the rights of way network that might benefit open space, and consider the impact of any development on biodiversity and nature conservation.

6.2 Lancaster District Core Strategy - adopted July 2008

Policy **SC8** (Recreation and Open Space) - new residential development will make appropriate provision for formal and informal sports provision in line with needs identified in the Open Space and Recreation Study.

Policy **E1** (Environmental Capital) - development should protect and enhance nature conservation sites and greenspaces, minimise the use of land and non-renewable energy, make places safer, protect habitats and the diversity of wildlife species, and conserve and enhance landscapes.

## **7.0 Comment and Analysis**

7.1 This application has arisen because the developer (MAC) has provided amenity areas within their residential development scheme and then maintained them for over 10 years. Whilst they have not implemented 2 equipped play areas as per the requirements of their consent, they have provided and then maintained the other green spaces for a lot longer than the required 12-month period (as set out in the legal agreement attached to their consent). The developer is therefore now looking to

transfer these parcels of amenity land to the Council with a commuted sum for their future maintenance. This is in line with the legal agreement that is attached to the 95/00398/REM planning permission, albeit at a later date than originally envisaged. This delay has had a cost implication on the developer, not the Council, due to the ongoing maintenance of the green spaces during this prolonged period.

7.2 There are 6 main areas of amenity land within the development:

- Green space around the Kingsway roundabout and adjacent to Drovers Walk;
- Kickabout area adjacent to Farriers Fold;
- 3 landscaped areas by Highdale, Longmeadow Lane and to the rear of Nos. 1-5 The Spinney;
- Amenity area along the eastern, southern and south-western boundaries of the site.

7.3 These amenity areas provide a range of benefits. The amenity area along 3 of the site boundaries provides a 'buffer' zone with the eastern section creating a natural green screen to the Morecambe-Heysham railway line. The "bridleway" through this area is nothing more than a narrow footpath, most of which is defined merely by an earth-trodden track, though some stretches have the benefit of a hard surface made up of broken stone. This path does not join any defined bridleway network or footpaths, but appears to be used by a few dog walkers. The vegetation along its route should be cut back to provide a clear and safe path (rather than bridleway) for future users as part of the maintenance regime.

7.4 There are 3 equipped play areas within an easy walking distance of this site - Kingsway, Windermere Park (Plover Drive) and Douglas Park. There are no requirements for the creation of 2 small play areas within this development, either from the Council or arising from the District's PPG17 study on the supply and demand for such open space and recreational facilities. Therefore this element of the approved scheme should be removed subject to a satisfactory replacement scheme being implemented. Play Area 1, situated in the north east corner of the site, is already landscaped with an established grass surface under the canopy of mature trees. Play Area 2 situated between Thistle Break and Farriers Fold is currently defined on the ground by a low metal fence with 2 small gates. It is proposed to cut back (though retain) the shrubs along its western edge, weed the site and provide it with a grass surface. 12 trees will be planted within this area - 6 apple and 6 rowan. This landscaping proposal, submitted with this application, is agreeable to the Local Planning Authority, and should be implemented at the first available opportunity. Condition 8 should be varied to accommodate this.

7.5 The signage, as required by condition 9, is now superfluous as the signage was required to direct new and neighbouring residents to the equipped play areas whilst the remainder of the development was built out. As the development is now complete and the equipped play areas are no longer required, this condition can be removed. References to equipped play areas on the other conditions should also be removed.

## **8.0 Planning Obligations**

8.1 The s106 agreement attached to the 95/00398/REM permission requires the developer to maintain the amenity land for a period of 12 months and then to pay the Council a sum of £68,061.62 towards future maintenance of the amenity land on the date of legal transfer of the land. The Local Planning Authority is advised by the Council's Environmental Services department that this sum of money, despite being agreed back in 1996, may be less than originally stated due to improvements to technology (e.g. grass cutting machinery now undertakes the same job in half the time). A vernal update will be provided to Members on this financial sum.

8.2 The legal agreement has a plan appended to it showing the areas for transfer. However, it also needs updating as various minor amendments to the original layout have been agreed and implemented in the intervening years.

8.3 As with the conditions, references to equipped children's play areas need to be removed. A Deed of Variation to the original s106 agreement can deal with these 3 issues.



**9.0 Conclusions**

- 9.1 For the reasons set out above, the application is recommended for approval subject to a Deed of Variation being signed and completed.

**Recommendation**

That, subject to a Deed of Variation being signed and completed, Condition 9 **BE REMOVED** and Conditions 7, 8, 10 and 11 of planning permission 95/00398/REM **BE VARIED** to state:

7. The proposed amenity areas lying along the east, south and south west sides of the site shall be prepared and tree planted in accordance with the approved plan during the planting season 1996/97 to the reasonable satisfaction of the local planning authority.
8. The approved landscaping plan for Play Area 2 shall be fully implemented in the first planting season following the granting of this permission.
10. The development's landscaped areas, kickabout area and Play Area 1, and their associated footpaths, shall be implemented in phases related to the construction of the proposed dwellings which shall be submitted to and agreed in writing by the local planning authority before any of the dwellings hereby approved are first occupied. All such areas and facilities shall be completed in phases in accordance with the approved scheme to the reasonable satisfaction of the local planning authority before any of the adjacent houses are first occupied.
11. Unless otherwise agreed with the local planning authority by a suitable agreement for adoption and maintenance, all amenity areas, landscaped areas, play areas and the kickabout area and their associated footpaths not adopted by the Highway Authority shall be maintained by the developer until transferred to the Council. Once transferred, the Council shall maintain these areas for a period of 10 years. This maintenance shall include the replacement of any tree or shrub which is removed or dies, or is seriously damaged or becomes seriously diseased, by a species of similar type and size to that originally planted, the repair or replacement of any defective fencing or gates in accordance with the approved scheme, the maintenance of footpaths in a safe condition in materials of the type originally used for their construction and the maintenance of amenity grassland.

**Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

**Background Papers**

None.

<p>Agenda Item</p> <p>A9</p>	<p>Committee Date</p> <p>19 September 2011</p>	<p>Application Number</p> <p>11/00655/VCN</p>
<p><b>Application Site</b></p> <p>Morecambe Football Club Christie Way Morecambe Lancashire</p>	<p><b>Proposal</b></p> <p>Variation of condition 34 on application 09/01035/FUL to allow the use of the stadium for outdoor music events up to three days per year</p>	
<p><b>Name of Applicant</b></p> <p>Morecambe Football Club Ltd</p>	<p><b>Name of Agent</b></p> <p>Mr Andrew Watt</p>	
<p><b>Decision Target Date</b></p> <p>18 October 2011</p>	<p><b>Reason For Delay</b></p> <p>N/A</p>	
<p><b>Case Officer</b></p>	<p>Mr Andrew Drummond</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Refusal</p>	

## **1.0 The Site and its Surroundings**

- 1.1 The application site at Westgate is partially occupied by Morecambe Football Club's new stadium with associated training pitch, car parking and landscaping.

The site has been levelled in the most part, with the exception of a raised bund along the north boundary close to the railway line. Though the site has low ecological diversity, there are some notable trees and hedges, especially along some of the site boundaries.

- 1.2 The adjacent area to the west is rough grassland with scrub, the ownership of which is unknown. The Morecambe-Heysham railway branch runs at a diagonal across the north of the site, separating the site from an area dominated by 2 storey semi-detached houses. Westgate forms the southern boundary. A church and associated presbytery is located to the south east with a static caravan park to the north east. The residential area of Langridge Way is situated to the east, where there is a mix of 2 and 3 storey residential properties on this estate.

Westgate links to the A589 (Morecambe Road) to the east and again to the A589 (Marine Road West) on the coast to the west. The application site is located about 1km south of Morecambe Town Centre.

- 1.3 The application site is identified under Policies E29, R1 and H2 of the Lancaster Local Plan. The southern part of the site is allocated as Urban Green Space and Outdoor Playing Space.

Development of such areas is only permitted where the site is enhanced and provides community benefits. The northern section of the site, along with land to the west of the application site, is designated as land reallocated for housing (an allocation carried over from the previous Local Plan).

The caravan park to the north east of the site is allocated as a Housing Opportunity Site.

The Morecambe-Heysham railway branch runs at an angle along the north of the site, whilst Westgate, which is an Access Corridor and Primary Bus Corridor, forms the southern boundary. Part of the Strategic Cycle Network falls just east of the site, connecting into Langridge Way.

## **2.0 The Proposal**

- 2.1 The application proposes to vary condition 34 on planning permission 09/01035/FUL to allow the use of the stadium for outdoor music events up to three days per year. The condition currently restricts use of the stadium for sports events only in the interests of the amenity of the area.

**3.0****Site History**

3.1

A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
08/00174/HYB	Hybrid Application for development of a football stadium and related accommodation, outdoor multi-sports area for club and community use, associated car parking and vehicular access and outline proposals for commercial development on Westgate frontage including hotel, food and drink, drive through restaurant, Morecambe FC club shop, associated car parking and amenity space.	Approved
09/01035/FUL	Revised application for the development of a football stadium and related accommodation, outdoor multi-sports area for club and community use and associated parking.	Approved
10/0787/RCN	Removal of condition 3 on approved application 09/01035/FUL regarding renewable energy	Withdrawn

**4.0****Consultation Responses**

4.1

The following responses have been received from statutory and internal consultees:

Consultee	Response
<b>County Highways</b>	No comments received during the statutory consultation period.
<b>Environmental Health</b>	Recommend refusal. This condition was specifically applied to protect local residents. Complaints regarding noise have already arisen from the site in its current sporting use, including the use of the training pitches, use of the stadium for football matches and the setting off of fireworks.
<b>Police</b>	<p>Since the Globe Arena opened at the start of the 2010 football season the Police has been closely monitoring the traffic and highway issues associated with this venue.</p> <p>They comment that Morecambe Football Club has “consistently failed to address the parking issues on the highway network in the vicinity of the Globe Arena and on busy match days the adjacent highway network is severely congested with spectators' parked cars”. As part of the original planning conditions/obligations there is supposed to be a Spectator Management Strategy which requires Morecambe Football Club to manage the parking issues on the highway in consultation with the Police and Highway Authority. Despite repeated requests from the Police and the Highway Authority, Morecambe Football Club consistently fails to manage the problems they have created and has not address the parking issues, in particular the parking along Westcliffe Drive.</p> <p>To allow music events at the Globe Arena will create greater traffic congestion and be a serious risk to road safety along the adjacent highway network. Given these concerns the Police asks that the application is refused.</p>
<b>Economy Development Officer (City Council)</b>	<p>Support the application for a number of reasons, including:</p> <ul style="list-style-type: none"> <li>a) The development of the visitor economy, including festivals and events, is a key corporate priority.</li> <li>b) Events are nationally recognised as a key mechanism for supporting and developing the visitor economy. Events at Morecambe FC would encourage more visitors to the District, and support increased visitor expenditure through the demand for overnight stays, and related visitor economy expenditure in Morecambe town centre. This supports in full the objective to regenerate Morecambe.</li> <li>c) Events at the Globe Arena offer the opportunity to raise the profile of Morecambe as a visitor destination and attract repeat and new visitor markets in the future.</li> <li>d) Events at The Globe Arena offer the opportunity to raise the profile of Morecambe Football Club as a visitor attraction and attract new visitor markets in the future.</li> </ul>
<b>Morecambe Town Council</b>	No comments received during the statutory consultation period.

**5.0 Neighbour Representations**

5.1 7 items of correspondence objecting to the proposal have been received. The reasons for opposition include the following:

- Noise pollution
- Congestion / parking (as demonstrated on match days)
- Light pollution
- Adverse impact on residential amenity
- Increase in anti-social behaviour
- Litter problems
- Reduces safety
- Morecambe Football Club has established a history of being poor neighbours with no consideration of nearby residents

5.2 The Ward Councillor for Harbour has also objected to the proposal on the basis of noise and the negative impact the proposal would have on the quality of life for residents in the surrounding area. Noise is already blighting the lives of many residents.

**6.0 Principal Development Plan Policies**

6.1 Planning Policy Statements (PPS) and Guidance notes (PPG)

**PPG13** (Transport) - provides a national planning policy framework for transport matters. It encourages sustainable travel - ideally non-motorised forms of transport such as walking and cycling, but also other means like public transport. The use of the car should be minimised. This can be encouraged by the location, layout and design of new developments, but also through the implementation of Travel Plans.

**PPG17** (Open Space, Sport and Recreation) - advises local authorities to avoid any erosion of recreational function and maintain/enhance the character of open spaces, and to ensure that open spaces do not suffer from increased overlooking, traffic flows or other encroachment. Authorities should also protect and enhance those parts of the rights of way network that might benefit open space, and consider the impact of any development on biodiversity and nature conservation. Stadium and other major sports developments which will accommodate large numbers of spectators, or which will also function as a facility for community based sports and recreation should only be granted planning permission when they are to be located in areas with good access to public transport.

**PPG24** (Noise) - advises local planning authorities when determining planning applications for development which will either generate noise or be exposed to existing noise sources to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business. The authority should ensure that development does not cause an unacceptable degree of disturbance, considering carefully in each case whether proposals for new noise-sensitive development would be incompatible with existing activities. Authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations. Ambient noise should be taken into account when considering the application. The impact of noise from sport, recreation and entertainment will depend to a large extent on frequency of use and the design of facilities.

6.2 Regional Spatial Strategy - adopted September 2008

Policy **DP4** (Make Best Use of Existing Resources and Infrastructure) - development should accord with the following sequential approach: first, using existing buildings (including conversion) within settlements, and previously developed land within settlements.

Policy **DP5** (Reduce the Need to Travel, Increase Accessibility) - development should be located so as to reduce the need to travel, especially by car, and to enable people as far as possible to meet their needs locally. All new development should be genuinely accessible by public transport, walking and cycling, and priority will be given to locations where such access is already available.

Policy **W7** (Principles for tourism development) - ensure high quality, environmentally sensitive, well designed tourist attractions, infrastructure and hospitality services that improve, enhance and regenerate whilst meeting the needs of a diversity of people and being sensitive to their environments.

Policy **RT2** (Managing Travel Demand) - measures to discourage car use (including the incorporation of maximum parking standards) should consider improvements to and promotion of

public transport, walking and cycling. Major new developments should be located where there is good access to public transport backed by effective provision for pedestrians and cyclists to minimise the need to travel by private car.

6.3 Lancaster District Core Strategy - adopted July 2008

Policy **E1** (Environmental Capital) - Development should minimise the use of land and non-renewable energy, properly manage environmental risks, make places safer, resist development which would have a detrimental effect on environmental quality and public amenity, taking full account of the needs and wishes of communities and using all practicable means to make places more pleasant and liveable.

Policy **E2** (Transportation Measures) - This policy seeks to reduce the need to travel by car whilst improving walking and cycling networks and providing better public transport services.

**7.0** Comment and Analysis

7.1 Principle of the Proposal

It is relatively common practice to use sports stadia for music concerts. Using a sports stadium for a different use is appropriate as it utilises an existing facility without needing to construct another building, especially when the 'pitch' elements of many stadia are only used on a limited number of occasions per year. Furthermore, it introduces another income stream, in some cases helping to make the stadia financially viable. However, as with all planning applications, each case needs to be assessed on its own merits. It is understood that the use of the stadium for music concerts would assist the stadium's owners financially and will also potentially help bring a new visitor attraction to Morecambe, but the application must also adequately assess the key issues arising from the proposal, namely noise pollution and highway efficiency and safety.

7.2 Noise and Light

In Annex 3 of PPG24 (Noise), paragraph 22 states "for these [recreational and sporting] activities (which include open air music concerts), the local planning authority will have to take account of how frequently the noise will be generated and how disturbing it will be, and balance the enjoyment of the participants against nuisance to other people. Partially open buildings such as stadia may not be in frequent use. Depending on local circumstances and public opinion, local planning authorities may consider it reasonable to permit higher noise emission levels than they would from industrial development, subject to a limit on the hours of use, and the control of noise emissions (including public address systems) during unsocial hours.

7.2.2 The application has suggested a condition to be attached (should planning permission be granted) for the provision of an Event Management Plan. Within this plan it would set out the parameters of the event, including times of the events (including set up and take down), sound levels, parking, access/egress, emergency access, disabled access, provision and management of bus services, and the provision of stewards. It should be noted that it is proposed that the concerts would start no earlier than 09.00 and finish no later than 23.00.

7.2.3 Regardless of this and the submission of an accompanying Noise Assessment with the application, Environmental Health has recommended that the application be refused due to the impacts upon neighbouring residents.

7.2.4 Light pollution also needs to be considered as a potential nuisance to local residents. In all likelihood, the floodlights attached to the existing stadium would be the source of the most intense lights to be used at any event within the stadium. However, the use of stage lights, strobes and other light sources can individually and/or collectively have an adverse impact on the nearby residents. Therefore if the application is approved, the use of lights and strobes should be conditioned to protect the amenity of the occupiers of the local residential properties.

7.3 Transport

7.3.1 Whilst a formal response is awaited from the Highway Authority, the comments received from the Police are extremely strong. It is clear that the club, despite the presence of planning conditions and obligations relating to a Travel Plan and a Spectators' Management Strategy, has failed to address the concerns of the Police regarding parking. The parking of spectator's vehicles in the vicinity of the stadium on match days has led to a decrease in highway efficiency and safety. It is the responsibility of the football club to reduce car usage by encouraging spectators to use alternative forms of transport (the Travel Plan) and then to manage the parking situation through the provisions of the Spectators' Management Strategy. In the words of the Police, the club has "consistently failed" to comply with these conditions/obligations and as such it is recommended that the application is

refused.

7.3.2 The application does not provide any indicative numbers of attendees. Given that many concerts also include standing room over the playing pitch surface, the stadium's capacity could be considerably increased over and above that of the number of seats and terraces in the stands. Therefore the number of vehicles arriving at a music event could potentially be greater than that at a home match (especially given that the most home matches do not attract a capacity crowd). If the Police have concerns with parking when the stadium is only partially filled, the problems will be exacerbated when the stadium is potentially filled to capacity, or possibly in excess of the current stadium seating/standing capacity. Furthermore, no details have been provided within the submission regarding parking arrangements. Many concerts attract musicians with an entourage of various vehicles, including staging, sound equipment, and other personnel. The application is silent on how these vehicles will be accommodated within the grounds and hence what residual parking will be available for the attendees. Whilst there is a reference to "use of all car parking spaces within the site" it does not say for what purpose. There is also no commitment to the overflow car park (capacity of 201 spaces) being available on such occasions.

7.3.3 Should Members be minded to follow the Officer's recommendation in refusing this application, the Local Planning Authority would recommend that the club demonstrates its ability to consistently control the parking situation on match days prior to re-applying for planning permission to host music events at the stadium. It should also work with the Police and County Highways in this regard. The local planning authority would be happy to facilitate meetings between all parties regarding this issue.

#### 7.4 Sustainability

Whilst this application proposes to use the existing stadium, which should already be fitted with energy efficiency and renewable energy technologies and measures, the proposed use would increase the energy usage of this building. Following the withdrawal of the previous application for removal of the planning condition relating to renewable energy at this site, the Local Planning Authority has chased the applicant for these outstanding details to comply with Condition 3 of their implemented consent, but to no avail. If this condition is not complied with then the local planning authority may have to reluctantly consider enforcement proceedings.

### 8.0 Planning Obligations

8.1 As discussed above, the 2010 application was granted planning permission subject to a number of planning conditions and obligations, including the provision and implementation of a Travel Plan and a Spectators Management Plan. These 2 documents would need to be developed further to accommodate music events should planning permission be granted. The football club should be complying with these critical requirements at the present time, regardless of the submission of this application.

### 9.0 Conclusions

9.1 Despite the principle of using a stadium for music events being one that has the potential to assist the Football club, and indeed raise the profile of the town and the district, for the amenity reasons set out above, and taking into account the Police's comments regarding the current parking situation in particular as well as the noise concerns, the application is recommended for refusal.

### Recommendation

That Planning Permission **BE REFUSED** for the following reasons:

1. The proposal would lead to an unacceptable level of noise pollution to the detriment of neighbouring residents with few opportunities available for adequate mitigation
2. The proposal would attract private motor vehicles from visitors and performers, placing significant pressure on on-street parking to the detriment of highway safety and efficiency, contrary to Policy SC6 of the Core Strategy

### Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### Background Papers

None.

Agenda Item	Committee Date	Application Number
A10	19 September 2011	11/00704/VCN
<b>Application Site</b> J Sainsbury Plc Cable Street Lancaster Lancashire	<b>Proposal</b> Variation of condition 2 on approved application 09/00147/FUL to amend the design and layout of the approved scheme	
<b>Name of Applicant</b> Sainsbury's Supermarkets Ltd	<b>Name of Agent</b> Mrs Becki Hinchliffe	
<b>Decision Target Date</b> 31 October 2011	<b>Reason For Delay</b> N/A	
<b>Case Officer</b>	Mr Andrew Drummond	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

## **1.0 The Site and its Surroundings**

- 1.1 The site is the existing Sainsburys supermarket located to the north of Lancaster City Centre between Cable Street and the River Lune, on the central Lancaster one-way system. The store building occupies the western half of the site with the remainder forming an open, pay and display, car park behind a substantial screen wall.

The existing store building dates mostly from the 1980s and is mostly single storey. However, it does incorporate nineteenth century facades along Cable Street frontage and a four storey, former industrial building at the junction of Water Street with Cable Street, which is used for storage and staff accommodation. To the rear of this element of the building, is a small service yard fronting and accessed from Water Street adjacent to the customer car park egress. The car park access is from the eastern end of Cable Street.

The store forms a very traditional and key element of views of the historic heart of the City from the elevated bridges over the River Lune and from the road to Morecambe and the residential frontages of Skerton to the north of the river. Its existing façades form the setting to this part of the City Centre Conservation Area, the boundary of which runs along Cable Street and Water Street. The site therefore has the potential to impact significantly upon the historic character and appearance of the City Centre.

- 1.2 Facing the site on the opposite side of Cable Street are a public house, an office block, the fire station and a public car park. On the opposite side of Water Street, to the west are residential apartments and the access to a mixed residential development facing the river.

To the east and north lies the Greyhound Bridge which carries the north bound A6 main road across the river to Morecambe and Carnforth, with Green Ayre Park and Skerton Bridge, carrying the south bound A6 beyond. Between the site and the river runs the Lune Valley Cycle Track.

- 1.3 The site is well located from the public transport point of view being close to the bus station and also the hub of the District's cycle network, with good pedestrian links both across the river and into the City Centre. The walking distance from the store entrance to the primary retail area of Cheapside is

about 300m.

- 1.4 The site lies within the Flood Zone 3A and the adjacent River Lune is a County Biological Heritage Site.

## **2.0 The Proposal**

- 2.1 The application seeks to vary condition 2 on the planning permission 09/00147/FUL (as amended by 11/00155/VCN) to alter the design and layout of the approved scheme.

- 2.2 The design and layout alterations proposed include:

1. Changes to the car park layout resulting in the addition of 4 car parking spaces to 279 spaces (including 11 parent and child spaces and 11 disabled spaces);
2. Changes to the fenestration to the first floor café area on the east and north elevations;
3. Small increase in the size of the entrance lobby;
4. A reduction in the length of the canopy on the east elevation;
5. New fire exits on the south elevation;
6. New fire exits and guardrails to the north elevation;
7. Relocation of the proposed 18 cage scissor lift within the service yard;
8. Introduction of fair-faced buff blockwork to one elevation of the rear extension facing into the service yard.

The minor amendments proposed will not result in alterations to the scale and nature of the consented development.

## **3.0 Site History**

- 3.1 The site has a long planning history, but the significant applications are listed below:

Application Number	Proposal	Decision
83/00890/HST	Erection of retail store	Permitted
94/00483/FUL	Alterations to existing service yard, creation of new gated access to re-block up existing access and reposition of fencing and gates	Permitted
95/00402/FUL	Erection of an extension to food store to enhance customer facilities and increased retail area, and consequent removal of condition 9 of planning approval 1/83/890	Permitted
09/00147/FUL	Erection of an extension	Permitted
11/00155/VCN	Variation of conditions 2, 7 and 8 on approved application 09/00147/FUL to amend the design and layout of the approved scheme	Permitted

## **4.0 Consultation Responses**

- 4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
County Highways	No objection.
Environment Agency	The Agency has responded with a neutral "no comment".
Police	No comments received within the statutory consultation period.



<b>North Lancashire Bat Group</b>	No comments received within the statutory consultation period.
<b>Environmental Health</b>	No objection.
<b>Conservation Officer</b>	No comments received within the statutory consultation period.

## **5.0 Neighbour Representations**

5.1 No comments received during the statutory consultation period.

## **6.0 Principal Development Plan Policies**

### **6.1 National Planning Policy Statements (PPS) and Guidance notes (PPG)**

**PPS1** (Delivering Sustainable Development) - provides generic advice for all new built development. Sites should be capable of optimising the full site boundary and should deliver an appropriate mix of uses, green and other public spaces, safe and accessible environments and visually pleasing architecture. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. This advice is echoed in PPG 13 - Transport. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources, conserving and enhancing wildlife species and habitats and the promotion of biodiversity.

**PPS4** (Planning for Sustainable Economic Growth) - All planning applications for economic development should be assessed against the following impact considerations:

- Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- The accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured; and
- Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions.

**PPG13** (Transport) - encourages sustainable travel, ideally non-motorised forms of transport such as walking and cycling, but also other means like public transport. The use of the car should be minimised. This can be encouraged by the location, layout and design of new developments.

### **6.2 Lancaster District Core Strategy - adopted July 2008**

Policy **SC1** (Sustainable Development) - Development should be located in an area where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities, must not result in unacceptable flood risk or drainage problems, does not have a significant adverse impact on a site of nature conservation or archaeological importance, uses energy efficient design and construction practices, incorporates renewable energy technologies, creates publicly accessible open space, and is compatible with the character of the surrounding landscape.

Policy **SC5** (Achieving Quality in Design) - new development must reflect and enhance the positive characteristics of its surroundings, creating landmark buildings of genuine and lasting architectural merit.

Policy **E2** (Transportation Measures) - This policy seeks to reduce the need to travel by car whilst improving walking and cycling networks and providing better public transport services.

### **6.3 Lancaster District Local Plan (adopted April 2004)**

Saved policy **E35** (Conservation Areas and their Surroundings) - development proposals that would adversely affect important views into and across a Conservation Area or lead to an unacceptable

erosion of its historic form and layout, open spaces and townscape will not be permitted.

Saved policy **E37** (Demolition) - total or substantial demolition of an unlisted building will only be permitted where it does not make a positive contribution to the architectural or historic interest of a Conservation Area. Proposals to demolish any building within a Conservation Area will only be approved where detailed planning permission has been given for a scheme of redevelopment which would preserve and enhance the Conservation Area, including effective guarantees of early completion.

Saved policy **E38** (New Building in Conservation Areas) - development proposals within Conservation Areas will only be permitted where these reflect the scale and style of surrounding buildings and use complimentary materials.

## **7.0 Comment and Analysis**

### **7.1 Design**

The changes proposed result in a few alterations to the elevations. Principally they are:

- Fenestration changes to the first floor café area (east and north elevations) - white painted powder coated aluminium frames to the eaves
- Fire exits on the north and south elevations - total of 4 double doors
- A reduction in the length of the canopy on the east elevation to ensure that there is no conflict with the existing pumping chamber

The other items listed in 2.2 above (namely 3, 7 and 8) are all small changes, which have very little impact on the scheme.

The fenestration changes would be an improvement to the scheme, especially on the east elevation facing onto the car park. The reduction in the length of the canopy on the east elevation is unfortunate though, but it is required to ensure that there is no conflict with the existing pumping chamber. The locations of the fire doors are acceptable though the detailing of the actual doors and surrounds is critical to ensure that the design is appropriate given the quality of the building and its setting. This detail will need to be provided as part of the requirements under Condition 4 of the original planning consent (09/00147/FUL).

### **7.2 Highways**

The car park layout is simplified by removing 5 raised planters and incorporating new tree planting, relocating the trolley bays, improving a pedestrian walkway through the car park and introducing a "one-way" loop where the mobility spaces are situated. These alterations not only change the appearance of the site, but also increases the number of standard car parking spaces by 3, increases the disabled spaces by 2 and reduces the parent and child spaces by 1. The net gain overall is 3 spaces.

The changes are sympathetic to the site. Where planters are lost or reduced, this is being compensated for by new tree planting to break up the "sea of tarmac and parked vehicles". The planters currently create visibility problems for cars manoeuvring out of adjacent spaces, and therefore their loss will improve safety for drivers and pedestrians across various parts of the site.

The increase in spaces will help alleviate congestion of the car park at peak times, especially lunchtime on Saturdays. Given that County Highways did not object to 275 spaces, this slightly increased level of provision should be supported.

## **8.0 Planning Obligations**

8.1 A Deed of Variation will be required to ensure that the original s106 agreement attached to planning permission 09/00147/FUL is legally linked to this application for the variation of condition 2.

## **9.0 Conclusions**

9.1 For the reasons set out above, the planning application is recommended for approval.

### **Recommendation**

That, subject to the signing and completing of a Deed of Variation, Condition 2 of planning permission 09/00147/FUL **BE VARIED** to state:

2. The permission relates solely to the following approved plans:

- 2006-102 P12 Rev G - proposed site plan
- 2006-102 P15 Rev G - proposed elevations
- 2006-102 P16 Rev D - proposed sections

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **Background Papers**

None.

<p>Agenda Item</p> <p>A11</p>	<p>Committee Date</p> <p>19 September 2011</p>	<p>Application Number</p> <p>10/01066/FUL</p>
<p><b>Application Site</b></p> <p>Land To The North Of Stoney Brook Farm Stoney Lane Galgate Lancaster</p>	<p><b>Proposal</b></p> <p>Erection of horticultural buildings, creation of an access track and changes to the existing access arrangements</p>	
<p><b>Name of Applicant</b></p> <p>Mr Christopher Haley</p>	<p><b>Name of Agent</b></p>	
<p><b>Decision Target Date</b></p> <p>6 August 2011</p>	<p><b>Reason For Delay</b></p> <p>Awaiting revised drawings</p>	
<p><b>Case Officer</b></p>	<p>Mr Andrew Drummond</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval</p>	

## **1.0 The Site and its Surroundings**

- 1.1 The 2.6 hectare application site is situated on the east side of Stoney Lane, between Galgate in the north and Bay Horse in the south. Hampson Green is located nearby to the west. Access to the site is by way of a double gate on Stoney Lane opposite its junction with Hampson Lane.

The River Cocker defines the east boundary of the site and Stoney Lane the west. There are 2 connected, steel portal framed structures situated on land immediately to the south of the site with open agricultural land to the north. The open grassland is bordered by hedgerows and agricultural fences, with the course of the River Cocker lined by trees. The site slopes gently downwards from north east to south west with the river following these contours.

- 1.2 The land around the site is generally agricultural, with a number of farms being located in the vicinity. There are some residential properties just to the south of the site on the opposite side of Stoney Lane.
- 1.3 The site falls within an area designated as Countryside Area in the Lancaster District Local Plan.

## **2.0 The Proposal**

- 2.1 The application seeks planning permission for two adjoining horticultural buildings. The proposed horticultural building would measure 36m by 12m by 6.12m and the associated glass house would measure 36m by 21.6m by 4m. The agricultural building would be constructed of timber (Yorkshire boardings) walls under a cement bound sheeting (farmscape) roof, which would be punctured by rooflights. It would be accessed via a 4.5m wide roller shutter door. The glasshouse would have a concrete base panel and a metal frame and would be accessed via double sliding doors. It is proposed to cut the buildings into the site by as much as 1.5m so both buildings have a continuously flat floorplate.
- 2.2 The buildings would be served by a turning area of 25m by 25m and 4 staff parking spaces (1 of which would be a mobility space). The turning space would be accessed from Stoney Lane via a new 6m wide access track of c115m in length. It is proposed that this track would have a gravelled

surface set between concrete kerbs. A pair of 5-bar field gates is proposed close to the site entrance, each 3.5m wide, set back 22m from the highway. This short 22m section would have a tarmac surface.

2.3 There are no proposed changes to the boundary treatment.

### **3.0 Site History**

3.1 The overall site of c11 hectares has a long planning and enforcement history. The most recent enforcement case involved a Public Inquiry, the result of which the Inspector upheld the 2 Enforcement Notices served by the Council on the owner. From recent site inspections, it has been established that the access track is in its agreed position (though some areas of hardstanding around the buildings have yet to be reduced), the caravan remains in situ (but not in a habitable state), some building material still remains on the site though only in small quantities and the buildings appear to be used only for the welfare of geese, chickens and sheep. The main outstanding issue relates to the access alterations onto Stoney Lane. This last point is pertinent to this application.

Appeal Number	Proposal	Decision
APP/A2335/C/07/2048493	<p>The breach of planning control without planning permission:</p> <ul style="list-style-type: none"> <li>▪ The alterations to the access on to Stoney Lane.</li> <li>▪ The creation and laying of a hardcore/gravel track.</li> <li>▪ The siting of a static caravan.</li> </ul>	Dismissed
APP/A2335/C/07/2028484 and APP/A2335/C/07/2048485	<p>The breach of planning control without planning permission:</p> <ul style="list-style-type: none"> <li>▪ The storage of non-agricultural/forestry vehicles and machinery, residential gates and building materials.</li> <li>▪ The use of the agricultural building for non agricultural/forestry activities.</li> </ul>	Dismissed

### **4.0 Consultation Responses**

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
<b>County Highways</b>	<p>It should be noted that whilst the Highway Authority will permit single accesses to be provided in a crossroads situation where there is unlikely to be a significant number of turning vehicles, at multi access junctions it would normally be required to provide a stagger between the two opposing junctions. However, because of the low level of vehicular movements anticipated to the farm and horticultural building, County Highways are happy to permit this access to be retained without further modification.</p> <p>Although the drawings indicate sight lines of 4.7x70m in either direction, the lack of hedgerows along the boundaries of the site currently permit sight lines that are in excess of this and will comply with the current guidelines without further modification to the junction.</p> <p>The gates to both the farm access and the new building access have been set at least 22m back from the carriageway and allow vehicles to stand off the highway whilst the access gates are opened.</p> <p>The layout incorporates a large area in front of the greenhouse that is sufficient to allow delivery vehicles to turn and also allocates 4 parking spaces for use by staff.</p>

	<p>Whilst this level of parking is sufficient to meet the needs of the horticultural business, a statement regarding the business being 'open to customers for approximately 6 months of the year' needs further clarification. Discussions with the applicant have confirmed that they would anticipate a small amount of trading with the local community and this would attract an additional parking requirement over and above the provision for staff. Further clarification will therefore be required to confirm the number of customer trips that would be anticipated each day and additional parking provided within the site to accommodate customers.</p> <p>Whilst there is no highway objection to the principle of the proposal, if the applicant proposes to operate any public retail sales from within the site, parking provision within the site should be increased accordingly.</p>
<b>United Utilities</b>	No objection to the proposed development.
<b>National Grid</b>	<p>Due to the nature of the planning application and the presence of National Grid apparatus within the above mentioned site, the contractor should contact National Grid before any physical works are carried out to ensure their apparatus is not affected by any works.</p> <p>There is a High Pressure National Transmission gas major accident hazard pipeline/installation in the vicinity which may be affected by the activities.</p>
<b>Environment Agency</b>	To ensure the development does not exacerbate flood risk downstream, surface water run-off from the development should be restricted (by condition) to existing greenfield rates. Detailed drainage proposals have not been submitted and therefore it is recommended that any subsequent approval is conditioned to ensure a scheme for the disposal of foul and surface waters is submitted, agreed and implemented.
<b>Environmental Health</b>	No objection subject to hours of opening, hours of deliveries and commercial/industrial noise break out conditions.
<b>Ellel Parish Council</b>	No comments received during the statutory consultation period.

## **5.0 Neighbour Representations**

5.1 3 pieces of correspondence (2 raising concerns and the third objecting to the scheme) have been received from local residents. The concerns/objections raised include:

1. Selling products directly to the public from the site would commercialise this rural area, having a detrimental impact on the character of the area
2. Increase in noise
3. Increase in traffic with deliveries, staff, customers etc
4. Adverse impact on highway safety, especially at a dangerous junction which is already busy with quarry and mushroom farm traffic
5. Means of access
6. Possible obstruction of a right of way across the southern boundary of the field

## **6.0 Principal Development Plan Policies**

6.1 National Planning Policy Statements (PPS) and Guidance notes (PPG):

**PPS1** (Delivering Sustainable Development) - provides generic advice for all new built development. Sites should be capable of optimising the full site boundary and should deliver an appropriate mix of uses, green and other public spaces, safe and accessible environments and visually pleasing architecture. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. This advice is echoed in PPG 13 - Transport. A high level of protection should be given to most valued

townscapes and landscapes, wildlife habitats and natural resources, conserving and enhancing wildlife species and habitats and the promotion of biodiversity.

**PPS4** (Planning for Sustainable Economic Growth) - All planning applications for economic development should be assessed against the following impact considerations:

- Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- The accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
- Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
- The impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives; and
- The impact on local employment.

**PPS7** (Sustainable Development in Rural Areas) - the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced.

**PPG13** (Transport) - encourages sustainable travel, ideally non-motorised forms of transport such as walking and cycling, but also other means like public transport. The use of the car should be minimised. This can be encouraged by the location, layout and design of new developments.

#### Lancaster District Local Plan (saved policies) - adopted April 2004

Policy **E4** (Countryside Area) - development will only be permitted where it is in scale and keeping with the character and natural beauty of the landscape, is appropriate to its surroundings in terms of siting, scale, design, materials, external appearance and landscaping, would not result in a significant adverse effect on nature conservation or geological interest, and makes satisfactory arrangements for access, servicing, cycle and car parking.

Policy **EC4** (Other Rural Employment Locations) - employment development and the conversion of buildings to employment use will be permitted on the identified rural employment sites and on other existing employment sites within or on the edge of the rural settlements identified in Policy H7, where the proposed development is appropriate to its surroundings in terms of siting, scale, design, materials, external appearance and landscaping; would not result in a significant adverse impact on the amenities of neighbouring residents and businesses by reason of noise, vibration, soot, ash, grit, visual intrusion, light, traffic generation or parking; makes satisfactory arrangements for access, servicing, cycle and car parking; makes satisfactory arrangements for the disposal of sewage and wastewater; does not generate unacceptable levels or types of traffic on rural roads; and does not have a significant adverse effect on nature conservation interests.

Policy **EC6** (Criteria for New Employment Development) - in Lancaster, Morecambe, Heysham and Carnforth, new employment development will be permitted which makes satisfactory provision for access, servicing, cycle and car parking; is easily accessible to pedestrians and cyclists from surrounding streets, public rights of way, bus stops and rail stations; is appropriate to its surroundings in terms of siting, scale, design and external appearance; uses high quality facing materials and landscaping treatment to frontages visible from roads and other public places; provides for the screening of servicing and open storage areas from public frontages and from adjoining countryside; makes satisfactory arrangements for the disposal of sewage and wastewater and does not have a significant adverse effect on water quality; does not have a significant adverse impact on the amenities of residents and businesses by reason of noise, smell, grit, visual intrusion, light, traffic generation or parking; and upgrades environmental conditions where these are unsatisfactory.

## Lancaster District Core Strategy - adopted July 2008

Policy **SC1** (Sustainable Development) - development should be located in an area where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities, must not result in unacceptable flood risk or drainage problems, does not have a significant adverse impact on a site of nature conservation or archaeological importance, uses energy efficient design and construction practices, incorporates renewable energy technologies, creates publicly accessible open space, and is compatible with the character of the surrounding landscape.

Policy **SC2** (Urban Concentration) - 95% of new employment floorspace to be provided in the urban areas of Lancaster, Morecambe, Heysham and Carnforth.

Policy **SC3** (Rural Communities) - identifies 8 villages where an allowance of 5% of employment is accepted in order to meet local needs in villages.

Policy **ER3** (Employment Land Allocations) - to promote regeneration by ensuring that the right amount of employment land is provided in the right place to meet needs generated by existing businesses, new businesses and inward investment.

Policy **E1** (Environmental Capital) - development should protect and enhance nature conservation sites and greenspaces, minimise the use of land and non-renewable energy, properly manage environmental risks such as flooding, make places safer, protect habitats and the diversity of wildlife species, conserve and enhance landscapes, and be directed to previously developed land where dereliction can be cleared and contamination remediated.

Policy **E2** (Transportation Measures) - this policy seeks to reduce the need to travel by car whilst improving walking and cycling networks and providing better public transport services.

## **7.0 Comment and Analysis**

### **7.1 Use**

A horticulture use is an acceptable one on agricultural land and doesn't, in itself, require a change of use. Therefore this application is only for the 2 buildings, the access track and alterations to the existing access arrangements, not for change of use of the land.

Whilst most employment development is directed towards the urban areas or the 8 identified rural villages, there are instances where an employment use needs a rural location. A more appropriate location would be a field adjacent to one of these settlements, but given the presence of other businesses along Stoney Lane, including Drinkwater Mushrooms and the Honeycomb Co. Ltd, it would be difficult to refuse a horticultural use in this location. Though the location differs from those listed in policies EC4 and EC6 of the Local Plan, the criteria listed within these policies are relevant and therefore the application should be assessed against them.

It is unfortunate that the applicant is unable to reuse the existing buildings situated just to the south of the application site, but this area is not fit for purpose in terms of sunlight (shadowing from adjacent trees), flooding (due to blockages to the culvert that runs under the road following heavy or persistent rainfall) and the presence of high pressure gas pipeline. (For clarification, these buildings are not within the application site, but it was an issue that was explored with the applicant).

The applicant advises within the submission that there will be an element of sales from the site. This retail use needs to be carefully considered and if acceptable reasonably controlled given the rural location and highway safety (see 7.3 below). Retail uses are normally restricted to town centres, or in some cases other sustainable urban locations. Permission would not normally be granted for sales of goods in a rural location with no services and remote from a settlement. Therefore sales should be limited to plants grown on site (i.e. not plants imported onto site or other produce or items).

### **7.2 Design and Landscape**



The horticultural building has been designed to be "agricultural" in appearance with Yorkshire timber boarding for the walls and concrete bound sheeting for the roof (farmscape). The precise colours and finishes should be controlled by condition if Members are minded to grant planning permission to ensure that the building is visually sensitive to its immediate environment.

The site is sloped and as such is visible from various locations along Hampson Lane and Stoney Lane. Whilst there are various structures in the area, including polytunnels at Drinkwater Mushrooms, the presence of glass houses in the open countryside will be visually intrusive, especially given the site's contours. It is accepted that these glass structures will require direct sunlight but this can be achieved whilst some of the land nearby can be planted to provide screening from the nearby highways without creating undue shadowing. Therefore a landscaping scheme is required to identify an acceptable natural screen of native trees to alleviate the impact of the glass houses on the open countryside.

It is proposed to create a track from the road to the building between concrete kerbs. This is a rural area and therefore the track needs to be as unintrusive as possible. The introduction of kerbs is therefore unacceptable. A suitable surface treatment for the track would be a grasscrete arrangement, which is permeable (see 7.4 below) and visually appropriate given the rural setting.

There should be no external storage of materials, equipment or parking of vehicles (except for the 4 car parking spaces shown). This is to protect the character of the countryside.

### 7.3 Access

County Highways has assessed the proposal as being adequate for the level of use currently proposed. They would normally required a stagger at opposing junctions, though given the level of anticipated vehicle movements generated by the proposal, they are willing to accept an access opposite the junction of Hampson Lane. The realigned hedgerow, as permitted by the Planning Inspector at the abovementioned appeal, allows sight lines from the access/egress in excess of County's standards. The gate would be set back 22m from the edge of the highway allowing vehicles to open/shut the entrance gates on arriving/leaving the site without being parked on the highway. The first 5m of this section should have a concrete or tarmac surface to limit loose material from being carried from the site into the carriageway. A 25m turning area is also proposed to the south of the horticultural building and to the east of the glass house. This will allow vehicles of all sizes to manoeuvre within the site so they can enter and exit the site in forward gear. These measures all assist with highway safety.

The gate should be a single 5 or 6 bar agricultural gate of no more than 6m in width. This is an agricultural area, not commercial, and therefore this feature will help the proposal to be sensitive to its countryside surroundings. This would also be in line with the enforcement notice, albeit in a setback location.

It is anticipated that the development will employ 2 full time and 2 part time employees, so the scheme incorporates 4 parking spaces behind the building. The application makes reference to sales to the public and therefore further parking may be required, but both this activity and its associated parking should be kept low-key to protect the countryside character. It is also important to limit vehicle movements given County's comments about the access arrangements only being acceptable due to the low vehicle usage associated with the scheme.

### 7.4 Amenity and Ecology

An issue raised by the Environment Agency relates to surface water run-off. The site is currently undeveloped and as such enjoys the benefit of natural soakage of water with limited run-off to the River Cocker. As proposed the development would be introducing 2 buildings with associated concrete foundations (some loss of water storage capacity) and roof cover (non-permeable surface) and a large area of hardstanding for the access track, turning area and parking spaces. This will increase the level of surface water run-off across the site and therefore the risk of flooding, especially where the River Cocker enters the road culvert to the south. The applicant has sought to address this with the introduction of an attenuation pond, which would accommodate the rainwater from the buildings and slowly introduce it to the river. The precise details should be required by way of a condition and then checked by the Environment Agency upon receipt of a Discharge of Condition application rather than delaying the determination of this application further. The benefit of

the amended plans is that they show that the site has the potential to accommodate a sustainable drainage system.

Further conditions are proposed to limit noise and light pollution to preserve the amenity of the area both for wildlife and residents. This undeveloped rural area already experiences some background noise from the railway, motorway and road networks, but this is generally fairly low in intensity. Furthermore there is little artificial light on this eastern side of Stoney Lane, and therefore both noise and light emissions should be controlled.

## **8.0 Planning Obligations**

8.1 There are no planning obligations to consider as part of this application.

## **9.0 Conclusions**

9.1 For the reasons set above, the application is recommended for approval subject to the limitations and requirements discussed which are reflected in the conditions listed below.

## **Recommendation**

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year condition
2. Development to accord with approved plans
3. Disposal of foul and surface water (separate systems)
4. Surface water management scheme (to greenfield run-off rates)
5. Access arrangements, including a single 6m wide agricultural gate and hedgerow planting
6. Parking and turning areas
7. Visibility splays
8. Wheel cleaning during construction
9. Notwithstanding plans, materials to be agreed (including finishes and colours)
10. Notwithstanding plans - surface materials - details required for track and turning area
11. Hours of deliveries
12. Hours of operation/opening - 09.00-17.00 Mon to Fri and 10.00-16.00 Sat only
13. Commercial/industrial noise break-out
14. No external storage
15. External lighting
16. Landscaping scheme - including area of landscaping to the western
17. Boundary treatment, including gates
18. No loss of trees or hedgerows
19. Retail restriction - sale of plants grown on site only

## **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

## **Background Papers**

None.

Agenda Item	Committee Date	Application Number
A12	19 September 2011	11/00604/CU
<b>Application Site</b>  15 King Street,  Lancaster.  Lancashire	<b>Proposal</b>  Change of use of first and second floors to student accommodation (8 units) over a retained ground floor retail (A1) unit	
<b>Name of Applicant</b>  Mr Yusuf Musa	<b>Name of Agent</b>  Mr Richard Parker	
<b>Decision Target Date</b>  26 August 2011	<b>Reason For Delay</b>  Committee Cycle	
<b>Case Officer</b>	Mr Ian Lunn	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

## **1.0 The Site and its Surroundings**

- 1.1 The building the subject of this application is a grade II Listed three storey end terraced property constructed of natural stone and slate. It is located approximately 40 metres north of the junction of King Street and Windy Hill on land forming part of Lancaster City Centre and a Conservation Area. The building is currently vacant but was last used as a shop at ground floor level with storage space at first and second floor levels.

## **2.0 The Proposal**

- 2.1 Planning permission is sought to use the first and second floors of this building as student accommodation. This is to comprise eight separate bedrooms with communal lounge, kitchen and bathroom accommodation. The ground floor of the building is also to be brought back into use as a shop. However, this element of the proposal does not require formal planning permission as it is contended that the ground floor already benefits from planning permission for retail (A1) use. A separate application has been submitted seeking Listed Building Consent for all of the proposed conversion works (11/00605/LB).
- 2.2 For Members information, the building is deemed to be structurally unsound and dangerous and emergency remedial works are required in order to ensure that it does not collapse. To this end part of the building is currently being demolished and rebuilt in advance of receiving planning permission and Listed Building Consent. These works are being monitored by the Council's Development Management Building Control Officers and the Conservation Team, and the applicant has worked in co-operation with both Service Areas.

### **3.0 Site History**

- 3.1 This property has not been the subject of any planning history that it is deemed relevant to the consideration of this application.

### **4.0 Consultation Responses**

- 4.1 The following responses have been received from statutory consultees:-

Consultee	Response
County Highways	No objections provided that any loading/unloading associated with the development is undertaken at times when the time limited restrictions do not apply.
Environmental Health	No objections
Strategic Housing	Support this proposal. The premises occupy a sustainable location in the town centre, there are good transport links between the site and the University Campus, and the provision of dedicated student accommodation would help to safeguard the stock of existing private sector housing which might otherwise be occupied by those students.
United Utilities	No objections

### **5.0 Neighbour Representations**

- 5.1 One letter of objection has been received in respect of this proposal. The objections are:-

- that the site is unsuitable for 8 units of student accommodation;
- that the yard area to the rear of the property should be used for car parking purposes not for the storage of waste bins;
- that an approval of this proposal would not be in the best interests of highway safety;
- that the works may cause damage to a sewerage outlet pipe which would then represent a hazard to health;
- that the existing cycle rack is not suitable for overnight use; and,
- that this property has damaged the objector's property (this is a private matter between the parties involved).

### **6.0 Principal Development Plan Policies**

#### **6.1 Government Policy**

**PPS1** ('Delivering Sustainable Development') sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

**PPS3** ('Housing') sets out the national planning policy framework for delivering the Government's housing objectives. It reflects the Government's commitment to improving the affordability and supply of housing in all communities, including rural areas, informed by the findings of the Affordable Rural Housing Commission.

**PPS4** ('Planning for Sustainable Economic Growth') sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

**PPS5** ('Planning for the Historic Environment') sets out the Government's planning policies on the conservation of the historic environment.

There are two emerging national documents. The first, the '**Planning for Growth**' paper (Minister of State for Decentralisation, Ministerial Statement 23 March 2011) – is a Statement which is capable of being regarded as a material planning consideration and carries significant weight in determining planning applications. The Statement identifies that planning has a key role in

rebuilding Britain's economy. The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. The answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

The paper advises that local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. They should also consider the likely economic, environmental and social benefits of the proposal including long term and indirect benefits such as consumer choice, more viable communities and more robust local economics.

**The Draft National Planning Policy Framework** sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. **Whilst it is a consultation document and therefore subject to potential amendment nevertheless it gives a clear indication of the Government's 'direction of travel' in planning policy.** Therefore the Draft National Planning Policy Framework is capable of being a material consideration although national advice is that the weight to be given to it will be a matter for the decision maker's planning judgement in each particular case.

## 6.2 Lancaster District Local Plan

The site is identified in this Plan as forming part of Lancaster City Centre, a Conservation Area and an 'Other Key Frontage'.

Saved Policy **E33** states that proposals to alter Listed Buildings will not be permitted where they would adversely affect the character of the building or its surroundings.

Saved Policy **E34** states that appropriate new uses for Listed Buildings may be permitted if the building is deemed to be at risk and the proposals will both secure its future and retain its historical and architectural integrity.

Saved Policies **E35, E36, E38 and E39** collectively set out the criterion against which proposals to change the use, alter and extend buildings located within Conservation Areas will normally be judged. They also state that proposals that would adversely affect the character or setting of a Conservation Area will not normally be permitted.

Saved Policy **H22** sets out the criterion against which proposals for the creation of houses in multiple occupation and hostels will normally be judged.

## 6.3 Lancaster District Core Strategy

Policy **SC1** seeks to ensure that new development proposals are as sustainable as possible, that they minimise greenhouse gas emissions, and that they are adaptable to the likely effects of climate change.

Policy **SC2** essentially states that proposals for new residential, employment and retail development should predominantly be focussed within the existing urban areas of Lancaster, Morecambe, Heysham and Carnforth.

Policy **SC5** essentially seeks to achieve high quality development.

Policy **ER1** seeks to facilitate the growth of the Universities in order to provide the maximum economic benefits to the wider District. It seeks to do this, in part, by seeking to concentrate new student accommodation on campus where possible and failing that in sustainable locations which have good transport, walking and cycling links to the institutions that they are to serve.

## 6.4 Supplementary Planning Guidance

**SPG 12** ('Residential Design Code') has been produced as supplementary planning guidance and sets out the key design principles which the Council will use when determining applications for all new housing developments, including proposals where housing is one element in a mix of uses. It contains general design guidance to be applied to all housing and specific guidance for particular

areas.

## **7.0 Comment and Analysis**

### **7.1 Principle**

Given that the proposal involves the creation of student accommodation it is considered that it needs to be judged against the requirements of Policies E34 and H22 of the Local Plan, Policies SC2 and ER1 of the Core Strategy, PPS3, the Draft National Planning Policy Framework Consultation Document and the Government's statement 'Planning for Growth'. It is contended that it will essentially meet the requirements of these policies/this guidance for the following reasons:-

- a) The property is to be erected in a sustainable location within Lancaster City Centre and will have good transport links to Lancaster University and University of Cumbria Campuses;
- b) The provision of dedicated student accommodation such as this will help to safeguard the stock of existing private sector housing which might otherwise be occupied by those students;
- c) It is contended that the accommodation will afford a satisfactory level of living space for the students;
- d) The proposal is considered to be 'in line' with the aims of PPS3 which encourages the re-use of the upper floors of buildings, located in urban centres, for 'residential' purposes;
- e) It is contended that the proposal will not adversely affect the character and appearance of the street scene or the amenities currently enjoyed by the occupiers of the nearby properties (for reasons given below).

In view of the above the proposal is considered to be acceptable in principle.

### **7.2 Design**

The conversion works involve the demolition and rebuilding of part of the building in the same/matching materials, alterations to the shop frontage and fenestration, the installation of replacement rainwater goods, and the removal of existing signage. The Council's Conservation Team consider that these works will essentially retain the character of this Listed Building but have requested conditions in order to control the fine detailing. Conditions to this end are therefore recommended.

### **7.3 Amenity**

a) Light: - The building will not be enlarged as a result of these proposals. As such the level of light currently received by the surrounding properties should not be adversely affected by the development.

b) Overlooking: - The proposal should not give rise to any problems of overlooking of neighbouring properties. First and second floor 'habitable room' windows will face the boundary of a nearby residential property (1 Penny's Hospital Almshouses) but at a distance of approximately 10 metres. This is considered to be sufficient of a distance to prevent unacceptable overlooking of that property from occurring. All other premises surrounding the site are in 'non-residential' use.

### **7.4 Highway Safety**

No 'off street' car parking facilities are proposed to be provided in conjunction with this development and none could reasonably be provided given that the building occupies the whole of the defined application site. However, no such facilities are considered necessary in this instance given the sustainable City Centre location that these premises occupy. One letter of objection has been received to this proposal on highway safety grounds but it is not envisaged that this proposal will give rise to any undue highway safety issues in this instance.

County Highways raise no objections to the proposal but have a slight concern about vehicles loading/unloading outside of the site when the loading/unloading restrictions are in force. In order to overcome this they are suggesting that loading/unloading associated with the development is restricted so that it can only be carried out outside of the restricted loading times. Such restrictions

would however be difficult to enforce under the current planning legislation and with this in mind a judgement needs to be made as to whether to accept the scheme without such restrictions or refuse the whole proposal on such grounds. On balance, given that the loading/unloading activities are likely to be relatively infrequent given the size of the property, and would be undertaken for very short periods of time it is contended that they would have little impact on highway safety. As such it is contended that it would be difficult to sustain a refusal of this proposal purely on these grounds.

7.5 The concerns of the objector to the scheme have been considered in determining this proposal. However, they are not accepted for the reasons given above and below:-

- a) it is considered that the site is suitable in planning terms for eight units of student accommodation (for the reasons given above);
- b) the applicant has indicated that provision is to be made for the storage of waste bins within the building and a condition can be imposed on any approval to control this;
- c) the applicant is not proposing to provide any cycle storage facilities in conjunction with the development but rather to use existing facilities located nearby;
- d) a planning application cannot be legitimately refused on the grounds that damage has allegedly been caused to, or may subsequently be caused to, land or property. Where such damage is proven to have been caused it is open to the injured party to pursue a private legal case against the alleged offender.

## **8.0 Planning Obligations**

8.1 None.

## **9.0 Conclusions**

9.1 For the reasons contained in the report, it is concluded that the proposal is considered to be acceptable subject to the following conditions.

## **Recommendation**

That **PLANNING PERMISSION BE GRANTED** subject to the following conditions:-

- 1) Standard timescale of development
- 2) Development to be in full accordance with Approved Plans
- 3) Submission of corbel, fenestration, shop frontage, rainwater goods, vents, roof repair and external treatment details
- 4) Re-use of existing/use of matching walling and roofing materials
- 5) Occupancy limited to students
- 6) Bin storage details

## **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

## **Background Papers**

None.

<p>Agenda Item</p> <p>A13</p>	<p>Committee Date</p> <p>19 September 2011</p>	<p>Application Number</p> <p>11/00605/LB</p>
<p><b>Application Site</b></p> <p>15 King Street, Lancaster. Lancashire</p>	<p><b>Proposal</b></p> <p>Listed Building application for demolition, re-building and refurbishment works in connection with change of use of upper floors to student accommodation and retention of ground floor retail (A1) unit</p>	
<p><b>Name of Applicant</b></p> <p>Mr Yusuf Musa</p>	<p><b>Name of Agent</b></p> <p>Mr Richard Parker</p>	
<p><b>Decision Target Date</b></p> <p>29 August 2011</p>	<p><b>Reason For Delay</b></p> <p>Committee Cycle</p>	
<p><b>Case Officer</b></p>	<p>Mr Ian Lunn</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval</p>	

### **1.0 The Site and its Surroundings**

- 1.1 The building the subject of this application is a grade II Listed three storey end terraced property constructed of natural stone and slate. It is located approximately 40 metres north of the junction of King Street and Windyhill on land forming part of Lancaster City Centre and a Conservation Area. The building is currently vacant but was apparently last used as a shop at ground floor level with storage space at first and second floor levels.

### **2.0 The Proposal**

- 2.1 A planning application (11/00604/CU) is currently before Members seeking planning permission to use the first and second floors of this building as student accommodation whilst retaining the ground floor as a retail shop. This application seeks Listed Building Consent for the proposed conversion works.
- 2.2 For Members information, the building is deemed to be structurally unsound and dangerous and emergency remedial works are required in order to ensure that it does not collapse. To this end part of the building is currently being demolished and rebuilt in advance of receiving planning permission and Listed Building Consent. These works are being monitored by the Council's Building Control Service and Conservation Team.

### **3.0 Site History**

- 3.1 None

### **4.0 Consultation Responses**

- 4.1 None



**5.0 Neighbour Representations**

5.1 None received

**6.0 Principal Development Plan Policies**

6.1 Government Policy

**PPS5** ('Planning for the Historic Environment') sets out the Government's planning policies on the conservation of the historic environment.

6.2 Lancaster District Local Plan

Saved Policy **E33** states that proposals to alter Listed Buildings will not be permitted where they would adversely affect the character of the building or its surroundings.

6.3 Lancaster District Core Strategy

Policy **SC5** essentially seeks to achieve high quality development.

**7.0 Comment and Analysis**

7.1 Full Planning Application

The accompanying full planning application (Ref: 11/00604/CU), which also appears on this Committee Agenda, details the planning considerations in this case. The Listed Building application considers the impact upon the heritage assets.

7.2 Heritage Assets

The conversion works essentially involve the demolition and rebuilding of part of the building in the same/matching materials, alterations to the shop frontage and fenestration, the installation of replacement rainwater goods, and the removal of existing signage. The Council's Conservation Team consider that these works will essentially retain the character of this Listed Building but have requested conditions in order to control the fine detailing. Conditions to this end are therefore recommended.

7.3 The resultant building, completed in accordance with the details submitted and the other matters required by planning condition, will ensure that it complements the Conservation Area and other buildings of historic importance within the vicinity.

**8.0 Planning Obligations**

8.1 None.

**9.0 Conclusions**

9.1 The proposal is considered to be acceptable subject to conditions.

**Recommendation**

That **LISTED BUILDING CONSENT BE GRANTED** subject to the following conditions:-

- 1) Development to be in full accordance with Approved Plans
- 2) Submission of corbel, fenestration, shop frontage, rainwater goods, vents, roof repair and external treatment details
- 3) Re-use of existing/use of matching walling and roofing materials
- 4) Pointing details
- 5) List of Approved Plans

**Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

**Background Papers**

None.

## LIST OF DELEGATED PLANNING DECISIONS

**LANCASTER CITY COUNCIL**

<b>APPLICATION NO</b>	<b>DETAILS</b>	<b>DECISION</b>
10/01020/FUL	Hillside Cottage, St Johns Avenue, Silverdale Demolition of existing dwelling and erection of 2 no. 4 bed dwellings with associated on site parking for Mr Joe Greenland (Silverdale Ward)	Application Permitted
10/01282/FUL	Wrampool House, Gulf Lane, Cockerham Demolition of existing 2 dwellings and erection of 2 new dwellings for Mr And Mrs Bradshaw (Ellel Ward)	Application Permitted
11/00119/FUL	Stuart Longton Caravans, 70 Slyne Road, Bolton Le Sands Erection of a new building for caravan sales and repairs (replacement of fire damaged building) for Mr Stewart Longton (Slyne With Hest Ward)	Application Permitted
11/00145/CU	Castle Hotel, 49 Main Street, Hornby Change of Use of previously approved residential unit (Unit A) to revert to Pub/ Restaurant use and associated internal alterations for Applethwaite Ltd (Upper Lune Valley Ward)	Application Permitted
11/00146/LB	Castle Hotel, 49 Main Street, Hornby Listed Building application for various internal and external alterations to Castle Hotel for Applethwaite Ltd (Upper Lune Valley Ward)	Application Permitted
11/00171/OUT	38 Lindeth Road, Silverdale, Carnforth Outline application for the erection of a two storey dwelling on land adjacent for Mr R Hollingworth (Silverdale Ward)	Application Permitted
11/00262/FUL	The New Bungalow, Caton Green Road, Brookhouse Partially retrospective application for the creation of a hardstanding for Mr Stephen Brown (Lower Lune Valley Ward)	Application Permitted
11/00349/FUL	Cloudy Bay Cottage, The Green, Over Kellet Conversion of garage to bedroom for Mrs M. Whiteside (Kellet Ward)	Application Refused
11/00353/FUL	5 Hestham Crescent, Morecambe, Lancashire Proposed single storey extension to rear and attached garage to side for Mr C. Mather (Harbour Ward)	Application Permitted
11/00369/FUL	Oxcliffe Hill Farm, Lancaster Road, Heaton With Oxcliffe Erection of an agricultural livestock building for Keith Birkett (Overton Ward)	Application Permitted
11/00371/FUL	12 Littledale Road, Brookhouse, Lancaster Construction of front and rear dormers for Mr Richard Mews (Lower Lune Valley Ward)	Application Permitted
11/00428/FUL	Halton Green West, Green Lane, Halton Supply and installation of frame mounted solar photovoltaic panels in field for Mr S Tomlinson (Halton With Aughton Ward)	Application Refused
11/00462/FUL	Torrisholme County Primary School, Low Lane, Morecambe Installation of a cycle shelter for Ms Susan Penny (Torrisholme Ward)	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

11/00482/ELDC	Units 1 To 7, Schola Green Lane, Morecambe Application for Certificate of Lawfulness for use of site outside of restricted hours as controlled by condition 4 on application 82/00546 for Mr I Udale (Poulton Ward)	Application Permitted
11/00483/VCN	Land At Rear Of 85-91, North Road, Carnforth Variation of condition 2 and 4 on approved application 10/00541/FUL relating to the window details and means of enclosure for Mr D Barnes (Carnforth Ward)	Application Permitted
11/00484/LB	Lancaster Central Library, Market Street, Lancaster Listed building application for the replacement of five windows along elevations within the West courtyard for Lancashire County Adult And Community Services (Dukes Ward)	Application Permitted
11/00485/FUL	Land Opposite 19 - 25, Strands Farm Court, Hornby Erection of 10 No. affordable dwellings for Mr Ian Beardsworth (Upper Lune Valley Ward)	Application Withdrawn
11/00499/FUL	290 Bowerham Road, Lancaster, Lancashire Erection of a two storey extension to the side for Mr And Mrs Ray Metcalfe (Scotforth East Ward)	Application Permitted
11/00494/FUL	Unit 1A, Gamestec, Northgate Alterations to frontage in connection with a new trade sales centre (B8 Use) for Northern Trust Co Ltd (Westgate Ward)	Application Permitted
11/00502/FUL	High Bank House, Lindeth Road, Silverdale Erection of a single storey extension to the rear and side, a raised terrace area to the rear of the property and an erection of a porch to the front of the property for Mr Keith Reed (Silverdale Ward)	Application Permitted
11/00495/FUL	Tufton Warren, Brettargh Drive, Lancaster Erection of a Replacement conservatory and new conservatory kitchen, dining, living extension. for Mr & Mrs Trevor Bargh (Scotforth West Ward)	Application Permitted
11/00505/FUL	2 Sylvan Place, Heysham, Morecambe Erection of a two storey extension to the side and a two storey and single storey extensions to the rear for Mr R. Keit (Heysham South Ward)	Application Permitted
11/00509/CU	Lancaster Leisure Park Ltd, Wyresdale Road, Lancaster Change of use of part of car park for the sale of Christmas trees, the siting of a touring caravan and storage container and the erection of perimeter fencing for the period of November 25th to December 24th each year, 2011-2016 inclusive. for Mr Martin Burr (John O'Gaunt Ward)	Application Permitted
11/00511/FUL	Agricultural Land West Of Great Crimbles, Gulf Lane, Cockerham Erection of a free range poultry building and formation of hardstanding area for Mr Russell Kirkby (Ellel Ward)	Application Permitted
11/00519/CU	Meadowfields, Carr Lane, Lancaster Change of use of part of paddock to residential use and erection of a single storey side extension for Mr Andrew Boit (Scotforth West Ward)	Application Permitted
11/00550/CU	Doran Stables, Out Moss Lane, Morecambe Retrospective application for the change of use of barn	Application Refused

## LIST OF DELEGATED PLANNING DECISIONS

	to 8 stables, removal of 2 outbuildings and construction of a schooling ring and retention of concrete yard. for Mr J Doran (Poulton Ward)	
11/00587/ADV	Netto Supermarket, Lancaster Road, Morecambe Replacement of existing Netto fascia signage with fascia sign advertisement reference 11B (refused), Replacement of existing Netto signage with advertisement references 9, 10 and 12 (permitted) for ASDA (Poulton Ward)	Split Decision
11/00555/FUL	4 Loyne Park, Whittington, Carnforth Raising of roof at rear to form bedroom at second floor level for Mr Sean Atkinson (Upper Lune Valley Ward)	Application Refused
11/00557/LB	Lune Aqueduct, Halton Road, Lancaster Listed building application for masonry repairs and enhanced access works for British Waterways ( Ward)	Application Permitted
11/00565/FUL	Old Hall Farm, Over Hall Road, Ireby Erection of stables for Mr And Mrs Adam And Sarah Key (Upper Lune Valley Ward)	Application Permitted
11/00573/FUL	Fowlers Removals, Mellishaw Lane, Morecambe Erection of an extension to existing warehouse for Mr Chris Needham (Westgate Ward)	Application Permitted
11/00575/FUL	24 Buxton Street, Morecambe, Lancashire Erection of a first floor extension to the rear to create a new bedroom for Mark Knight (Poulton Ward)	Application Permitted
11/00579/FUL	Cuba, Dalton Square, Lancaster Change of use of former nightclub (Sui - Generis) to indoor play area (D2) for Mr Roy Jackson (Dukes Ward)	Application Permitted
11/00597/FUL	Lancaster University, Bailrigg Lane, Lancaster Replacement of Windows to the Roundhouse at Lancaster University and reinstallation of a glass canopy historically demolished for Miss Anna Cockman (University Ward)	Application Permitted
11/00598/FUL	Lancaster University, Bailrigg Lane, Lancaster Erection of single storey bin store for Mrs Suzanne Parkinson (University Ward)	Application Permitted
11/00599/FUL	Shekinah Stables, Out Moss Lane, Morecambe Change of use of stables to operate an Equine Assisted Psychotherapy Centre, the erection of a lean-to shed and mobile office building for Mrs Angela Letchford (Poulton Ward)	Application Refused
11/00600/FUL	20 Twemlow Parade, Heysham, Morecambe Erection of a pitched roof to existing detached garage for Mr And Mrs Lee (Heysham Central Ward)	Application Permitted
11/00602/FUL	Fireplace Warehouse, 2 Owen Road, Lancaster Creation of car parking area for Mr And Mrs Whitehead (Skerton East Ward)	Application Permitted
11/00601/FUL	Blackwood End, Bay Horse Road, Ellel Erection of 2 new agricultural buildings for Robert Fox (Lower Lune Valley Ward)	Application Permitted
11/00606/FUL	3 Hatlex Drive, Hest Bank, Lancaster Erection of two	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

	storey rear extension and dormer window for Mr Jonathan Fairhurst (Slyne With Hest Ward)	
11/00607/FUL	2 Roeburn Drive, Morecambe, Lancashire Erection of a first floor extension above existing double garage for Mr M Starkey (Torrisholme Ward)	Application Refused
11/00608/EIR	Land Adjacent To Roundabout At , Junction Of A6/Pine Lake/A601(M), Warton Screening opinion for proposed workshop, parts store, showroom, display areas and related development for Steven Abbott Associates LLP (Warton Ward)	Request Completed
11/00610/FUL	12 Hyde Road, Morecambe, Lancashire Erection of single storey extensions to the side and rear with associated alterations for Mr S Gooch And Ms D Bartholomew (Torrisholme Ward)	Application Permitted
11/00615/FUL	3 Evesham Close, Heysham, Morecambe Erection of a front extension to the existing detached garage for Mr And Mrs Wallwork (Heysham South Ward)	Application Permitted
11/00620/LB	Waithmans House, 4 Yealand Road, Yealand Conyers Listed building application to upgrade two existing 2nd floor bedrooms, for Mr And Mrs Roger Moore (Silverdale Ward)	Application Permitted
11/00621/FUL	Agricultural Building Field Number 4309, Lancaster Road, Conder Green Retention of an agricultural building for Mr & Mrs P Senior (Ellel Ward)	Application Permitted
11/00623/FUL	Heysham Free Methodist Church, Emmaus Road, Heysham Resurfacing work to internal access roads and footpath and the provision of additional parking spaces. for Mr Edmund Metcalfe (Heysham South Ward)	Application Permitted
11/00636/FUL	3 Slyne Hall Heights, Slyne, Lancaster Installation of 14 PV solar panels for Mr Gillooley (Slyne With Hest Ward)	Application Permitted
11/00043/DIS	Glen Tarn, Blea Tarn Road, Lancaster Discharge of conditions 1, 8 and 10 on application no. 10/00325/CU for Mr J Daly (Ellel Ward)	Application Permitted
11/00651/CU	The Magic Wand, Woodman Lane, Cowan Bridge Extension of domestic curtilage into adjacent agricultural field for Mr A Stephenson (Upper Lune Valley Ward)	Application Refused
11/00642/PLDC	106 Sibsey Street, Lancaster, Lancashire Construction of rear dormer in connection with loft conversion. for Mr William Roberts (Castle Ward)	Lawful Development Certificate Granted
11/00648/FUL	49 Beech Road, Halton, Lancaster Proposed alterations to attic with dormers to front for Miss L. Walkden (Halton With Aughton Ward)	Application Permitted
11/00657/FUL	2 Cherry Tree Close, Bolton Le Sands, Carnforth Erection of a porch to the front and alterations to the roof for Mr And Mrs Garnett (Slyne With Hest Ward)	Application Permitted
11/00658/ADV	Heysham Power Station, Princess Alexandra Way, Heysham Erection of various signage for EDF Energy (Overton Ward)	Application Permitted
11/00662/FUL	Thurtell Lodge, Ashcroft Close, Caton Conversion of	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

	garage into living accommodation and insertion of velux rooflights for Mr And Mrs Holehouse (Lower Lune Valley Ward)	
11/00673/FUL	8 Dalton Road, Lancaster, Lancashire Erection of ground floor toilet and alterations to existing approved two storey extension for Dr Fiona Summers (Bulk Ward)	Application Permitted
11/00676/NMA	4 Lindeth Road, Silverdale, Carnforth Non Material Amendment to application no. 11/00342/FUL to increase the width of extension by 300mm for Prof Richard Carter (Silverdale Ward)	Application Permitted
11/00680/FUL	Hillcrest, School Lane, Wray Erection of an agricultural building for cattle housing and hay/straw storage for G Sykes And A Lowis (Lower Lune Valley Ward)	Application Permitted
11/00683/FUL	Hillcrest, School Lane, Wray Erection of a two storey side extension for G Sykes And A Lowis (Lower Lune Valley Ward)	Application Permitted
11/00679/PLDC	16 Durham Avenue, Lancaster, Lancashire Proposed lawful development certificate for the erection of a ground floor extension to the rear for Mr Paul Holt (Scotforth East Ward)	Lawful Development Certificate Granted
11/00692/NMA	Cool Bawn, Scargill Road, Halton Non material amendment to approved application 09/00633/FUL for Mr J Walker (Halton With Aughton Ward)	Application Permitted
11/00710/FUL	Lancaster Royal Grammar School Cricket Pavilion, East Road, Lancaster Erection of a single storey extension to existing cricket pavilion for Mr R Gittins (Bulk Ward)	Application Permitted
11/00721/NMA	31 Chapel Street, Galgate, Lancaster Non-material amendments to approved application 10/00487/FUL for the provision of a timber staircase in lieu of metal spiral staircase to rear of garage for Mr J Richmond (Ellel Ward)	Application Permitted
11/00719/ADV	Rayrigg Motors, Northgate, White Lund Estate Various replacement signage for Kia Motors (UK) Ltd (Westgate Ward)	Application Permitted
11/00726/NMA	17 Newcroft, Warton, Carnforth Non-material amendment to approved application 11/00251/FUL for Mr R McGregor (Warton Ward)	Application Permitted
11/00741/NMA	6 Redmayne Drive, Carnforth, Lancashire Non-material amendment to approved application 10/01133/FUL for Mr And Mrs Horner (Carnforth Ward)	Application Permitted