

<b>Agenda Item</b>	A5
<b>Application Number</b>	22/00721/FUL
<b>Proposal</b>	Part retrospective application for the retention of a single storey storage building and installation of solar panels
<b>Application site</b>	Fairfield Millennium Orchard Sunnyside Lane Lancaster Lancashire
<b>Applicant</b>	H. Short, The Fairfield Association
<b>Agent</b>	Mr Sam Edge
<b>Case Officer</b>	Mr Patrick Hopwood
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval

(i) **Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, as the landowner is Lancaster City Council, the application must be determined by the Planning Regulatory Committee.

**1.0 Application Site and Setting**

1.1 Fairfield Millennium Orchard is a 2.2 acre site in West Lancaster, comprising of fruit trees, nut trees and the Millennium Green. The application site is in the narrow northern portion of the wider orchard site, immediately east of a public footpath leading from Sunnyside Lane through the Orchard and onwards to the canal and Aldcliffe. A stone wall forms the boundary between the application site and the public footpath, with timber post and rail fencing to the other boundaries.

1.2 The site lies within the Cannon Hill Conservation Area and is allocated in the Local Plan as Open Space and Urban Setting Landscape. The mature trees on the opposite side of the footpath are covered by Tree Preservation Order 117(1987).

**2.0 Proposal**

2.1 This application seeks part retrospective planning consent for a single storey storage building and the installation of solar panels. A storage building with a sedum roof is in situ, having been granted planning permission in 2012. However, there were several conditions attached to that consent which do not appear to have been formally discharged. Accordingly, the existing structure does not benefit from an extant planning consent. The current application seeks to regularise the situation, seeking planning permission for the retention of the existing building, amendments to the roof covering from a sedum roof to a metal roof and the installation of solar panels.

- 2.2 The building measures approx. 7.1m in depth, 3.7m in width, 2.5m in height to the eaves and 3.1m maximum height. The storage building is a simple lean-to structure against the raised boundary wall, finished in vertical native larch cladding, with a proposed dark grey corrugated metal roof and dark grey solar photovoltaic panels.
- 2.3 The building provides essential tool and equipment storage for the adjacent orchard and nature reserves. Due to nearby trees, mulch and leaf fall have made the sedum roof difficult for the volunteers to maintain, and an easy-maintenance solution is sought. The applicant proposes a new corrugated metal roof with timber fascias and rainwater goods finished in a dark grey colour. A small solar panel system will be affixed to the new roof and front wall which will charge the battery providing the shed's internal light. This will avoid the current need of the battery being transported by volunteers for off-site mains charging.

### 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
12/00678/FUL	Erection of a single storey storage building	Approved
22/00603/NMA	Non-material amendment to planning permission 12/00678/FUL to alter the roof covering	Withdrawn

### 4.0 Consultation Responses

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

Consultee	Response
Conservation Team	<b>Negligible impact</b> on the character and appearance of the conservation area. Concern raised over potential of solar panels to put the trees under future pressure for felling, as the trees contribute to the character of the conservation area.
Natural England	No response received.
Public Rights of Way	No response received.
Ramblers Association	No response received.
Arboricultural Officer	The AIA appears to be in reference to the 2012 application, so isn't relevant. Whilst a full AIA isn't essential, I think we need to establish if the dense canopy which sits over the building will impact on the effectiveness of the solar panels, and if any pruning is required. It would be unfortunate to lose the existing green roof.
Public Realm	No response received.
Property Services	<b>No objection.</b>

- 4.2 No public comments have been received at the time of writing this report. Any further consultee or public comments will be summarised by way of a verbal update.

### 5.0 Analysis

- 5.1 The key considerations in the assessment of this application are:

- Design and Heritage
- Sustainability
- Trees
- Protection of Open Spaces, Green Infrastructure, Urban Setting Landscapes and Biodiversity

- 5.2 **Design and Heritage** (NPPF Sections 12 and 16; Policies DM29, DM38 and DM41 of the Development Management DPD; Policy SP7 of the Strategic Policies and Land Allocations DPD)

- 5.2.1 In accordance with the Planning (Listed Building and Conservation Areas) Act 1990, when considering any application that affects a Listed Building, Conservation Area or their setting the local planning authority must pay special attention to the desirability of persevering or enhancing the character or appearance of the heritage asset or its setting. This legal framework to *preserve* and *enhance* is reflected in national and local planning policy.
- 5.2.2 The siting, design and scale of the building erected on the site has previously been considered acceptable to the local planning authority and was subsequently granted planning permission in 2012. Regretfully, the applicants at the time did not satisfy pre-commencement conditions meaning the building does not benefit from the consent granted, which has now expired. Despite this, the building has been in situ for almost a decade (but not the full ten years to claim immunity). In this case, there is no formal fallback position. Over this time there have also been changes in planning policy (i.e. the new Local Plan and NPPF updates), though the thrust of policy relating to development affecting designated heritage assets has not substantially changed. The main changes in policy relate to a greater level of appreciation for securing high quality design, advocated in the Framework and policy DM29.
- 5.2.3 The existing building is considered to be sensitively designed and sympathetic to the historic and natural environment surrounding the site. This is largely achieved by using vertical timber cladding to the facing elevations, the green roof and the small-scale and simple lean-to form of building positioned up against a taller stone wall section into the existing boundary. The current green roof system does soften the building into the landscape, and the replacement of the sedum roof with a corrugated roof would diminish the design of the building in its context. However, the practical issues associated with maintaining this are noted and given the building is modest in scale and discrete in the wider landscape designation and Conservation Area, the change in roofing material (which would be dark in colour) would not result in significant harm. For these reasons, the replacement metal roof is considered acceptable, and will have a negligible impact on the character and appearance of the Conservation Area. Moreover, the dark grey roof with dark grey solar panels will be largely contained behind the boundary wall, facing away from the footpath, further limiting visual impact. Overall, the building (replaced with a metal roof and solar panels) is considered an acceptable form of development which would comply with local and national heritage and design policy.
- 5.3 **Sustainability** (NPPF Sections 12 and 14; Policies DM30 and DM53 of the Development Management DPD)
- 5.3.1 As set out in Policies DM30 and DM53, the Council is committed to supporting the transition to a lower carbon future and will seek to maximise the renewable and low carbon energy generated in the district where this energy generation is compatible with other sustainability objectives. The City Council declared a climate change emergency in January 2019 and accordingly, the Council will support proposals for renewable and low carbon energy schemes. Subject to any other material considerations being satisfactorily addressed, the principle of the solar panels rather than off-site mains charging is supported.
- 5.4 **Trees** (NPPF Sections 12 and 15; Policies DM29, DM45 and DM53 of the Development Management DPD)
- 5.4.1 The agent has confirmed that no pruning of the nearby tree canopies will be required in order for the solar panels to be effective, as such an updated AIA is not required. Because of the small scale of the renewable energy system, only a “trickle charge” is required. In any case, pruning of the mature trees would require separate tree works consent, and the agent has been made aware that this would not necessarily be readily forthcoming. Based on this, the proposal will have no undue impacts on local trees.
- 5.5 **Protection of Open Spaces, Green Infrastructure, Urban Setting Landscapes and Biodiversity** (NPPF Sections 8 and 15; Policies DM27, DM43 and DM44 of the Development Management DPD; Policies SC3 and EN5 of the Strategic Policies and Land Allocations DPD)
- 5.5.1 Policy DM27 seeks to protect and enhance existing designated open spaces and prevent the loss of designated open space, sports and recreational facilities, whilst Policy DM43 seeks to protect and

enhance green spaces including recreational areas and parks. These aims are reiterated by Policy SC3 of the Strategic Policies and Land Allocations DPD and Sections 8 and 15 of the NPPF. Policy DM44 states that the council will support proposals which provide better long-term management and enhancement of biodiversity. Policy EN5 seeks to conserve areas designated as Urban Setting Landscapes, and states that proposals within these areas will only be permitted where they preserve of the area's open nature.

5.5.2 Whilst the building is located within the designated spaces identified above, it is on the site of previous built development, adjacent to a boundary wall, and on the periphery of a much larger allocated site. The removal of the sedum roof will result in a small loss of manmade habitat which is somewhat regrettable, although it is understood that the caretaking of this is a constant drain on volunteer resources, which could be better spent on the wider variety of habitats present across the orchard and nature reserve. Overall, the proposed building with low-maintenance roof, will allow for the continued volunteer-led upkeep and enhancement of the wider orchard and nature reserve sites, which make up this part of the Open Space and Urban Setting Landscape. The development does not result in significant harm to the landscape character or the purpose and function of the open space. The development is, therefore, considered acceptable and compliant with the development plan.

## **6.0 Conclusion and Planning Balance**

6.1 Fairfield Millennium Orchard and the adjacent Flora and Fauna Nature Reserves are recognised for their recreational and well-being value to local residents, in addition to their important ecological value. The retention and provision of a building with a low-maintenance metal roof and solar panels will enable the sustained and improved protection and betterment of the locally important sites, with only negligible harm to the Cannon Hill Conservation Area. This negligible harm is outweighed by the community benefits associated with the long-term maintenance of the Orchard and Nature Reserves which are recognised as important community, recreational and ecology assets in this part of the city.

### **Recommendation**

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

Condition no.	Description	Type
1	Time limit	Control
2	Development in accordance with plans and details	Control

### **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, officers have made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/Guidance.

### **Background Papers**

None