

Agenda Item	A13
Application Number	24/00113/FUL
Proposal	Retrospective application for a pole mounted light/camera and associated cabinet
Application site	The Shore Car Park Shore Road Silverdale Lancashire
Applicant	Mr Yaseen Laher
Agent	
Case Officer	Ms Sophie Taylor
Departure	
Summary of Recommendation	Approval, subject to conditions

(i) Procedural Matters

The application has been called in to Planning Committee by Councillor Alan Greenwell, therefore the application must be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 The site to which this application relates is a gravel area serving a car park, accessed from Shore Road in Silverdale. The site is located within the Arnside and Silverdale National Landscape and partly within the National Landscapes Priority Habitats of coastal saltmarsh and maritime cliff and slope. It is also partly within the Morecambe Bay SSSI, the Morecambe Bay Special Areas of Conservation, the Morecambe Bay and Duddon Estuary Special Protection Area, the Morecambe Bay RAMSAR site, the Jack Scout/Silverdale Shore Regionally Important Geological Site and the Silverdale Coastal Cliffs and 'The Lots' Biological Heritage Site (2012). The site is located within Flood Zone 2 and 3 as well as open countryside and a public right of way also runs through the application site.

2.0 Proposal

2.1 The application seeks retrospective planning permission for a pole mounted light/camera and associated cabinet. The height of the pole will be approximately 5 metres.

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
24/00114/ADV	Advertisement application for the display of 1 x sign on camera column, 1 wall mounted sign, 2 x pole mounted signs on new poles and 2 x pole mounted signs on existing pole	Concurrent application.

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Objection. Damaging to environmental quality of the landscape, height of the camera is obtrusive and impacts the skyline and sensitive landscape. Inaccuracies on application form.
County Highways	No objections. Subject to submissions showing how the camera will discriminate between vehicles passing along the adopted highway and those using the car park.
Natural England	No objections.
Ramblers	Objection. Proposed ground works and parked vehicles may affect public bridleway, works unsightly and affect the views and experiences of walkers.
Arnside and Silverdale National Landscape Partnership	Concerns with landscape impacts, potential impact on designated site, inappropriate modifications to the surfacing and insufficient incorporation of enhancement measures. Scale of the car park and additional signage and poles are excessive.

4.2 The following responses have been received from members of the public:

Five objections have been received from members of the public, raising the following concerns:

- Visual impact on landscape
- Flooding
- Public right of way
- Inaccuracies within application form
- Parking Eye app unreliable
- Vehicles parking elsewhere
- Raising land without planning permission
- Electricity supply to camera
- Ownership of land

Six comments in support of the application and **one neutral** comment have been received from members of the public, raising the following points:

- Reduction in anti-social behaviour
- Pole no more intrusive than other signs and street infrastructure

5.0 Analysis

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

- Principle of Development
- Design, Siting and Landscape Impacts
- Highways and Public Right of Way
- Biodiversity and Ecology

5.2 **Principle of Development** (National Planning Policy Framework Section 12 Achieving well-designed and beautiful places, Section 15 Conserving and enhancing the natural environment; Town and Country Planning Act, Section 55; Development Management DPD Policies DM29 Key Design Principles, DM46 Development and Landscape Impact; Strategic Policies and Land Allocations DPD

5.2.1 Comments have been received regarding the lawful use of the land as a car park and the laying of hardcore. The site has been subjected to an enforcement case in relation to the use of the land, the laying of hardcore and the erection of a pole mounted camera and associated advertisements. It has been evidenced through arial photography and comments made by local residents that the land has been continuously used as a car park as far back as 2000 and therefore, the current use as a car park is lawful through the passage of time. It was also evidenced through arial photography that the land has had a substantial amount of hardcore in place for at least six years and as the development was completed prior to the regulation changes it is therefore lawful through the passage of time. Whilst complaints suggest that new hardcore has been spread more recently, the works may be considered to be a repair of the existing hardcore, however, if it was determined that the works constituted development, it would not be expedient to pursue the maintenance of existing hardcore.

5.2.2 The siting of the pole and camera constitutes development under Section 55 of the Town and Country Planning Act 1990 as whilst there is limited legislation with regards to CCTV equipment, it was deemed to be best to regularise the development as a whole for the avoidance of doubt.

Therefore, this application seeks solely to obtain planning permission for a pole mounted light/camera and associated cabinet and the use of the site as a car park and the laying of hardcore are not considered to be material considerations to this application. The associated signage is currently under consideration through a separate application.

5.2.3 The pole is sited within the ownership of the applicant which is corroborated by the title deeds obtained from HM Land Registry. Additionally, County Highways have raised no objections in relation to the ownership of the land.

5.3 **Design, Siting and Landscape Impacts** (National Planning Policy Framework Section 12 Achieving well-designed and beautiful places, Section 15 Conserving and enhancing the natural environment; Development Management DPD Policies DM29 Key Design Principles, DM46 Development and Landscape Impact; Strategic Policies and Land Allocations DPD Policies EN2 Areas of Outstanding Natural Beauty, EN3 The Open Countryside; Arnside and Silverdale AONB DPD AS08 Design.)

5.3.1 Policy DM29 of the DM DPD requires development to 'contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palette of materials, separation distances, orientation and scale.' The NPPF states (paragraph 182) that 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.' Policy DM46 of the DM DPD states 'development proposals should, through their siting, scale, massing, materials, landscaping, vernacular style and design seek to contribute positively to the conservation and enhancement of the protected landscape and its setting.' Policy AS08 of the Arnside and Silverdale AONB DPD echoes the requirements of policy DM46 with greater emphasis on reinforcing what is special and locally distinctive in respect of a good design. Policy AS02 of the Arnside and Silverdale AONB DPD states that proposals must 'respect the coastline, taking into account sensitivities and character of coastal landscape and seascape' and 'respect visual amenity, views (including into and out from the AONB), tranquillity, dark skies, and the sense of space and place, avoiding the introduction of intrusive elements, or compromise to the skyline or settlement separation'.

5.3.2 Objections were raised regarding the impact of the proposal upon the landscape, with public representations stating that the proposal 'looks out of place'. Silverdale Parish Council have also raised objections stating that the proposal is 'damaging to the environmental quality of the landscape, the height of the camera is obtrusive, and it impacts the skyline and sensitive landscape'. Additional concerns from the Arnside and Silverdale National Landscape Partnership have been raised regarding landscape impacts, potential impact on the designated site, inappropriate modifications to the surfacing and insufficient incorporation of enhancement measures. It was also stated that the scale of the proposed car park is inappropriate for this location. In terms of the impact upon the National Landscape, Natural England have stated that the 'impacts on the nationally

designated landscape and the delivery of its statutory purpose to conserve and enhance the area's natural beauty can be determined locally by the local planning authority, with advice from its landscape or planning officers, and from the relevant National Landscape Partnership or Conservation Board'.

The proposal is located within a national landscape and therefore great weight should be given to conserving and enhancing the landscape and scenic beauty in this area. The proposed pole mounted light/camera and associated cabinet is considered to have minimal scale and massing, and with a height of approximately 5 metres, the camera is not the tallest element within its immediate surroundings. It is coloured light grey which does not appear as an intrusive colour and it enables the proposal to blend in with the surroundings and skyline. The proposal is sited in a suitable location where it will have minimal impact on the view of the landscape when looking over the bay/beach and is situated close to other street infrastructure, such as lamp posts. Therefore, it is considered that the proposal will not have a significant impact on the character and appearance of the immediate surroundings and national landscape.

With regards to the scale of the car park, it has been confirmed by the applicant that there was an error on the application form and the existing number of spaces should be 50 as should the total proposed spaces. As mentioned above, the use of the land as a car park is not considered to be a material consideration to this application as it is considered lawful through the passage of time.

5.4 **Highways and Public Right of Way (National Planning Policy Framework Section 9 Promoting sustainable transport; Development Management DPD Policies DM60 Enhancing Accessibility and Transport Linkages, DM61 Walking and Cycling.)**

5.4.1 Policy DM60 of the DM DPD states that proposals should 'include measures that address matters of highway safety to the satisfaction of the local highway authority'.

The County Highways Officer has reviewed the proposal and raised no objection to the development subject to submissions showing how the camera will discriminate between vehicles passing along the adopted highway and those using the car park. Images were received showing the capture zone, which ensures the camera will only pick up vehicles in that specific area. Additionally, it was confirmed that a vehicle would have to spend more than 5 minutes in that area and then would a PCN be issued. Therefore, it is considered that the proposal will not have a significant impact on highway safety.

5.4.2 Policy DM61 of the DM DPD states that where proposals affect a Public Right of Way, the LPA will 'expect routes to be retained along existing alignments'. This policy also states that proposals should 'ensure that no adverse impacts are created for the pedestrian environment, particularly in relation to pedestrian safety, and provide appropriate pedestrian access for all sections of the community'.

A public right of way runs through the site and Ramblers have objected to the application due to the impact the proposed ground works and parked vehicles may have on the public bridleway. The camera is sited away from the PROW and site has been used as a car park for a number of years previously. Therefore, it is not considered that the development will have a significant impact on the PROW nor create any adverse impacts upon the pedestrian environment.

5.5 **Biodiversity and Ecology (National Planning Policy Framework Section 15 Conserving and enhancing the natural environment; Development Management DPD Policies DM44 The Protection and Enhancement of Biodiversity; Strategic Policies and Land Allocations DPD Policy EN7 Environmentally Important Areas; Arnsdale and Silverdale AONB DPD Policy AS04 Natural Environment.)**

5.5.1 The site is located within a range of nationally designated and other environmentally sensitive sites. Policy AS04 of the Arnsdale and Silverdale AONB DPD states that 'development proposals must protect and contribute to the appropriate enhancement of the extent, value and/or integrity of: (I) any site or habitat protected for its biodiversity or geodiversity value, including limestone features, at an international, national or local level; (II) any priority habitat or species; (III) ecosystem services; (IV) ecological networks and their connectivity, including 'stepping stones', buffer zones, functionally linked land, corridors and other linkages, including those that connect across the AONB boundary; (V) the mosaic pattern of habitats and species and the mosaic approach to their management and

protection; (VI) any other natural features or assets of significance and value in the AONB or characteristic of the AONB, including those that do not enjoy formal protected status'. This is further reiterated by Policy DM44 of the DM DPD and Section 15 of the NPPF.

5.5.2 Given the small scale and nature of the proposal, there is not considered to be a significant loss of habitat nor a significant impact on local ecology. Whilst the site is partially located in a number of environmentally important areas, the area where the camera is sited does not fall within these areas except for the SSSI impact risk zone. Natural England have raised no objections to the proposal and when considering the impact upon the SSSI stated that 'the proposed development will not have likely significant effects on statutorily protected sites'. It is therefore considered that the proposal will not have a significant effect on the biodiversity and ecology of the area.

5.6 **Other Matters (National Planning Policy Framework Section 14 Meeting the challenge of climate change, flooding and coastal change; Development Management DPD Policy DM33 Development and Flood Risk.)**

5.6.1 The site is located within Flood Zones 2 and 3 but given the small scale of the proposal, a sequential test is not required. The proposed camera pole is located outside of the flood zone and given the small scale, the proposal is not considered to have an adverse effect on flooding in the immediate or wider area.

5.6.2 Multiple public representations have been received objecting to the application and state that the ParkingEye app is unreliable, that vehicles will be displaced elsewhere as a result and there are concerns regarding the electricity supply to the camera. The electricity supply to the camera is considered to be a civil matter between the land owners involved and is covered by separate legislation to the Town and Country Planning Act and as such, these issues are not given material weight in the planning assessment. Additionally, the LPA does not control how the car park is managed and as the use of the site as a car park is lawful through passage of time, and so comments regarding the ParkingEye app and displacement of vehicles elsewhere are not given material weight within the planning assessment.

6.0 Conclusion and Planning Balance

6.1 The proposed retrospective pole mounted light/camera and associated cabinet is not considered to have a significant adverse impact on the character and appearance of the area nor upon the wider national landscape. It is deemed to be acceptable with respect to its impact upon biodiversity and ecology and with respect to the matters of highways, the public right of way running through the site and flood risk.

Recommendation

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

Condition no.	Description	Type
1	Standard 3 year timescale	Control
2	Development in accordance with the amended approved plans	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