



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 15TH MARCH 2010

Venue: LANCASTER TOWN HALL

Time: 10.30 A.M.

A G E N D A

- 1 Apologies for Absence
- 2 Minutes of the Meeting held on 8th February 2010 (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.

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|----------|------------------------|---|---------------------------------------|----------------------|
| 5 | A5 10/00075/FUL | Land Adjacent to Longfield Tarn,
Biggins Lane, Whittington | Upper Lune
Valley
Ward | (Pages 1 - 4) |
| | | Erection of a 60m high guyed meteorological mast for a period of 2 years for EON Climate and Renewables | | |
| 6 | A6 10/00066/CU | 81 - 83 Regent Road, Morecambe | Harbour
Ward | (Pages 5 - 7) |
| | | Change of use from guest house/hotel to 8 no 2 bedroom apartments for Mr P Harrison | | |

7	A7 09/01260/RCN	Yew Tree Farm, Capernwray Road, Capernwray	Kellet Ward	(Pages 8 - 14)
		Removal of condition 2 on application no. 2/5/4466 (1973) relating to agricultural occupation for Mrs S Harris		
8	A8 10/00007/VCN	Land at Mossgate Park, Mossgate Park, Heysham	Heysham South Ward	(Pages 15 - 18)
		Variation of condition no. 39 on application 09/00668/FUL to permit the removal of existing bowling greens prior to the provision of new bowling greens for Rushcliffe (Heysham) Ltd		
9	A9 10/00008/VCN	Land at Mossgate Park, Mossgate Park, Heysham	Heysham South Ward	(Pages 19 - 22)
		Variation of condition no. 11 on application 09/00776/FUL to permit the removal of existing bowling greens prior to the provision of new bowling greens for Rushcliffe (Heysham) Ltd		
10	A10 10/00044/CU	Land at Dock Acres, Kellet Lane, Warton	Warton Ward	(Pages 23 - 27)
		Change of use of land for the siting of 26 log cabins and creation of an amenity lake for Borwick Development Solutions		
11	A11 09/01171/FUL	Asda Stores Ltd, Ovangle Road, Lancaster	Westgate Ward	(Pages 28 - 34)
		Erection of a single storey side extension and reconfiguration of car park layout for Asda Stores Ltd		
12	A12 10/00072/CU	The Hawthorns, Main Road, Nether Kellet	Kellet Ward	(Pages 35 - 38)
		Change of use of land to form an extension to existing caravan park for Mr D Wright		

13	A13 09/01188/FUL	Land at Badgers Wood, Middleton	Overton Ward	(Pages 39 - 42)
		Erection of 33 no. dwellings with associated external works for PRV Middleton Towers In Administration		
14	A14 09/01236/CU	Cocked Hat, Haws Hill, Carnforth	Carnforth Ward	(Pages 43 - 47)
		Change of use of former licensed premises to 3 no. apartments for Mr Chris Allen		
15	A15 10/00046/FUL	Oaklands, Pathfinders Drive, Lancaster	Scotforth West Ward	(Pages 48 - 52)
		Refurbishment and alterations of existing building and construction of new access road to create an in-patient adult unit (Use Class C2) with Section 136 suite, a facility for police to use should they believe someone needs immediate care and assessment in a safe environment (Use Class C2A) for Lancashire Care NHS Foundation Trust		
16	A16 10/00108/CU	6A Lines Street, Morecambe	Poulton Ward	(Pages 53 - 56)
		Change of use of former store at first floor to a self contained 2 bed apartment for Mr Steve Hughes		
17	A17 09/01015/CU	4 Old Station Yard, Kirkby Lonsdale, Carnforth	Upper Lune Valley Ward	(Pages 57 - 65)
		Retrospective application for use of land and buildings for stoneworking, storage and distribution (B2/B8 use) and retention of an open-fronted workshop building for Fairhurst Stone		

- 18 A18 09/01078/FUL Land at Claughton Quarry, Lower (Pages 66 -**
Claughton Moor, Claughton, Lune Valley 96)
Farleton Old Road, Claughton Ward

Renewable Energy project comprising the erection of 20 wind turbine generators, each with a maximum height of 126.5 metres, together with associated access track, hard standing areas, control and substation building, borrow pits, meteorological mast and temporary construction and site storage compounds on Claughton Moor and Whit Moor near Lancaster for Community Windpower Ltd

Category C Application

Application which involves County Matters and is to be determined by the County Council

- 19 A19 10/00130/CCC Carnforth High School, Kellet Carnforth (Pages 97 -**
Road, Carnforth Ward 99)

Erection of a new sports hall including 11 car parking spaces two of which are disabled, car park and existing path will be lit by 7 5.5 metre lighting columns, the existing fence will be repositioned and additional 2.4 metre high wall mesh fencing will be installed for Lancashire County Council

Category D Application

Applications for development by a District Council

- 20 A20 10/00118/DPA Lancaster Railway Sports & Skerton (Pages 100 -**
Social Club, Morecambe Road, East Ward 102)
Lancaster

Cycle route improvements to Greyhound Bridge A6 northbound slip road including conversion of footways to shared use

- 21 Delegated Planning Decisions (Pages 103 - 106)**

- 22 Planning Appeals and Possible Costs Claims (Pages 107 - 109)**

Report of Head of Planning Services (item deferred from meeting on 8th February 2010)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Keith Budden (Chairman), Joyce Pritchard (Vice-Chairman), Eileen Blamire, Ken Brown, Anne Chapman, Chris Coates, John Day, Roger Dennison, Sheila Denwood, Mike Greenall, Emily Heath, Helen Helme, Val Histed, Andrew Kay, Geoff Marsland, Robert Redfern, Bob Roe, Sylvia Rogerson, Roger Sherlock and Paul Woodruff

(ii) Substitute Membership

Councillors Abbott Bryning, John Gilbert, Janice Hanson, Tony Johnson, Ian McCulloch, Peter Robinson, Keith Sowden, Joyce Taylor and Malcolm Thomas

(iii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services, telephone 01524 582068, or alternatively email jglenton@lancaster.gov.uk

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 01524 582170, or alternatively email memberservices@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Wednesday, 3rd March 2010.

Agenda Item A5	Committee Date 15 March 2010	Application Number 10/00075/FUL
Application Site Land adjacent to Longfield Tarn, Biggins Lane, Whittington	Proposal Erection of 60m high guyed meteorological mast for a period of two years	
Name of Applicant EON Climate and Renewables, Westwood Business Park, Coventry CV4 8LG	Name of Agent Mr J Mason, Axis, Well House Barns, Chester Road, Bretton, Chester CH4	
Decision Target Date 25 March 2010	Reason For Delay Not applicable	
Case Officer	Peter Rivet	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The site of this proposal is an area of land adjoining the Lancashire/Cumbria border, to the north of the village of Whittington. It is at present generally open in character, with a few small areas of woodland.

2.0 The Proposal

- 2.1 The current application is for a meteorological mast, to measure wind speeds in the area. It is associated with a proposal for a 9-turbine wind farm which is expected to be submitted later in the year.

3.0 Site History

- 3.1 There have been no recent planning applications on this site, but there has been a request for a scoping opinion in advance of an Environmental Impact Assessment which will be needed in connection with the wind farm proposal.

Application Number	Proposal	Decision
09/01084/EIO	Request for an Environmental Impact Assessment Scoping Opinion for a 9 no. wind turbine development	Issued

4.0 Consultation Responses

- 4.1 The proposal will have at least as great an impact on adjacent areas of South Lakeland as on the Lancashire part of the Lune Valley. The parish and neighbour consultations undertaken reflect this. Any comments not received at the time of compiling this report will be verbally reported to Members.

Consultees	Response
Lancashire County Council Planning	Do not wish to comment on this proposal.
Lancashire County Council Highways	No highway objections.
Cumbria County Planning	No comments to make on this proposal.
Lake District National Park Authority	Observations to follow.
South Lakeland District Council	Although the mast is relatively slender it will be highly visible, given its elevated location and the nature of the surrounding landscape. They suggest that consent for a shorter period (such as the 12 months mentioned in PPS 22) might be more appropriate than the two years requested by the applicants.
Civil Aviation Authority	The mast would not technically constitute an aviation obstruction. However the Ministry of Defence should be advised of it. As the proposal is the precursor of a wind farm proposal the developers need to be aware of the need to discuss it with the Department of Trade and Industry.
Ministry of Defence Estates	Observations to follow - they ask that no decision should be reached until they have had an opportunity to comment.
Natural England	No objection to this development. There is relatively little information available on the importance of this area for breeding birds and in the circumstances they recommend a precautionary approach, and that bird deflectors should be attached to the guy wires.
Ramblers' Association	The Lancaster Group of the Ramblers' Association object to the proposal, on the basis that it affects an open stretch of land in full view of a public right of way.
Environmental Health	No objections.
Whittington Parish Council	Observations awaited.
Hutton Roof Parish Council	Object, on the grounds that the mast would have an adverse effect on the landscape, could put local wildlife at risk, and would set a precedent for approval of the wind farm. They ask that Members should visit the site before reaching a decision.
Kirkby Lonsdale Town Council	No comments on the meteorological mast. However they are concerned about the possible impact of a wind farm on residents of Biggins and High Biggins (on the County boundary).
Barbon Parish Council	No comments to make on this proposal.
Burton-in-Kendal Parish Council	Thanks the City Council for involving them in the consultation process. They wish to ensure that construction traffic involving this site is not routed through Burton-in-Kendal or along narrow lanes for anything but the shortest possible distance, and are also concerned about the impact of the development on the landscape.
Casterton Parish Council	Observations awaited.
Lupton Parish Council	Observations awaited.
Mansergh Parish Council	Observations awaited.

5.0 Neighbour Representations

- 5.1 At the time this report was prepared, 48 letters and emails objecting to the application had been received from people living in the area. Predominantly the grounds are that the mast is an unacceptable intrusion in the landscape, and secondly that the proposal is to test wind speeds for a future wind farm, to which they are opposed, again primarily because of its impact on the surrounding area. Two of them point out that the people most directly affected by the proposal live outside Lancashire.
- 5.2 A further letter has been received from a property management company based in Chandler's Ford, Hampshire. They consider the development to be detrimental to the tourism industry of the area.
- 5.3 Any further representations received will be reported orally at Committee.

6.0 Principal Development Plan Policies

- 6.1 So far as wind energy generally is concerned, the advice contained in the following Planning Policy Statements is relevant:
- PPS1: Delivering Sustainable Development
 - PPS7: Sustainable Development in Rural Areas
 - PPS22: Renewable Energy (and its companion guide).
- 6.2 Other policy advice is contained in Regional Spatial Strategy Policies **EM15** (a framework for renewable energy in the North West) and **EM17** (Renewable Energy).
- 6.3 At a local level, the proposal has to be considered in relation to the following "saved" policies from the Lancaster District Local Plan:
- **E4**, which requires that development in the countryside should respect its character;
 - **E22** on wind farms (partly superseded by the Core Strategy). This states that proposals for wind farms will be assessed on the basis of their impact on the character of the landscape, nature conservation/historic buildings/archaeological considerations, and their effect on nearby dwellings.
- 6.4 The following policies in the Lancaster District Core Strategy are relevant:
- **SC1** on Sustainable Development;
 - **ER7** on renewable Energy, which seeks to maximise the proportion of energy generated from renewable sources within the District;
 - **E1** on Environmental capital, which requires that development should protect and enhance areas of nature conservation interest.

7.0 Comment and Analysis

- 7.1 The wind farm application, when it is received (this is currently expected to be in July 2010) will inevitably be controversial. It would be visible within a large area of the Lune Valley. It could be expected to have a particularly significant impact on the village of Hutton Roof and the hamlet of Biggins, on the edge of Kirkby Lonsdale. Both of these are on the Cumbrian side of the County boundary.
- 7.2 However this does not of itself provide grounds for objection to the current application for a meteorological mast. The present proposal has to be considered on its own merits.
- 7.3 The site is within an area of attractive landscape, but it is not one of those covered by any special designation. It is not included within an Area of Outstanding Natural Beauty, nor is it within one of those areas such as Leck Fell which are being considered for inclusion within an extension to the Yorkshire Dales National Park. Nor is the site continued to be of any special nature conservation significance. Leaving aside the issue of any future wind farm proposal, this is a tall, slimline mast held by guyed ropes. On a temporary basis, and given the absence of any justifiable protected landscape objections, the mast can be supported in principle, providing that there is no objection from the Ministry of Defence.

- 7.4 Members may wish to look at the option of a shorter period limited period consent, as suggested by South Lakeland District Council. The Companion Guide to PPS 22 advises that anemometer masts are normally required “for at least 12 months”, but the Guide continues by saying that “...the longer measurements are taken the better the predictions will be”. Given that the data collected from this will be used to inform whether the site is suitable for potential wind turbines, it is considered that a temporary 2-year consent is reasonable.

8.0 Conclusions

- 8.1 The mast will enable readings to be taken to establish the viability of a wind farm. Approval of it does not commit the City Council to supporting such a development, and the recommendation is reached purely upon the basis of the acceptability (or otherwise) of the temporary 60m mast being proposed. For the reasons stated in this report, it is recommended that consent should be given for the two year period requested by the applicants. However the recommendation is subject to no objection being received from the Ministry of Defence.

Recommendation

That subject to the receipt of no objections from the Ministry of Defence, Planning Permission **BE GRANTED** subject to the following conditions:

1. Temporary consent to expire 31 March 2012 - at the end of this period mast must be removed and the land reinstated.
2. Development to be carried out in accordance with the approved plans.
3. Bird deflectors to be attached to guy wires.

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 A6	Committee Date 15 March 2010	Application Number 10/00066/CU
Application Site 81-83 Regent Road. Morecambe		Proposal Change of use from guest house/hotel to 8 no. two bedroom flats.
Name of Applicant Mr P Harrison Denholme, Crawley Road, Horsham, W Sussex RH12 4HF		Name of Agent N/A
Decision Target Date 31 March 2010		Reason For Delay Not applicable
Case Officer	Peter Rivet	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 This property consists of a pair of mid-terrace four storey houses on the south west side of Regent Road. Its authorised use is as a hotel/guest house (the Cranage Hotel) but it was last occupied, without planning permission, as a hostel for migrant workers.
- 1.2 It has been vacant for at least the last five years and its condition is poor. At the rear, several of the windows have been removed and this has encouraged pigeons to roost in it. The backyard has been used for fly tipping.

2.0 The Proposal

- 2.1 The applicant's proposal is to convert it into eight self contained flats, each with two bedrooms, a living room/kitchen, and a bathroom. All the flats will be able to access a storage area in the basement, and from there to the yard at the rear.
- 2.2 Renovation work will involve only one significant change to the outside of the building; this is a new door at the rear. It will however be necessary to fit new gutters, fascia boards, windows, and rainwater pipes. The stonework at the front will require repointing, and the steps and railings will need to be refurbished.
- 2.3 The Design Statement accompanying the application argues that the previously approved conversion scheme involving maisonettes is not viable. It suggests that in the present economic climate, the two bedroom apartments proposed will provide accommodation which will be both affordable in the rental market, and suitable for the needs of first time buyers.

3.0 Site History

- 3.1 This is not the first application to be submitted for the conversion of the property into flats; an earlier one was refused consent in 2005. Subsequently a scheme for four maisonettes was approved, but not implemented.

Application Number	Proposal	Decision
05/00465/CU	Change of use of existing bed and breakfast with internal alterations to form eight self contained flats	Refusal
05/00951/CU	Change of use of existing bed and breakfast, with internal alterations, to form four maisonettes	Approval

4.0 Consultation Responses

4.1 Consultation replies are set out below.

Consultees	Response
County Council Highways	No highway observations on this proposal.
Housing Policy Officer	No objections to this conversion, but has reservations about the suitability of the second and third floors for family accommodation.
City Contract Services	Observations awaited.
Morecambe Town Council	Observations awaited.

5.0 Neighbour Representations

5.1 The owner of the Seashelt Hotel at 85 Regent Road strongly supports the proposal - she says that the property has been derelict for the last seven years, and is full of pigeons; and that now even the squatters have moved out. She points out that the Chatsworth Gardens scheme is no longer to go ahead, and asks that the City Council should encourage anyone wishing to invest in the future of the West End, both here and on the Chatsworth Gardens site.

5.2 Councillor Robinson has indicated that he opposes this application, on the grounds that policies for the area favour the creation of more family sized accommodation rather than the creation of additional flats. He points out that permission has been refused for a similar flat conversion scheme in the past, and the site is opposite the proposed "exemplar site" which the West End Masterplan recommends should be redeveloped with new housing and is anxious that its future should not be prejudiced.

5.3 Any other representations received will be reported orally at Committee.

6.0 Principal Development Plan Policies

6.1 "Saved" Policy H21 of the Lancaster District Local Plan requires that flat conversions should meet the space standards set out in Appendix 2 of the Plan.

6.2 The West End Masterplan seeks to secure the regeneration of the West End by reintroducing family housing, rather than encouraging more flat conversions.

7.0 Comment and Analysis

7.1 The scheme is a well thought out one. It meets the space standards set out in the Lancaster District Local Plan. The arrangements for access to the yard at the rear are satisfactory.

7.2 As Councillor Robinson has pointed out, approval of a scheme of this kind is contrary to the principles set out in the West End Masterplan. However consideration has also to be given to the circumstances surrounding this former hotel. Although consent has been granted for a maisonette conversion approximately five years ago, neither the then owner nor anyone else has been interested in implementing it.

7.3 During the intervening years the condition of the building has continued to deteriorate. If action is

not taken soon, its condition may reach the point where demolition and rebuilding is the only option. This would be expensive; it could also potentially give rise to structural problems for the terraced properties either side.

- 7.4 The current proposal is in many respects similar to the one which was refused consent in 2005, but the property market has changed since then. Indications are that it is now more difficult to attract investment and developers are less inclined to risk spending on schemes which may not offer them a good rate of return.
- 7.5 The two properties concerned are generally considered to be too big to function satisfactorily as single family dwellings, even if the outriggers at the rear were to be removed. The maisonette solution may appear attractive as a way of creating family sized three bedroom dwellings, but in practice accommodation of this type may also be likely to be let to a group of three single people sharing, rather than a family.
- 7.6 The choice therefore before Members is whether to accept the scheme as now proposed, despite it being contrary to the principles of the West End Masterplan, or refuse the application for that reason and hope that an alternative, viable scheme is submitted in the future.

8.0 Conclusions

- 8.1 Taking these factors into account, it is considered that the current proposal represents the best way of securing the future of the building, which in its present condition is likely to discourage investment in neighbouring properties.

Recommendation

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

1. Standard three year condition.
2. Development to be carried out in accordance with the approved plans.
3. Details of replacement doors and windows to be agreed.

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 A7</p>	<p>Committee Date 15 March 2010</p>	<p>Application Number 09/01260/RCN</p>
<p>Application Site Yew Tree Bungalow, Yew Tree Farm, Capernwray Road, Capernwray, Over Kellet</p>	<p>Proposal Removal of condition 2 on application 2/5/4466 (1973) relating to agricultural occupation</p>	
<p>Name of Applicant Mrs S Harris</p>	<p>Name of Agent Anthony Atkinson, Lincoln House, Lincoln Way, Sherburn in Elmet, Leeds, W Yorks LS25 6PJ</p>	
<p>Decision Target Date 17 February 2010</p>	<p>Reason For Delay Awaiting consultation replies.</p>	
<p>Case Officer</p>	<p>Peter Rivet</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Refusal.</p>	

1.0 The Site and its Surroundings

- 1.1 This application was originally identified as one which could be determined under delegated powers. It has been placed on the Committee agenda as it was considered prudent to seek the advice of the County Council's Rural Estates Surveyor.
- 1.2 The property concerned is a modern four bedroom bungalow, dating from 1974, in countryside to the north of Over Kellet village. It is on the east side of the road to Capernwray and is concealed from it by a hedge. There is a group of farm buildings (chicken sheds) immediately to the north east. The total area of the farmland associated with the dwelling is approximately 7.28 hectares (18 acres), of which 4.45 hectares (11 acres) is let as grazing land to a neighbouring farmer.

2.0 The Proposal

- 2.1 The dwelling was approved in 1973 as a dwelling for occupation by a person or persons employed in agriculture, on the basis that on-site accommodation was needed to supervise the adjoining farm, which at that time raised dairy cattle. At a later date it became a chicken farm.
- 2.2 The owner of the farm, John Harris, died in 1993. His widow, Sheila Harris, continued to run the farm for several years, until 1999, but then let out the chicken sheds first to her daughter and then to other people. They operated in this manner until 2006. The information accompanying the application states that the sheds have reached the end of their lives. Most of them are effectively derelict, though some of those closest to the bungalow are used for the storage of machinery.
- 2.3 It is argued on behalf of the applicant that the bungalow is no longer needed to meet an agricultural need and that attempts to sell it at a discounted price as a dwelling for a farm worker have been unsuccessful. It is therefore sought to have the occupancy restriction removed.
- 2.4 The application is supported by a large amount of information indicating how and where the property has been marketed.

3.0 Site History

The recent history of the site is apparent from the planning applications received:

Application Number	Proposal	Decision
1/79/1105	Erection of a broiler house	Approved
1/84/0942	Demolition of cow sheds and erection of 2 broiler sheds and hopper	Approved
1/91/00393	Construction of weighbridge and weighbridge house	Approved
93/00427/FUL	Erection of a chicken house	Approved
98/00591/FUL	Renewal of consent for a chicken house	Approved

4.0 Consultation Responses

4.1 These are as follows:

Consultees	Response
Over Kellet Parish Council	Object to the removal of the condition regarding agricultural occupancy as they feel that this would create a precedent. It is their opinion that there is little or no demand for this type of accommodation in a rural setting away from any other residential properties. i.e. separate from the 'built-up' area of the village of Over Kellet itself, other than for agricultural occupancy.
County Council Rural Estates	Consider that the marketing exercise carried out in respect of the property has been too narrow, in that has been in respect of the bungalow only, without the associated land and buildings. They also note that a 'for sale' board "was not erected". On that basis they do not support the application. A copy of the letter explaining their reasoning in full appears as an appendix at the end of this report.

5.0 Neighbour Representations

5.1 No representations had been received at the time this report was drafted.

6.0 Principal Development Plan Policies

6.1 "Saved" Policy **H9** of the Lancaster District Local Plan sets out criteria for considering applications for the removal of agricultural occupancy restrictions. It states that:

"Proposals for the removal of agricultural or other key worker occupancy conditions from dwellings in the countryside will not be permitted. Exceptions will only be considered where it can be demonstrated that the dwelling is not required to meet the existing amended future needs of any agricultural or forestry enterprise in the locality for key worker housing".

7.0 Comment and Analysis

7.1 This site is in a rural location, outside any recognised settlement. Permission for the bungalow was only granted in 1973 because it was associated with a working farm, and met the strict national and local criteria for dwellings in the countryside.

7.2 The material submitted on behalf of the applicant appears at first sight to offer a clear cut case for removing the agricultural occupancy condition. However Members will note the County Council's formal assessment, attached as a background paper. They act as the local planning authority's rural advisor on such issues. Their assessment highlights what they perceive to be deficiencies with the marketing of the property.

7.3 The bungalow has been marketed as a dwelling in its own right, rather than in association with its 7.28 hectare landholding. This amount of land is sufficient to support a small agricultural enterprise;

it has done so in the past and there is no reason why it should not do so again. The County Council also question the valuation of the property, which they consider to be simplistic and "too high".

7.4 The applicant's agent has responded to the points made in the County Council's letter. He argues that there is no legal agreement tying the bungalow to the associated farm land. He also disputes the argument put forward about the valuation of the property.

7.5 It is probably true that the present buildings on the site have reached the end of their useful life, as the applicant's agent suggests. However recent experience is that there is a significant amount of interest in establishing new free range poultry units, meeting the current regulations that require the chickens to have access to the open air. One of these has recently been built at Redwell, within Over Kellet parish; as there was no existing accommodation on the site a three year temporary permission was granted for a caravan, while the viability of the business could be established (application 07/00991/CU). If the Yew Tree Farm site had been available it would appear to have been suitable for this enterprise, without there being any need to establish a new farm unit.

8.0 Conclusions

8.1 Taking the advice of the County Council into account, in particular their view that the marketing exercise was flawed, it is recommended that permission should be refused.

Recommendation

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

1. Contrary to saved policy H9 of the Lancaster District Local Plan - bungalow has been marketed in isolation rather than with the associated landholding; insufficient evidence that there is no demand for an agricultural holding in this location.
2. Precedent for sale of other farm dwellings without the associated landholding.

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. Letter from Lancashire County Council Rural Estates dated 12 February 2010

Tel (01772) 536871
Fax (01772) 533550
e-mail wayne.selway@lancashire.gov.uk

Lancaster City Council
Planning Services
PO Box 4
Town Hall
LANCASTER
LA1 1QR

Your ref 09/01260/RCN
Our ref PG/EVP/DE/1/22/7933/LK
Date: 12 February 2010

Dear Sirs

**APPLICATION NUMBER 09/01260/RCN
YEW TREE FARM, CAPERNWRAY ROAD, CAPERNWRAY, CARNFORTH
GRID REFERENCE 352334 4770539**

I refer to your consultation letter in respect of the above application and have the following comments to make:

Introduction

A planning application has been submitted by Mr A Atkinson of Acorus Rural Property Services Ltd on behalf of Mrs S Harris for the removal of the agricultural occupancy condition imposed on a planning consent under application number 2/5/4466. A site inspection was made when Mrs Harris and her agent were present. The information provided at this meeting, together with written submissions forms the basis of this report.

Background Information

Yew Tree Farm was originally a dairy farm which operated from Kirkby Lonsdale Road in the centre of Over Kellet. I understand that the applicant's husband diversified the farming operations into broiler production, and erected poultry buildings both to the rear of the original house in the centre of Over Kellet and subsequently buildings were erected near the application site. In 1973 an application was made for the construction of a bungalow at the application site close to some of the poultry buildings which was granted subject to an agricultural occupancy condition. In 1974 the original farm house was sold off and the bungalow was constructed.

Originally the dairy farm had approximately 70 acres (28.33 hectares), but over the years these have been sold and there now remain 18 acres (7.28 hectares),

together with seven poultry buildings. I understand that the dairy enterprise ceased in the 1980s with the poultry activity becoming the principle business.

In 1993, the applicant's husband died and the applicant continued with the poultry business for a further five to six years. The applicant's daughter then ran the business for a couple of years following which the buildings adjacent to the bungalow were let out to others for the rearing of chickens. I was informed that the buildings were last used for poultry in 2006.

Agricultural land

The applicant informed me that the area with the bungalow and buildings is some 18 acres (7.28 hectares) of land, 11 acres (4.45 hectares) of which is grassland and is let on an annual grazing licence for sheep grazing.

Agricultural Buildings

Adjacent to Yew Tree Bungalow there are four poultry buildings constructed of timber with metal roofs which are now used for some minimal storage.

In addition there are three poultry buildings at Over Kellet which are now dilapidated and not used.

Occupancy Condition

Yew Tree Farm was approved subject to an agricultural occupancy condition being imposed as follows:

'The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 290 (i) of the Town and Country Planning Act 1971 or in forestry or a dependent of such a person residing with him (but including a widow or widower of such a person).'

Policy H9 of the Lancaster District Local Plan states:

'Proposals for the removal of agricultural or other key worker occupancy conditions from dwellings in the countryside will not be permitted.

Exceptions will only be considered where it can be demonstrated that the dwelling is not required to meet the existing and future needs of any agricultural or forestry enterprise in the locality for key working housing.'

The commentary to the policy states that ;

'The Council will only allow removal of a forestry or agricultural occupancy condition, where it is completely satisfied that the dwelling has been previously marketed for the purposes envisaged'.

The applicant has undertaken a marketing exercise which commenced in January 2009. At that time, two valuations were obtained, one of £360,000 and one of £500,000.

The average of the two valuations was then taken and discounted by 25% to reflect the occupancy condition. The property was therefore advertised by the agent at a guide price of £322,500. This was subsequently reduced to £306,500 in June 2009.

Advertising has taken place in the local newspapers, namely the Lancaster Guardian and the Farmers Guardian and has also been advertised in the Farmer's Weekly and the Farmer's Trader over the 12 month period.

In addition, Acorus, the applicant's agent, advertised it within their property list and on the company website.

Acorus also undertook a postal survey on behalf of the applicant of 77 farm holdings in the vicinity. No 'For Sale' board was erected.

I am informed that the advertising exercise generated 20 requests for particulars and that the survey generated three returned survey forms and one respondent expressed interest in receiving details.

The applicant informed me that one individual expressed an interest to view the property, and a compliance form was sent to the individual which returned indicating that the interested party was solely employed in agriculture. However, the viewing of the property did not take place and I am informed that no offers have been received in respect of the property.

I am of the opinion that there have been a number of flaws in the marketing campaign.

In respect of the marketing price, I note that whilst two valuations were carried out, they were extremely varied I am of the opinion that taking an average of the two was rather simplistic. Having examined properties for sale on the market it appears that one of the valuations was unrealistic and I am therefore of the opinion that the asking price was too high. When considering the asking price, given the fact the bungalow was advertised without the land and nearby buildings, it is likely that the uncertainty of future use of the nearby buildings would have a strong negative impact on any valuation. I am also of the opinion that the discount for the occupancy condition was too small and a minimum discount of 30% should have been applied. I would also add that it would have been beneficial for the marketing price to have been agreed with the local planning authority. Please also be aware that a for sale board was not erected.

I note from the sales particulars that the property advertised for sale was the bungalow at Yew Tree Farm and the plan attached to the sales particulars shows that the area of land offered for sale excluded any of the farm buildings and the 11 acres (4.45 hectares) of grassland.

The commentary to Policy H9 of the Lancaster Local Plan states that every attempt is to be made to ensure that where new forestry or agricultural occupancy housing is permitted that it remains an intricate part of a functioning forestry or agricultural enterprise and is occupied by persons involved in that enterprise in perpetuity.

Yew Tree Bungalow is part of a larger unit which comprises poultry buildings and 11 acres of grassland. Therefore for the marketing exercise to comply with requirements set out in the Local Plan, I am of the view that the bungalow together with the land and the buildings should be marketed as one unit. Indeed, reason 2 of the condition states 'The Reason for imposing the said condition is because the Council would not be prepared to permit the erection of a dwelling on this site unconnected with the use of the adjoining land for agricultural purposes'. Therefore when marketing the property, the land and buildings should have been marketed as a whole. Indeed I contacted the person who provided a positive response to the questionnaires submitted to surrounding farms and satisfied the condition. Whilst a viewing was not made, I understand that this was not due to inaction by this interested party. They also informed me that they would have been interested in possibly acquiring the adjoining land and buildings.

Conclusion

An advertising exercise has been carried out in respect of the bungalow only and that as a result of that exercise no viewings have taken place of the property and no offers have been received. I am of the opinion that the marketing exercise has been too narrow in that it has not offered for sale the unit as a whole, which would include the land and buildings. On this basis, I conclude that it has not been demonstrated that the dwelling is not required for the existing and future needs of any agricultural enterprise in the locality for key worker housing and does not therefore meet the criteria of Policy H9 of the Local Plan. In addition I am of the opinion that marketing price was too high, and that interest was shown following the completion of the questionnaire.

I would be obliged to receive a copy of your Decision Notice in due course.

Yours sincerely



Wayne Selway MRICS FAAV
Land Agent
On behalf of the Director of Property

Agenda Item	Committee Date	Application Number
A8	15 March 2010	10/00007/VCN
Application Site Land At Mossgate Park Mossgate Park Heysham Lancashire	Proposal Variation of condition no. 39 on application 09/00668/FUL to permit the removal of existing bowling greens prior to the provision of the new bowling greens	
Name of Applicant Rushcliffe (Heysham) Ltd	Name of Agent Mr L Oram	
Decision Target Date 6 April 2010	Reason For Delay N/A	
Case Officer	Mr Andrew Drummond	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The 2.85 hectare site currently accommodates 2 bowling greens, a children's play area, a small pavilion, a large area of uncultivated green space and unadopted tracks. The site slopes significantly upwards from Middleton Way in the west to the rear of the existing Community Centre and Methodist Church before falling away again to the east. Most of the existing boundary treatments, such as timber fencing to the residential properties and galvanised steel railings to the Community Centre, belong to the neighbouring uses.

Though the majority of the site has no formal landscaping to speak of (with the exception of some mown grass and flower beds close to the existing bowling greens), it has an open, green appearance with a scattering of young trees and shrubs.

- 1.2 The local environment around the site has a number of different uses. Between the proposed health centre and the proposed sports facilities are a Community Centre and a Methodist Church, whilst north of the proposed health centre are some existing tennis courts. On the opposite side of Middleton Way is an existing health facility with another church and public house further to the north. However, the predominant use in the area is residential, with houses on Douglas Drive to the north bordering the application site.

Access to the proposed scheme is off Middleton Way via Emmaus Road. A new entrance is proposed to serve part of the health centre only.

- 1.3 The western edge of the site fronts onto Middleton Way, a Primary Bus Corridor. The section of the site enclosed by Middleton Way and Emmaus Road is allocated as Urban Green Space and Outdoor Playing Space.

2.0 The Proposal

- 2.1 The purpose of this application is to vary condition 39 attached to planning permission 09/00668/FUL. Condition 39 states

"The existing 2 bowling greens on Middleton Way shall remain in situ and available for use until the 2 new, relocated bowling greens have been completed and brought into use. Reason: To ensure no net loss of sports facilities."

The variation sought by the applicant is to permit the removal of existing bowling greens prior to the provision of the new bowling greens.

2.2 This application does not seek to change the design, scale, form, floorspace or materials of the approved building.

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
09/00668/FUL	Erection of a medical centre, indoor sports centre with associated accommodation, flood lit outdoor sports pitch and associated car parking.	Approved
09/00776/FUL	Relocation of two bowling greens with associated landscaping.	Approved
10/00008/VCN	Variation of Condition 11 on planning permission 09/00776/FUL to permit the removal of the existing bowling greens prior to the provision of the new bowling greens.	Pending

4.0 Consultation Responses

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

Consultees	Response
Sport England	Object to the application. The information submitted with this application is limited and does not address the issues that Sport England raised with the applicant. The proposal in its current form would not provide for replacement bowling greens of an equivalent quantity or quality prior to the existing greens being lost. Therefore the proposal is contrary to Sport England's Planning Policy Objective 2 (prevent the loss of sport development facilities), Lancaster District Local Plan saved policy R1, Core Strategy Policy SC8 and paragraph 13 of PPG17.
Cultural Services	The Service cannot support the request from the applicant to vary condition 39 on application 09/00668/FUL to permit the removal of existing bowling greens prior to the provision of the new bowling greens.
Environmental Health	No objection subject to hours of construction being adhered to (0800-1800 Mon to Fri and 0800-1400 Sat only).
Tree Officer	No significant tree related issues in relation to the proposal.
Parish Council	No comments received within the statutory consultation period.

5.0 Neighbour Representations

5.1 No representations received within the statutory consultation period.

6.0 Principal Development Plan Policies**6.1 National Planning Policy Statements (PPS) and Guidance Notes (PPG)**

PPG17 (Planning for Open Space, Sport and Recreation) - seeks to protect, enhance and provide new open space and sport facilities by assessing existing supply and demand, and making planning decisions based on that robust assessment. Local authorities should use planning obligations or conditions to secure the exchange land, ensure any necessary works are undertaken and that the new facilities are capable of being maintained adequately through management and maintenance agreements.

6.2 Regional Spatial Strategy - adopted September 2008

Policy **L1** (Health, Sport, Recreation, Cultural and Education Services Provision) - ensure that there is provision for all members of the community (including older people, disabled people and the black & minority ethnic population) for sport, recreation and cultural facilities. The facilities should ensure that accessibility by public transport, walking and cycling is a central consideration.

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

Policy **R1** (Outdoor Playing Space) - areas designated as outdoor playing spaces will be protected from development. Exceptionally where there is clear justification for development which would result in the loss of such space, this will be permitted only where sport and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site or alternative provision of equivalent community benefit is made available.

6.4 Lancaster District Core Strategy - adopted July 2008

Policy **SC8** (Recreation and Open Space) - existing sport facilities should be retained unless identified as no longer capable of meeting identified needs through the Open Space and Recreation Study. New provision for formal and informal provision in line with needs identified in the Study.

7.0 Comment and Analysis

7.1 The existing greens are utilised by a bowling club. Their bowling season commences in April, at which time they require access to 2 bowling greens. If the existing greens are removed and the new ones are not ready, they will have no facility to play at. The purpose of Condition 39 is to ensure that the club has access to a playable surface at the start of the new season. Without the condition, there could be a period of time when neither the existing or new greens would be available. This net loss of sports facilities is not satisfactory.

7.2 Furthermore, no information has been submitted to demonstrate:

- When the new greens would be ready;
- What the impact would be on the club in terms of their ability to practice and compete come the start of the season (April);
- What ancillary facilities (toilets and changing facilities) would be provided to meet the club's needs prior to completion of the new sports centre; and,
- How access (including disabled access) would be maintained during the construction of the surrounding development.

The submission makes no allowance for the risk that would be created without the condition. Without adequate provision of a suitable alternative (e.g. temporary access to alternative bowling facilities in the vicinity), the club could be without playable and accessible greens for a period of time. Even with best endeavours unforeseen delays occur, such as adverse weather conditions, that result in delays. The condition should therefore be retained.

8.0 Conclusions

8.1 For the reasons set out above, it is the opinion of the local planning authority that there is no justification for the variation of Condition 39.

Recommendation

That the planning application to vary Condition 39 on planning permission 09/00668/FUL **BE REFUSED** for the following reasons:

1. Removal or variation of Condition 11 to allow the removal of the existing bowling greens prior to the new bowling greens being ready for use could potentially lead to the net loss of outdoor sports facilities, which would be contrary to Planning Policy Guidance 17.

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 A9	Committee Date 15 March 2010	Application Number 10/00008/VCN
Application Site Land At Mossgate Park Mossgate Park Heysham Lancashire	Proposal Variation of condition no. 11 on application 09/00776/FUL to permit the removal of existing bowling greens prior to the provision of the new bowling greens.	
Name of Applicant Rushcliffe (Heysham) Ltd	Name of Agent Mr L Oram	
Decision Target Date 2 March 2010	Reason For Delay Committee cycle	
Case Officer	Mr Andrew Drummond	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The 0.419 hectare site is located in an area of green space found in the predominantly residential area of Heysham.

The site is currently being developed for the permitted 2 bowling greens. With the exception of the fencing that surrounds the Youth and Community Facility and the rear fences of the residential properties on Douglas Drive, no boundary treatments define the site.

It was a sloped site with a natural grass covering, though extensive earthworks have taken place to level the site.

- 1.2 The site is accessed off Middleton Way by way of Emmaus Road which wraps round the existing playground and the southern of the 2 bowling greens. A track runs uphill from Emmaus Road in an easterly direction between Heysham Youth and Community Centre and Heysham Free Methodist Church.

The semi-detached houses on Douglas Drive are located to the north of the site with Heysham Youth and Community Centre to the west. The other 2 boundaries are not currently defined, but rather are a continuation of the site's previous natural grassed state.

- 1.3 Middleton Way forms part of the Primary Bus Corridor whilst the existing tennis courts and bowling green are allocated as Outdoor Playing Spaces along with the Youth and Community Centre. The space fronting Middleton Way is also designated as Urban Greenspace.

The site itself is not subject to any designations.

2.0 The Proposal

- 2.1 The purpose of this application is to vary condition 11 attached to planning permission 09/00776/FUL. Condition 11 states:

"The existing 2 bowling greens on Middleton Way shall remain in situ and available for use until the approved development has been completed and brought into use. Reason: To ensure no net loss of sports facilities."

The variation sought by the applicant is to permit the removal of existing bowling greens prior to the provision of the new bowling greens.

2.2 This application does not seek to change the design, scale, form, access, landscaping or materials of the approved bowling greens.

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
09/00668/FUL	Erection of a medical centre, indoor sports centre with associated accommodation, flood lit outdoor sports pitch and associated car parking	Approved
09/00776/FUL	Relocation of two bowling greens with associated landscaping	Approved
10/00007/VCN	Variation of Condition 39 on planning permission 09/00668/FUL to permit the removal of the existing bowling greens prior to the provision of the new bowling greens	Pending

4.0 Consultation Responses

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

Consultees	Response
Sport England	Object to the application. The information submitted with this application is limited and does not address the issues that Sport England raised with the applicant. The proposal in its current form would not provide for replacement bowling greens of an equivalent quantity or quality prior to the existing greens being lost. Therefore the proposal is contrary to Sport England's Planning Policy Objective 2 (prevent the loss of sport development facilities), Lancaster District Local Plan saved policy R1, Core Strategy Policy SC8 and paragraph 13 of PPG17.
Cultural Services	The Service cannot support the request from the applicant to vary condition 11 on application 09/00776/FUL to permit the removal of existing bowling greens prior to the provision of the new bowling greens.
Environmental Health	No objection subject to hours of construction being adhered to (0800-1800 Mon to Fri and 0800-1400 Sat only).
Tree Officer	No significant tree related issues in relation to the proposal.
Parish Council	No comments received within the statutory consultation period.

5.0 Neighbour Representations

5.1 No representations received within the statutory consultation period.

6.0 Principal Development Plan Policies**6.1 National Planning Policy Statements (PPS) and Guidance Notes (PPG)**

PPG17 (Planning for Open Space, Sport and Recreation) - seeks to protect, enhance and provide new open space and sport facilities by assessing existing supply and demand, and making planning decisions based on that robust assessment. Local authorities should use planning obligations or conditions to secure the exchange land, ensure any necessary works are undertaken and that the new facilities are capable of being maintained adequately through management and maintenance agreements.

6.2 Regional Spatial Strategy - adopted September 2008

Policy **L1** (Health, Sport, Recreation, Cultural and Education Services Provision) - ensure that there is provision for all members of the community (including older people, disabled people and the black & minority ethnic population) for sport, recreation and cultural facilities. The facilities should ensure that accessibility by public transport, walking and cycling is a central consideration.

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

Policy **R1** (Outdoor Playing Space) - areas designated as outdoor playing spaces will be protected from development. Exceptionally where there is clear justification for development which would result in the loss of such space, this will be permitted only where sport and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site or alternative provision of equivalent community benefit is made available.

6.4 Lancaster District Core Strategy - adopted July 2008

Policy **SC8** (Recreation and Open Space) - existing sport facilities should be retained unless identified as no longer capable of meeting identified needs through the Open Space and Recreation Study. New provision for formal and informal provision in line with needs identified in the Study.

7.0 Comment and Analysis

7.1 The existing greens are utilised by a bowling club. Their bowling season commences in April, at which time they require access to 2 bowling greens. If the existing greens are removed and the new ones are not ready, they will have no facility to play at. The purpose of Condition 11 is to ensure that the club has access to a playable surface at the start of the new season. Without the condition, there could be a period of time when neither the existing or new greens would be available. This net loss of sports facilities is not satisfactory.

7.2 Furthermore, no information has been submitted to demonstrate:

- When the new greens would be ready;
- What the impact would be on the club in terms of their ability to practice and compete come the start of the season (April);
- What ancillary facilities (toilets and changing facilities) would be provided to meet the club's needs prior to completion of the new sports centre; and,
- How access (including disabled access) would be maintained during the construction of the surrounding development.

The submission makes no allowance for the risk that would be created without the condition. Without adequate provision of a suitable alternative (e.g. temporary access to alternative bowling facilities in the vicinity), the club could be without playable and accessible greens for a period of time. Even with best endeavours unforeseen delays occur, such as adverse weather conditions, that result in delays. The condition should therefore be retained.

8.0 Conclusions

8.1 For the reasons set out above, it is the opinion of the local planning authority that there is no justification for the variation of Condition 11.

Recommendation

That the planning application to vary Condition 11 on planning permission 09/00776/FUL **BE REFUSED** for the following reasons:

1. Removal or variation of Condition 11 to allow the removal of the existing bowling greens prior to the new bowling greens being ready for use could potentially lead to the net loss of outdoor sports facilities, which would be contrary to Planning Policy Guidance 17.

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 A10	Committee Date 14 March 2010	Application Number 10/00044/CU
Application Site Borwick Lake Fishery	Proposal Change of use of land for the siting of 26 log cabins and creation of an amenity lake	
Name of Applicant Borwick Development Solutions	Name of Agent The Wright Design Partnership, 15 Main Street, Kirkby Lonsdale	
Decision Target Date 19 April 2010	Reason For Delay Not applicable	
Case Officer	Peter Rivet	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 This site is in Warton Parish, between Kellet Lane and M6 motorway. However the nearest village, 0.5 km to the east, is Borwick. The southern end of the area within the applicants' control is reclaimed land, having been worked in the past for sand and gravel, and contains a group of fishing lakes.
- 1.2 The northern end, which includes the current application site, has long been in agricultural use. It is at present open in character, and undeveloped.

2.0 The Proposal

- 2.1 The applicant wishes to diversify his operations by providing holiday accommodation in the form of 26 log cabins. These would be arranged to overlook a new lake. Access would be taken off a new access road, using an existing site entrance.
- 2.2 Two indicative design drawings have been provided showing the types of wooden cabin proposed. These would be quite substantial. Each would have a living room, a kitchen, either two or three bedrooms and a bathroom and a veranda at the entrance. The proposal includes a substantial amount of new planting.
- 2.3 The statement accompanying the proposal argues that the proposal is not intended to compete with the existing chalet parks on the west side of the motorway. It is intended for a different clientele, looking for accommodation with fewer on-site amenities. It is argued that this will be of benefit to the local economy.

3.0 Site History

- 3.1 This is not the first application for log cabins here. An earlier one was submitted in 2008, but withdrawn when it became apparent that it would not receive planning consent and that it conflicted with a Section 106 legal agreement relating to the management of the lakes to the south of the current application site.

3.2 The recent history of the site, including the land immediately to the south of that affected by the current application, is summarised below.

Application Number	Proposal	Decision
03/00698/FUL	Erection of a single storey timber café for the use of fishermen and a two storey timber office/service block	Approved
07/00961/FUL	Resiting of café and two storey timber office/service block	Approved
08/00333/FUL	Resubmission of 07/00961/FUL for resiting of café and two storey timber office/service block	Approved
08/01301/FUL	Two domestic wind turbines and plant room building	Approved
08/01404/CU	Change of use of land for the siting of 26 log cabins and creation of an amenity lake	Withdrawn

4.0 Consultation Responses

4.1 The consultation replies received are as follows:

Consultees	Response
County Council Planning	No comments on this application, which should be assessed against the provisions of the Regional Spatial Strategy for NW England and relevant development plan policies.
County Council Ecology	The present proposal is similar to the previous one (08/01404). They are concerned that the development could be prejudicial to the biodiversity of the area, which is used by breeding and nesting birds. These include Northern Lapwings which are considered to be a UK Biodiversity Action Plan Priority Species. They are also critical of some of the species proposed for the woodland planting which would form part of the development.
County Council Archaeology	Although the current proposals are in an area of known prehistoric settlement, it is their view that the topography of the site means that it is unlikely to contain features of archaeological significance. However the land immediately to the north appears to be the start of a plateau on which at least two Bronze Age ring cairns have been found. Any proposed development in this area would require a pre-determination archaeological assessment.
County Council Highways	The application is a resubmission of 08/01404/CU which was withdrawn. They have no objection in principle, but more detailed drawings are needed to show that the required visibility splays of 2.4m x 120m each side of the site access can be provided. Details are also needed of the 4 mobility parking spaces needed. Provision for cycle parking is also required. If consent is granted, they would wish to see a Section 106 agreement requiring a contribution of £20,000 towards improvements to the Lancaster Canal towpath between Carnforth and Borwick, to encourage its use by cyclists.
Highways Agency	No objections to this application.
Environmental Health	No contaminated land survey has been submitted with the application. If consent is granted, they recommend a construction hours condition. The proposal involves chalets rather than caravans and these are not covered by the spacing standards associated with caravan sites, but as some of them are positioned quite close together, they recommend obtaining the views of the Lancashire Fire & Rescue Service.
Lancashire Fire & Rescue	Observations awaited.
Environment Agency	The site is in Flood Zone 3 (high probability of flooding, 1 in 100 years or greater) but the scheme is accompanied by a Flood Risk Assessment and provided that the recommendations it contains are fully implemented, they have no objections. The

	River Keer is designated a "main river" and no trees or shrubs should be planted, or other structures erected, within 8 metres of the top of its bank without the Agency's consent. They recommend the use of a Sustainable Urban Drainage System to serve the development.
Rambler's Association (Lancaster Group)	Objects - The aspect of the area should be kept open. If permission is granted, a condition should be imposed requiring the provision of off road paths to link the development with public rights of way adjoining the canal and the River Keer.
Warton Parish Council	Concerned about the proposal sewage treatment arrangements. They would like confirmation that the Environment Agency are satisfied that the facilities are adequate to protect the River Keer and the environment in general. They are also concerned about the implications of this type of development on the east side of the M6. They support the comments by the Environment Agency on environmental improvements and those of Lancashire County Council on improvements to the canal towpath. They are also concerned at the number of apparently conflicting proposals on the site from the developer.
Borwick Parish Meeting	Object to the proposal, on the following grounds; <ul style="list-style-type: none"> • Loss of agricultural land, contrary to national policy • Adverse impact on the landscape, especially as seen from the Lancaster Canal • Already enough caravans and log cabins in the area • Will not help meet the housing needs of the area which is for permanent dwellings suitable for elderly people • Highway infrastructure is inadequate for the additional traffic • Land is at present in use during the summer for car boot sales which are of more benefit to the area • The business plan for the development is not credible • The site is inadequately screened for this type of development • Breaches of planning control involving this form of development have not always been pursued effectively • The development would not benefit the local community.
Over Kellet Parish Council	Concerned about the number of log cabins and caravan sites being allowed in this area. If consent is granted, no further units should be added. The issue of drainage and sewage disposal needs to be considered carefully as the area is prone to flooding. The River Keer and the Lancaster Canal need to be safeguarded. In particular, the Keer should not be used as an outlet for waste water.

5.0 Neighbour Representations

- 5.1 Eleven individual letters and emails have been received which object to the application on the following grounds:
- Adverse impact on the landscape;
 - Too many huts/log cabins in the area already;
 - Loss of agricultural land;
 - The highway network serving the area is inadequate.
- 5.2 A petition with signed by 26 local residents has been submitted in line with the objections raised by Borwick Parish Meeting.
- 5.3 Councillor Roger Mace shares the concerns of Borwick Parish Meeting. He considers that the scheme is prejudicial to the amenity value of the landscaping on the site and to the natural environment of the rural villages of Borwick and Priest Hutton.

- 5.4 Councillor Susie Charles objects - she considers that the existing log cabins (on the west side of the motorway) are a blot on the landscape and that no thought has been given to blending them into their surroundings.

6.0 Principal Development Plan Policies

- 6.1 Policy **ER6** of the Core Strategy covers tourism related developments. At the same time policy **SC3** emphasises the need to concentrate development in those villages which provide a basic range of services: a general practitioner, a primary school, a food shop, a post office, and a bus service.
- 6.2 Of the "saved" policies from the Lancaster District Local Plan, policy **E4** requires that development within the countryside should respect its character. Policy **TO6** makes no specific mention of log cabins, but says that the City Council will accept small scale extensions to existing caravan sites where they are accompanied by site improvements and/or landscaping, but not new sites.

7.0 Comment and Analysis

- 7.1 The main issues to be considered here are the appropriateness of the location for this form of development, and its impact on the landscape.
- 7.2 The site is not, in general terms, a sustainable one. While the chalet parks at Pine Lake and Water's Edge, west of the M6, are served by an hourly bus service the Borwick area only has a very infrequent one. The village of Borwick has very little in the way of community facilities. The nearest shops, apart from the specialised ones in the interpretation centre at Greenlands Farm, are in Warton and Carnforth. The footpath network in the area is limited and the development would be almost completely car-oriented.
- 7.3 The proposal is for a chalet park rather than a caravan site, but many of the same considerations apply. The City Council's policy on these allows modest extensions in return for improvements, but not new sites.
- 7.4 So far as the landscape issue is concerned, the site involved here is as previously noted open in character. Although the scheme includes screen planting very little of it exists at present. The proposal would have a significant adverse effect on long distance views of the area. These are particularly important as the site adjoins the M6 motorway. The Keer Valley north of Carnforth is part of the District's "shop window", affecting the perception of the area of people travelling to and from the Lake District and Scotland.
- 7.5 As indicated above policy ER6 of the Core Strategy encourages small scale rural diversification, but the present proposal does not involve the reuse of any existing agricultural buildings on the site. The proposal is not a necessary adjunct of the fishing lake to the south and would do nothing to enhance its setting.

8.0 Conclusions

- 8.1 The proposal is contrary to established planning policies for the area, and cannot be justified in either sustainability or landscape terms.

Recommendation

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

1. Contrary to policy SC3 of the Core Strategy - site is not a sustainable location, as it is poorly served by community facilities, public transport and the local footpath network.
2. Contrary to "saved" policy E4 of the Lancaster District Local Plan - adverse effect on the landscape.
3. Contrary to "saved" policy TO6 of the Lancaster District Local Plan - chalet park would have a similar impact to a caravan park and the proposal involves creation of a new one.

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>15 March 2010</p>	<p>Application Number</p> <p>09/01171/FUL</p>
<p>Application Site</p> <p>Asda Stores Ltd</p> <p>Ovangle Road</p> <p>Lancaster</p> <p>Lancashire</p>	<p>Proposal</p> <p>Erection of a single storey side extension and reconfiguration of car park layout</p>	
<p>Name of Applicant</p> <p>Asda Stores Ltd</p>	<p>Name of Agent</p> <p>Miss Kate Sewell</p>	
<p>Decision Target Date</p> <p>1 March 2010</p>	<p>Reason For Delay</p> <p>Committee Cycle</p>	
<p>Case Officer</p>	<p>Mr Karl Glover</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approve</p>	

1.0 The Site and its Surroundings

- 1.1 The application relates to an Asda supermarket between Lancaster and Morecambe City Centre occupying a roughly triangular site of around 3.6 hectares (c310m East to West and 140m north to south) between the Lancaster-Morecambe Greenway and the Salt Ayre waste disposal site. The site is approximately 1.5 miles from Lancaster's Primary Retail Area; almost 2 miles from Morecambe's Arndale Centre and approximately 0.8 mile from Torrisholme's Local Centre.
- 1.2 The store building occupies the western corner of the site. It is a predominantly brown brick single storey structure dating from the early 1980s with a flat asphalt roof and perimeter tiled mansard roof. The remainder of the site is made up of the store car park, cycle parking, petrol station, bus stop, recycling bins, service yard and well treed mature perimeter landscaping. Prior to the development of the store in 1981, the site was agricultural land.
- 1.3 The site is predominantly flat but rises at its northern edge to meet the Ovangle Road embankment. Views on and off the site are restricted by wooded perimeter landscaping, by the mounded Salt Ayre landfill site to the south and by the embankment carrying Ovangle Road to the north.
- 1.4 The Council's Strategic Flood Risk area identifies most of the eastern part of the site as lying within Flood Zone 3a and the central part, including most of the store building within Flood Zone 3b.
- 1.5 The site is bounded by the embankment carrying Ovangle Road and by the White Lund Industrial Estate beyond to the North West. It is bounded by the Lancaster-Morecambe Greenway and a housing estate beyond to the North East. It is bounded by the Salt Ayre Leisure Centre to the East, by Doris Henderson Way (the access road to the Salt Ayre Leisure Centre) and by the Salt Ayre landfill site beyond to the south east and by a recently built children's nursery to the south west.
- 1.6 Customer vehicular access is from a light controlled junction off Ovangle Road. Service access is off Doris Henderson Way. There is also a vehicular access to Salt Ayre Leisure Centre at the eastern tip of the site. The bus stop within the site is served by Lancaster Bus Route 6A which provides an

hourly service between Lancaster and Morecambe via Westgate. There are two pedestrian accesses onto the Lancaster and Morecambe Greenway. The site has a limited walk in population with residential areas on the north east side only. Lancashire County Council's MARIO map system does not indicate any public rights of way over the site.

1.7 The site does not lie within a Conservation Area or identified area of National or Local Nature Conservation importance.

2.0 The Proposal

2.1 The proposal is for a single storey extension faced in white composite cladding, projecting around 20m to the south eastern front facing Doris Henderson Way. The extension would result in;

- an increase in gross internal floor space of the building from 9619 sq m to 10,665 sq m, an increase of 1046 sq m;
- an increase in trading floor space (excluding checkouts) from 4237 sq m to 5154 sq m, an increase of 917 sq m;
- an increase in net convenience floor space from 2771 sq m to 3230 sq m, an increase of 458 sq m
- an increase in net comparison floor space from 1466 sq m to 1018 sq m, an increase of 459 sq m

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
99/00440/OUT	Outline application for extension to retail store (906 sq m gross)	Approved (Never implemented)
04/00328/REM	Reserved Matters application for the erection of an extension to retail store (836 sq m gross)	Approved (Never implemented)

4.0 Consultation Responses

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

Statutory Consultee	Response
Lancashire County Highways	No objections subject to developer contribution in the form of a Section 278 Agreement (Estimated cost £50,000) towards travel mitigation measures and a further contribution towards highway improvements of £57,000. The contribution should be secured by a S106 Agreement and would principally be used to support public transport to the site.
Travel Plans Coordinator	No objections in principle however a more detailed travel plan with a Travel plan Co-Ordinator, indicating the benefits of active travel and how this will be promoted to staff and customers is recommended. Details of progress on this will be reported verbally to Members.
Forward Planning and Policy	No objections to the proposal in principle, the scheme satisfies the requirements of Planning Policy Statement (PPS) 4 - Planning for Sustainable Economic Growth specific conditions are to be applied.
Environment Agency	No objections to the proposal
Environmental Health Service	No Objections to the proposal
Access Officer	No objections.

Tree Protection Officer	No objections to the proposal, discussions have taken place with the applicant to discuss replacement planting on and off site.
Morecambe Parish Council	No comments received within the statutory consultation period.

5.0 Neighbour Representations

5.1 No correspondence has been received at the time of compiling this report. Any comments subsequently received will be reported verbally.

6.0 Principal Development Plan Policies

6.1 National Planning Policy Statement (PPS)

6.2 PPS 4 (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.

In terms of retail development, the emphasis is on the protection of existing town and local centres. The proposal should not have an adverse impact on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer.

6.3 Lancaster District Core Strategy – adopted July 2008

Policy **SC1** (Sustainable Development) – ensuring new development proposals are as sustainable as possible, minimise greenhouse gas emissions and are adaptable to the likely effects of climate change.

Policy **SC2** (Urban Concentration) – ensuring 98% of new retail floorspace and 95% of new employment floorspace will be accommodated within the existing urban area of Lancaster, Morecambe, Heysham and Carnforth.

Policy **SC5** (Design Quality) – ensuring new development is of a quality which reflects and enhances the positive characteristics of its surroundings, and improves appearance where conditions are unsatisfactory

Policy **SC7** (Development and Flood Risk) – ensuring development proposals and allocations will be assessed in line with PPS25 (Development and Flood Risk)

Policy **ER4** and **ER5** (Town Centres and shopping & New Retail Development) - seeks to maintain the viability and vitality of town centres. ER5 states that retail development should be focused in existing centres to reinforce the vitality and viability of existing centre. Needs which can not be accommodated in existing centres should be in edge of centre locations with good pedestrian links and public access. The preamble states that the Council can not foresee needs fro out of centre comparison floorspace which would outweigh the national policy presumption against such

development.

Policy **ER6** (Renewable Energy) – Seeks to promote renewable energy in the District by promoting micro-renewables through its Development Control policies.

Policy **E1** (Environmental Capital) - Development should protect and enhance nature conservation sites and green spaces, 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, and conserve and enhance landscapes.

Policy **E2** (Transportation Measures) – states that the Council will minimise the need to travel by car by focusing development on town centres and locations which offer a choice of modes of transport.

6.4 Lancaster District Local Plan Policies

Policy **S1** defines the town centre boundaries whereas Policy **S2** relates to new retail development and sets out the criteria for new retail development in edge and out of centre locations, however this policy has now been superseded by policies contained within the Core Strategy.

The only relevant policy in the Local Plan relates to **R21** which requires the provision of disabled access.

7.0 Comment and Analysis

7.1 Sequential Analysis

The sequential analysis has not been carried out in line with the Government's Good Practice guidance on Need, Impact and the Sequential Approach. Sites have not been systematically assessed against the sequential criteria of availability, suitability and viability. There are also errors in the application of the test. For example, availability of the site to the applicant is explicitly **not** a reason to dismiss a sequentially more preferable site. There clearly are available, suitable and viable sites capable of accommodating additional convenience and comparison floor space.

Notwithstanding the above, it is clear that the proposed extension is an intrinsic part of the store and, if there is a case for expanding the store, the extension cannot reasonably be disaggregated. There is clear evidence that the existing Asda store is overtrading in relation to convenience goods. Asda also cite a need to provide wider aisles and a wider range of goods to meet customer aspirations. Given the close relationship between this proposal and the existing store, it is considered that despite the methodological flaws, the applicant has demonstrated that the proposal could not be accommodated on a sequentially preferable site.

7.2 Effect on Planned Investment

The following additional points are made by the applicant in relation to the impact of the proposal on investment.

- The Canal Corridor scheme; Despite the refusal, the site remains suitable for a retail led scheme. The prospects for this will not be adversely affected by the Asda scheme;
- Proposals for development at the Arndale Centre, the Frontierland site and the Sainsbury store at Christie Park will not be affected by the proposal.

Of the schemes identified by the applicant, only the Arndale Centre is a town centre scheme. The Canal Corridor is an edge of centre proposal. The others are out-of-centre and irrelevant to the issue of Town Centre vitality. The applicant's statement also fails to consider the retail and hotel scheme on the former Cinema site. Nonetheless the conclusion is accepted that the proposal is unlikely to have an impact on committed investment proposals in Town Centres.

7.3 Town Centre Investment

The applicant makes the following points in relation to vitality and viability;

- The proposed extension focuses on meeting the needs of existing customers and will not materially impact on existing trading patterns.
- The proposal is small in scale relative to other schemes in Lancaster and Morecambe;
- Lancaster remains a vibrant centre and that this will be boosted further by the proposed investment at Canal Corridor. The key priority is enhancing the mainstream higher end comparison retail offer;
- The development of 459 sq. m. of non-food retailing at the ASDA store will not impact on the viability of the centre, its sub-regional role or the delivery of a future Canal Corridor North scheme;
- The proposal will not therefore impact on Lancaster City Centre;
- In terms of Morecambe, there is a need to consolidate the centre;
- An incremental extension of the ASDA store would have no significant impact over and above that of the Sainsbury's store.
- In considering the Sainsbury's proposals any negative aspects of the proposal would be outweighed by the ability of the Sainsbury's store to claw back lost trade.

7.4 The Sainsbury's approval predates the new national guidance (PPS 4). Whilst it is clear from the evidence that Lancaster is a relatively robust centre, Morecambe remains vulnerable. The recent Sainsbury Store is out of centre and was justified by a full analysis of quantitative need. Nonetheless there is little to suggest that the scale of development proposed would have a significant impact on Morecambe in itself provided that the scale of development proposed and convenience-comparison balance is controlled.

7.5 Effects on Allocated Sites Outside Town Centres

The applicant states that it is not aware of any out-of-centre land use allocations that would be prejudiced by these proposals. Lancaster City Council's Core Strategy does not seek to promote town centre development in out of centre site and this conclusion is accepted

7.6 Renewable Technologies

Some additional explanation has been submitted on energy generation. Energy increases in association with the proposed extension relating to refrigeration, heating and cooling and lighting will be offset by the implementation of a new energy efficient lighting system across the whole store. A new Air Source Heat Pump will deliver 124,500KWh.

7.7 Design

The design of the proposed extension will result in a modern feature on a substantially dated building. It has been discussed with the applicant to try and improve the other areas of the existing building and bring it up to date, in-line with this proposal. This is something the applicant will be looking to do in the near future. The materials to be used include white composite cladding under a flat ply roofing system which will tie in with the existing roof.

7.8 Landscaping

The Tree Protection Officer has reviewed the proposed landscaping scheme and requested a number of amendments. The proposal includes the removal of 30 trees in order to accommodate the development. The requirement for replacement planting has previously identified at a ratio of three new trees for each specimen removed.

7.9 Although this scheme does not intend to replant at this ratio of 3:1, mainly due to the area available for replanting, discussions have taken place and a revised scheme has been received that identifies a total of 33 significant new woodland trees and 12 standard trees leaving a total of 45 new trees along with low growing and medium shrub planting. In addition to this figure, ongoing discussions

continue with the agent to provide nearby off site planting.

7.10 Traffic Impact

From the information supplied in the Transport Assessment Lancashire County Highways are satisfied that the proposed extension will only have a relatively small impact on the wider highway network, and that the signal controlled store access junction will still operate within capacity, although some increase in queuing will result. In this context Lancashire County Highways Officers have observed queue lengths, particularly on the easterly leg from Morecambe Road, at times exceed the numbers given in the analysis (in Appendix J in the TA).

Therefore in order to mitigate as far as possible the traffic impact of this development, the developer should be required to fund an upgrade to the MOVA Control (Microprocessor Optimised Vehicle Actuation – a sensor activated system), including some bus priority measures, at the store traffic signals. This will maintain a reliable service for ASDA customers. The County Council's Cycling Officer has also requested that the developer provide a toucan crossing facility across these signals. These measures should be provided by S278 (Highway) Agreement.

7.11 Parking

The application involves an increase in gross retail floor area, resulting in a small reduction in the overall level of parking. For the mix of retail uses associated with a store of this nature the residual number of spaces at 473 is slightly less than appropriate, however the results of the parking accumulation study, including the justification for the anticipated 4.5% increase in customers indicates that there will be no significant adverse impact as a result of the loss of parking. On the basis of that study it does appear the car park will operate satisfactorily under normal trading situations.

7.12 Travel Plan

At the time of compiling this report a revised travel plan has been sent to Lancashire County Highways' Travel Plan Coordinator for assessment. Progress on this matter will be verbally reported to Members.

8.0 Conclusions

8.1 The proposal is seen to be acceptable in terms of local and national retail planning policies and the retail element is supported by an adequate convenience comparison capacity (60/40 split). The proposal will expand the currently overtrading Asda food store and provide a much improved and efficient service to its customers.

8.2 A draft Section 106 Agreement has already been received with the suggested developer contributions outlined by the highways authority agreed. Subject to the receipt of a satisfactory Travel Plan, anticipated prior to the Committee Meeting, the proposal is seen to be acceptable and can be supported.

Recommendation

That subject to the signing of a Section 106 (legal) agreement covering a financial contribution of £57,000 towards public transport improvements and £50,000 towards traffic impact mitigation measures, Permission **BE GRANTED** subject to the following conditions:

- 1 Standard 3 year planning permission
- 2 Amended Plans
- 3 Development in accordance with approved plans
- 4 Samples of materials to be agreed
- 5 The total gross floor space of the extended store be limited to 10,665 sq m
- 6 The total comparison and convenience net floor space (excluding checkouts) of the extended store be limited to 5154 sq m
- 7 The total net comparison floor space of the extended store shall not exceed 2062 sq m
- 8 The store and extension to be maintained as a single retail store and not subdivided

- 9 Implementation of Landscape Maintenance Programme dated 15th January 2010
- 10 Implementation of Method Statement detailed within tree survey dated 15th January 2010
- 11 Details of the scheme for upgrade (MOVA) to traffic signals (including toucan crossing) at the Asda site entrance to be submitted and agreed
- 12 No store extension to commence until the upgrade for traffic signals have taken place (Condition 11)
- 13 Provision of car parking areas
- 14 Cycle storage details to be agreed
- 15 As may be further requested by consultees or required in connection with any revised proposals

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 A12	Committee Date 15 March 2010	Application Number 10/00072/CU
Application Site The Hawthorns Caravan Park, Main Road, Nether Kellet		Proposal Change of use of land to form an extension to existing caravan park
Name of Applicant Mr D Wright		Name of Agent Mr M Southerton Edmundson Associates, Paddock House, 10 Middle Street, Driffield, E Yorks YO25 6PT
Decision Target Date 28 April 2010		Reason For Delay Not applicable
Case Officer	Peter Rivet	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The applicant has a large, long established holiday caravan site to the north east of Nether Kellet. At present it has consent for 109 static caravans but according to the information accompanying the application, only 99 plots are currently in use.
- 1.2 There are extensive limestone quarries (Back Lane and High Roads) to the north of the site. There is a further one (Dunald Mill) approximately 0.5km to the south.

2.0 The Proposal

- 2.1 The development involves expanding the site to occupy an area of agricultural land to the west of the existing site to provide an additional 10 plots. A further area to the north is shown as incidental open space.
- 2.2 The plans originally submitted only showed nine of these plots. An amended layout (received on 5 February 2010) has therefore been provided showing all of them.

3.0 Site History

- 3.1 The applicants have in the recent past sought to increase the number of plots within their existing site, but the potential for this has been limited. A proposal involving land on its eastern fringe was not pursued as it became apparent that it would have resulted in the loss of much of the planted screen at the side of the Nether Kellet to Over Kellet.
- 3.2 An earlier version of the present proposal was also withdrawn in the face of objections by nearby limestone quarry operators and the County Council that it could restrict mineral workings in the area. The present proposal has been submitted following discussions between the applicants' agent and the City and County Councils.
- 3.3 The recent applications involving The Hawthorns are as follows:

Application Number	Proposal	Decision
03/01229/FUL	Erection of a heritage centre - museum with storage area and disabled toilet	approved
04/00411/FUL	New natural limestone walling to front elevation of storage building and proposed heritage centre	Approved
05/01395/FUL	Erection of a side extension to house to form a garage, utility area, library and ensuite facilities	Approved
07/01761/CU	Siting of 7 new static caravans and change of use of existing 6 touring caravan plots to static and associated landscaping	Withdrawn
08/00545/CU	Siting of 1 new caravan within the site boundary, change of use of existing 6 touring caravans to static and associated landscaping	Approval
09/00930/CU	Change of use of land to form extension to existing caravan site	Withdrawn

4.0 Consultation Responses

4.1 Consultation responses are summarised below.

Consultees	Response
County Council Planning	The application lies within the boundary of the Kellet Quarry mineral resource area and is within the 400 metre consultation zone associated with it. The northern boundary of the site is immediately adjacent to the limestone quarry, but is screened from it by landscaping. The extraction of limestone can result in dust and noise, but the operations are controlled by appropriate planning conditions intended to minimise these. Although the application could sterilise limestone reserves there is a need to balance the competing land uses. On this occasion the extension of the caravan park represents a compromise between them. Therefore they do not wish to object to it.
County Council Highways	No objections. However, they would recommend that the applicant is required to provide one parking space for each caravan unit.
Environmental Health	Caravans must be sited a minimum of 5 metres apart and the site must meet all the relevant standards for holiday caravans.
Arboricultural Officer	Asks for a tree survey in support of the proposal (this has been referred to the applicants' agents).
Environment Agency	Observations awaited.
United Utilities	No objection. A separate metered unit will be needed for each unit.
Nether Kellet Parish Council	No objections. They comment that a great deal of attention has been given by the proprietors to ensure that the site is environmentally friendly and that the visual impact is kept to a minimum.

5.0 Neighbour Representations

5.1 An objection has been received from Aggregate Industries Ltd who operate the nearby limestone quarries. They are concerned that approval of the application could prejudice the working of aggregate mineral reserves and resources of regional importance, and that the development conflicts with the safeguarding policies set out in Minerals Policy Statement 1 – 'Planning and Minerals'. They argue that the development should be advertised as a departure from the development plan; they would wish to see it considered at central government level.

5.2 A further letter has been received from solicitors acting on their behalf. It takes issue with the County Council's view that the present application represents a reasonable compromise between the needs of conflicting uses and that the future need for minerals should take precedence.

5.3 Any representations received as a result of the proposal being advertised on site will be reported orally at Committee.

6.0 Principal Development Plan Policies

6.1 Policy **ER6** of the Core Strategy addresses the issues associated with tourism in the local economy. It states that the Council will monitor the availability and quality of the District's stock of visitor accommodation and make provision for new accommodation where necessary.

6.2 Of the "saved" policies in the Lancaster District Local Plan, **TO6** states that proposals for small scale extensions to existing caravan sites will only be permitted where the proposal would result in a demonstrable improvement to on-site facilities and/or landscaping, and there are no adverse effects on the surrounding countryside or neighbouring properties. At the same time policy **E4** requires that development within countryside areas should be in scale and keeping with the character and natural beauty of the landscape.

6.3 Account has also to be taken of central government advice contained in **MPS1** (Minerals Policy Statement 1) which seeks to safeguard mineral resources.

7.0 Comment and Analysis

7.1 The proposal involves a modest sized and logical extension to the existing caravan site, served by an access drive branching off the existing road network within it. As the Parish Council notes, this is a well managed site with good quality landscaping. The area is already well screened from the road and the impact on the surrounding landscape will be small. The development is therefore compatible with the principles set out in the Core Strategy and with "saved" policies TO6 and E4 of the Lancaster District Local Plan.

7.2 It will be noted that there is a need for a survey of existing trees on the site to accompany the proposal. This has been referred to the applicants. It involves boundary planting, rather than the layout proposed for the additional caravans.

7.3 The objection from Aggregate Industries raises more complex issues. The area around Nether Kellet has significant limestone aggregate resources, for which there is a long term demand. Minerals can only be worked where they are found, and central government advice stresses the importance of safeguarding them from development which could restrict future working of them.

7.4 The earlier version of the current proposal, submitted in 2009, involved caravans on both the northern and southern parts of the application site. It was open to serious objection on these grounds. Because of this the County Council (as the relevant minerals authority) took the view that it should not be permitted.

7.5 The present scheme, as previously noted, leaves the northern end of the site undeveloped. Only the southern end is to contain caravans. Any noise and disturbance from quarry working within this area can be expected to be the same as that associated with the existing site; in fact this area is further away from High Roads and Back Lane than most of the existing caravans. It is therefore difficult to see present and anticipated quarry working being prejudiced by the current proposal. For this reason the County Council has withdrawn its objection.

7.6 Aggregate Industries consider that the implications of the proposal are such that it should be treated as a departure from the Development Plan. They would also like to see it called in for a decision by central government. The view of officers of the City and County Councils is that the proposal is not a departure, and that neither the scale nor the circumstances of the present application justify this approach.

8.0 Conclusions

8.1 Taking these factors into account, it is recommended that permission should be granted, subject to suitably worded conditions based on those attached to previous consents.

Recommendation

That Planning Permission **BE GRANTED** subject to receipt of a satisfactory tree survey, with the following conditions attached:

1. Standard five year condition.
2. Amended plans 5 February 2010 showing twenty static caravan pitches.
3. Development to be carried out in accordance with the approved plans.
4. One parking space to be provided for each caravan.
5. Landscaping to be agreed and implemented.
6. Caravans only to be used for holiday accommodation, and only occupied 1 March to 31st October.

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 A13	Committee Date 15 March 2010	Application Number 09/01188/FUL
Application Site Land at Badgers Wood, Middleton		Proposal Erection of 33 dwellings with associated external works
Name of Applicant PRV Middleton Towers (in administration)		Name of Agent SJD Architects, Hampdon House, Falcon Court, Preston Farm Business Park, Stockton on Tees, Cleveland
Decision Target Date 14 April 2010		Reason For Delay Not applicable
Case Officer	Peter Rivet	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 This gently sloping cliff top site is part of the Middleton retirement village, on the site formerly occupied by Middleton Towers holiday camp. This is on land off Carr Lane, to the south of Middleton.
- 1.2 The first stage of the development is now substantially complete but as a result of problems associated with the recession, the company responsible for the development (Prestigious Homes) is in administration.

2.0 The Proposal

- 2.1 The administrators wish to complete a sufficient element of the development to support an adequate range of community facilities. However, most of the people interested in living in the retirement village are interested in living in bungalows rather than houses or flats.
- 2.2 Consequently they wish to amend the approved layout in order to follow the market. They propose to build 33 two-bedroom bungalows on land that was originally intended for a mixture of bungalows and flats (which would have given a total of 57 dwellings). Some will be entirely single-storey but a number of them will be dormer bungalows, with the second bedroom accommodated in the attic.
- 2.3 As the materials and finishes used will be the same as those of the completed dwellings on the site, the original character of the development will be unchanged.

3.0 Site History

- 3.1 The original planning permission for a retirement village on the holiday camp site, with a maximum of 650 dwellings, was granted by central government, the application having been "called in" for a decision by the Secretary of State. The detailed layout was covered in a reserved matters application in 2005.

3.2 An important feature of the development was that 118 of the dwellings, out of the total of 650 (approximately 20%), were to be "car free". To facilitate this the development was subject to an agreement under Section 106 of the Town & Country Planning Act 1990, requiring the developers to provide a free bus service between the site and the centres of Morecambe and Lancaster.

3.3 The applications directly relevant to the current proposal are as follows:

Application Number	Proposal	Decision
00/00156/OUT	Outline application for a retirement village comprising dwellinghouses, other residential accommodation, retail, leisure, recreation and ancillary administration; creation of a new access and circulation road	Approved by the Secretary of State (September 2002)
05/00740/REM	Reserved matters application for retirement village	Approved
07/00799/FUL	Amended details of layout of retirement village	Approved

4.0 Consultation Responses

4.1 The following consultation replies have been received:

Consultees	Response
Middleton Parish Council	No observations received within the consultation period.
Overton Parish Council	No objections to this application.
County Council Highways	No objections from a highway point of view. They note that the off street highway works, involving the change in priority at the junction of the site access with Carr Lane, are in progress (they were substantially complete at the time of the most recent site inspection).
Environmental Health	Points out that no contaminated land desk study has been provided with the application (this was prepared in association with the earlier proposal and has since been forwarded). Request a construction hours condition, and draw attention to the developers' obligation to minimise dust nuisance.
City Contract Services	No observations received within the consultation period.
Environment Agency	Initially objected as the area is at risk from coastal flooding - this objection has been withdrawn in the light of the Access and Escape Route assessment provided by the applicants' agents. However they ask that a condition should be attached to any consent requiring that a surface water drainage strategy should be submitted before the development is commenced.
United Utilities	No observations received, but they raised no objection to the previous consent here.

5.0 Neighbour Representations

5.1 An objection has been received from a resident of Lancaster who says that he has been unable to find any assessment of the impact of the development on the biodiversity of the site.

5.2 No other representations had been received at the time this report was prepared.

6.0 Principal Development Plan Policies

6.1 Policy **SC3** of the Core Strategy states that development in the rural areas will be concentrated in those settlements which have a full range of community facilities.

6.2 The Lancaster District Local Plan identified the holiday camp as part of a "Tourism Opportunity Site" but while the relevant policy (**TO2**) has been "saved" it is clearly no longer relevant to the current use of the land. The proposal does however need to be considered in relation to "saved" policies **H17**, which addresses sheltered housing, and **E4** which deals with development in the countryside.

6.3 As the proposal involves development intended for older people, "saved" policy **R21** requiring appropriate provision for people with disabilities is particularly important.

7.0 Comment and Analysis

7.1 This proposal involves a site in the countryside, where new housing development would not normally be permitted; but this application involves an existing commitment, rather than a new one. It also involves a significant reduction in the number of dwellings proposed.

7.2 The location is detached from the nearest village, at Middleton, which offers only a limited range of community facilities. However the concept here is of a self contained retirement village with its own shops and community areas. A regular bus service is already running. Consequently the development meets the requirements of policy H17. As the character of the development is unchanged, the proposal remains compatible with policy E4.

7.3 The dwelling types proposed are, as previously noted, very similar to those already built on the site. They are suitable for occupation by people with mobility problems. Some are single storey, while those with attic level accommodation have a ground floor bedroom. They therefore meet the requirements of policy R21.

7.4 The submitted layout shows dedicated car parking for all but seven of the 33 dwellings. It is important to ensure that the 20% car free element of the scheme is maintained. As the development is already subject to an agreement under section 106 of the Town & Country Planning Act 1990 this point will be addressed through a suitably worded condition.

7.5 The objection to the development on ecological grounds will be noted; but the earlier application was accompanied by a detailed environmental assessment of the site. The present proposal involves a less intensive form of development than that previously, on land which has already been cleared and levelled off in preparation for its development, so it does not raise any issues which have not already been considered through the planning process.

8.0 Conclusions

8.1 This is essentially a revised and less intensive layout, and therefore it is recommended that the proposal should be supported.

Recommendation

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

1. Standard three year condition.
2. Development to be carried out in accordance with the approved plan.
3. Accommodation to be occupied by people over 55 only.
4. Location of the 20% of the dwellings to be designated as "car free" to be agreed.
5. Construction to take place only between 08:00 and 18:00 Mondays to Saturdays, with no work on Sundays or officially recognised public holidays.
6. Surface water drainage strategy to be provided (as required by the Environment Agency)
7. All other conditions on previous approval remain

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 A14	Committee Date 15 March 2010	Application Number 09/01236/CU
<p align="center">Application Site</p> <p>Cocked Hat Haws Hill Carnforth Lancashire</p>	<p align="center">Proposal</p> <p>Change of use of former licensed premises to 3 no. apartments</p>	
<p align="center">Name of Applicant</p> <p>Mr Chris Allen</p>	<p align="center">Name of Agent</p> <p>Mr Michael Harrison</p>	
<p align="center">Decision Target Date</p> <p>16 February 2010</p>	<p align="center">Reason For Delay</p>	
<p>Case Officer</p>	<p>Mr Andrew Holden</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval subject to conditions and a unilateral undertaking</p>	

1.0 The Site and its Surroundings

- 1.1 The application site lies at the junction of Lancaster Road and Haws Hill on the southern approach to the town centre of Carnforth, the oblique nature of the road junction gives rise to a triangular shaped site.
- 1.2 The existing building is L-shaped in plan, the principal elevation faces south over an open forecourt whilst the rear wing fronts onto Lancaster Road with an enclosed yard to the rear entered off Haws Hill. The property is two storeys in height with stone walls under a slate roof. The ceiling heights are very tall reflecting the historic use of the building as Primary School built in 1883.
- 1.3 The upper floor is currently vacant with the last use being a drinking establishment with a music licence. The ground floor is also in commercial use with North West Tyres Ltd trading successfully from the ground floor workshop with customer parking on the forecourt and a service entrance at the rear accessed from the rear yard, both the forecourt and rear yard are completely tarmac surfaced. This ground floor use has been present for many years.
- 1.4 The buildings to either side of the application site are both located to the opposite side of the two roads. The properties fronting the street are predominantly two storey residential (terraced and semi-detached) together with a hairdressers, and police station. A children's nursery immediately abuts the northern boundary of the site.

2.0 The Proposal

- 2.1 This application seeks the change of use of the upper floor of the building to three two-bed apartments with associated car parking sited in the rear yard. The apartments are constructed over two floors, the upper floor being introduced within the walls of the first floor and make use of the roof space to the building.

- 2.2 The rear elevation to Lancaster Road has a flat roof dormer introduced into the roof space to enable additional headroom to be gained in the proposed upper floor bedrooms. A total of nine roof windows are also to be introduced into the main roof elevations on Lancaster Road both to its eastern and southern elevations. Access to one unit is to be gained via an existing internal stair case. The other two units are to be accessed via a new external staircase with deck access to the units. An existing external fire escape is to be removed to allow the introduction of the new staircase and deck access. A balcony is also proposed to the Haws Hill gable elevation of the building.
- 2.3 In addition to car parking the rear yard will also contain refuse storage and cycle storage areas. A fire exit and escape route to the ground floor commercial operation is also maintained but no servicing is to take place of the ground floor unit.

3.0 Site History

- 3.1 The recent history includes use as offices and stores for Cannon Hygiene Services who relocated approximately 18 years ago. Conversion works were then undertaken to create a tyre fitting workshop with vehicle parking on the forecourt area; soon after the upper floor was provided with a separate permanent staircase access from the rear yard area and a licensed snooker club was established (1989). With the decline in interest for snooker and the financial failure of two tenants the emphasis changed to a licensed bar with live music, although this use ceased two years ago.
- 3.2 The site was the subject of a very similar recent application (Ref: 09/00949/CU) to that currently under consideration. The earlier application raised significant questions over the potential for noise disturbance from the ground floor commercial operation and did not provide any information in respect of an acoustic investigation/mitigation. As a consequence of discussions, the application was subsequently withdrawn to allow a Noise Assessment to be undertaken. The current application has now incorporated such acoustic investigation for consideration.

4.0 Consultation Responses

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

Statutory Consultee	Response
County Highways	The new submission has addressed most of the issues raised in the earlier application but two of the spaces are still likely to be inconvenient to use. Add conditions regarding provision of approved car parking and cycle storage.
Environmental Health	Concludes that the recommendations of the noise consultant assessment be incorporated into the scheme (soundproofing scheme in accordance with B Regulations.). Suggest hours of operation restriction of ground floor use as per noise consultants report.
Housing Policy Officer	2004 Housing Needs survey generally states there is an oversupply of 2 bed flats in the North of the District.
Carnforth Town Council	Approve in principle.

5.0 Neighbour Representations

- 5.1 Single letter of objection received from a neighbouring residential property concerned with potential overlooking of the neighbouring residential properties from the upper floors of the development.

6.0 Principal Development Plan Policies

- 6.1 Lancaster District Local Plan (LDLP) – Policy **H21** (Flat Conversions) sets out the principles and standards to be achieve. Development will be permitted in accordance with the spatial requirements of Appendix 2 of the LDLP.

- 6.2 Lancaster Core Strategy – Policies **SC1** (Sustainable Development) detail the principle of sustainable locations and development, whilst Policy **SC2** (Urban Concentration) seeks to ensure that 90% of new dwellings are concentrated within the main urban areas (Lancaster, Morecambe, Heysham and Carnforth).

7.0 Comment and Analysis

- 7.1 The application site is located in a highly sustainable location within the centre of Carnforth and close to all local services including shops and public transport. As such the location of the site for residential use is one which, in principle, could be supported through planning policy. The key consideration for this development is one of practicability and in particular the impact of the existing ground floor commercial operation upon any upper floor residential accommodation. In addition, the design of the conversion, external alterations and potential impact upon neighbouring uses must also be considered.
- 7.2 All units provide very spacious accommodation for a two bed unit with the smaller unit being approximately 110 sq.m (1100 sq.ft) and the largest is over 180 sq.m. All but one of the bedrooms is located within the newly developed upper floor utilising the upper walls and roof space. In spatial terms, the proposed units are to be developed well in excess of the minimum requirements laid down in Appendix 2 of the Lancaster District Local Plan.
- 7.3 Car parking for four cars (three residents plus one visitor) is to be provided within the rear courtyard and is to be accessed from Haws Hill. The entrance is to be altered to suitable access widths involving rebuilding part of the stone wall fronting Haws Hill. In addition, a new pedestrian entrance is to be created off the courtyard onto the pedestrian route between Lancaster Road and Haws Hill. County Highways have considered the parking and access layout and advise that the proposed arrangement will allow for vehicles to enter and exit the site in a forward gear, but it is a little inconvenient (but not inaccessible) to use two of the spaces. However there is no formal objection to the parking arrangement.
- 7.4 The courtyard area was originally utilised as an access/exit route to the ground floor commercial unit. This is to be lost and the large doors reduced to a personnel fire exit route only. Cycle storage is to be developed within a ground floor store along with refuse storage.
- 7.5 As originally submitted, the application sought to introduce a first floor balcony to the Haws Hill gable elevation of the building. The balcony is constructed over an historic single storey extension to the building. The balcony raised some issues of overlooking of neighbouring dwelling but this was obliquely at a reasonable distance. The balcony is located in a prominent position on the building and within the street scene and as a consequence was considered to detract from the appearance of the building. Following discussion with the agent the balcony has been removed from the proposal.
- 7.6 Dormer extensions are to be introduced into the roof space on the internal face of the roof structure facing Haws Hill. The architect has sought to develop a simple dormer construction introducing oak boarding to the main elevation under a flat roof construction. This design approach is considered to introduce a simple form of dormer which will not detract from the original roof forms of the building.
- 7.7 Development of new residential units would normally result in the Local Planning Authority seeking the introduction of renewable energy provision within the development. The applicant has expressed concerns over the ability to introduce such measure without undue impact on the roof form of the building. The site is already developed and in practice ground-sourced energy generation would be impractical to develop. As a result it is common to investigate solar panels or photovoltaic cells within the roof slope. The site sits in a prominent location on the main approach into Carnforth from the south and the only practical roof slope for energy generation is the southern slope facing directly down Lancaster Road. It is considered that the introduction of sufficient panels or cells on this elevation would have a detrimental appearance on a prominent and historic building. Whilst only currently under appraisal, the boundary of a Carnforth Conservation Area would start at its southern end with this building and it has been identified as an important building in the historical development of Carnforth. Consequently, it is not proposed to condition the introduction of energy generation measures to site but seek the levels of thermal insulation of the building to be significantly higher than current Building Regulation requirements.

7.8 Noise Assessment

As stated earlier in the report, a key issue is the significant issue of the potential for noise disturbance from the ground floor commercial tyre-fitting operation. The current application has been supported with a detailed Noise Assessment which has satisfactorily taken account of the relationship of the commercial operation to the development site and the varied form of noise emanating from this form of commercial operation. The assessment concludes with a series of measures which, if implemented, are considered to mitigate the noise impact of the commercial operation upon the residential units. Environmental Health has considered the report and concluded that subject to the mitigation measures recommended in the report being implemented, this will prevent adverse noise impact from the existing commercial operation. Hours of use are also suggested to ensure only daytime working is undertaken at the commercial operation. This reflects the current working practices which have been in place for many years.

7.9 The current ground floor use of the building falls within Class B2 (General Industry) of the Use Class Order 2005 and as such could be used for any general industrial use with unrestricted hours of operation. This open use of the site is of concern and had been raised as part of the initial discussion over the original application. The noise assessment and subsequent mitigation relates only to the incumbent ground floor use. Consequently, any changes to the use could result in additional noise intrusion which has not been assessed and mitigated for. The applicant has clear commercial interest in ensuring that the current long term tenant can continue to operate at the site but has been willing to look at ways of restricting and possibly improving the nature of the ground floor use in the longer term. Following discussion, the applicant has put forward a Unilateral Undertaking restricting both the use of the ground floor commercial unit and its hours of operation. The use restriction is to be as an existing (tyre centre) within Class B2 only or any use within Class B1 (Business) of the Use Classes Order. This will prevent any other use which is potentially more noise-generating from occupying the ground floor and could, in time, result in a less obtrusive use in the premises (e.g. offices, light industrial). The hours restriction is to be 0800-1730 (Monday to Friday) and 0800-1600 on Saturday with no working on Sundays. These reflect the hours currently operated at the site.

7.10 It is considered that the restrictions set down by the Unilateral Undertaking are considered to be sufficient to control the nature of the ground floor operation to a degree which will enable the noise mitigation to function and the relationship between commercial and residential uses to be acceptable.

8.0 Conclusions

8.1 Overall, the development will provide three substantial two bedded residential in a highly sustainable location in the centre of Carnforth. Subject to the receipt of an acceptable Unilateral Undertaking to control the use of the property as a whole and appropriate conditions ensuring the provision of appropriate noise mitigation measure it is considered that the amenity levels for residential use in this location will be acceptable. As such, the creation of residential units in this location as considered to accord with planning policy and should be supported.

Recommendation

Subject to receipt of the afore-mentioned Unilateral Undertaking, Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard Time Limit
2. Development to be built in accordance with approved plans
3. Amended plans omitting balcony.
4. No servicing /storage in association of the ground floor operation to take place in the rear yard.
5. Levels of thermal insulation at least 15 % higher than current Building Regulations requirements.
6. Hours of construction
7. Car parking provision
8. Cycle storage provision
9. Details of the following – roof lights, windows, deck access and balustrade, mezzanine floor construction, refuse storage enclosure and height of new boundary wall.
10. As may be required by consultees.

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 A15	Committee Date 15 March 2010	Application Number 10/00046/FUL
Application Site Oaklands Pathfinders Drive Lancaster Lancashire	Proposal Refurbishment and alterations of existing building and construction of new access road to create an in-patient adult unit (Use Class C2) with "Section 136" suite, a facility for police to use should they believe someone needs immediate care and assessment in a safe environment (Use Class C2A)	
Name of Applicant Lancashire Care NHS Foundation Trust	Name of Agent De Pol Associates Mr Paul Walton	
Decision Target Date 17 March 2010	Reason For Delay None	
Case Officer	Mrs Jennifer Rehman	
Departure	None	
Summary of Recommendation	Approval, subject to conditions	

1.0 The Site and its Surroundings

- 1.1 The site that is the subject of this application forms part of the Pathfinders Drive complex off Ashton Road, Lancaster which has been used some considerable time by the Lancashire Care NHS Foundation Trust (LCFT). The LCFT complex is accessed off the western side of Ashton Road, close to the junction onto Cherry Tree Drive south of the built-up area of the city. The complex consists of a number of buildings including two converted listed barns. The Oaklands Unit (the application site) is situated in the south western corner of the site bound by agricultural land to the south and west. North of the proposed building stands Derby Home, a vacant stone building separated from the application site by the internal road layout and parking. North and East Barns are situated to the east of Oaklands.
- 1.2 The Oaklands Unit is largely single storey with some basement accommodation where the building adapts to the site contours. This is more apparent on the eastern elevation which is two-storey in appearance. The building is relatively modern, built in 1999 and constructed using reconstituted stone masonry blocks, feature cills and lintels under smooth interlocking concrete tiles.
- 1.3 The site relates to the former Royal Albert Site; an unallocated parcel of land on the Local Plan proposals map. Beyond a small allocated housing opportunity site, the land to the north and east enjoys protected Urban Greenspace and Key Urban Landscape designations. This area extends up to the southern boundary of Haverbreaks Estate.

2.0 The Proposal

- 2.1 The application is in two parts:

- (i) A change of use from Class C2 use class to a mixed use of C2 (Residential Institution) and Class C2A (Secure Residential Institution); and,
- (ii) Proposed extensions and alterations to the access.

2.2 The proposals are to provide a modern in-patient unit for local people, catering for adults of all ages (18+) with functional mental health illness, together with a new Section 136 Suite (see paragraph 2.5 of this report for clarification). The scheme involves the refurbishment of the building; three small extensions and the construction of a short length of new road to provide a vehicular access to the Section 136 Suite. The out-patient and day care services currently located at the Oaklands Unit will eventually be re-located in the Community Mental Health Resource Centre which is to be developed in the derelict Derby Home adjacent to the application site. The overall effect of the proposals and the reorganisation of services on the site are to provide people of Lancaster and Morecambe with a Mental Health facility catering for adults of all ages.

2.3 The three extensions consist of the following:

1. Garden room extension to the south elevation measuring 4.2m x 6.5m splayed corners with a ridge height of 4.5m. This shall be finished in stone to match and a solid tile roof to match;
2. Internal courtyard extension to proposed the Section 136 Suite measuring 4.2m x 7m again with a ridge height of 4.5m and finished in stone with a tiled roof;
3. Extension to the northern elevation to provide visitor café and reception area measuring 7.5m x 7.8m with a ridge height of 3.9m This extension has a gable parapet façade with a pitched roof consisting of large areas of glazing to both the roof and walls.

2.4 The access road extends from the existing turning facility to the north western corner of the building wrapping around the western elevation to provide direct access to the Section 136 Suite. Two enclosed and secure gardens shall be formed on the southern elevation consisting of solid close boarded timber fences.

2.5 For clarification, the reference to Section 136 relates to Section 136 of the Mental Health Act 1983, which allows a Police Officer to remove a person who they think may be suffering a mental disorder and needs direct care and control in the interests of their own protection and the protection of others. Such persons are transferred to a safe environment, generally referred to as a Section 136 Suite, and usually located within hospitals. The 136 Suite is currently located at Royal Lancaster Infirmary.

3.0 Site History

3.1 The most relevant applications are listed in the box below:

Application Number	Proposal	Decision
97/00885/OUT	Outline application for the creation of a new access, conversion of listed buildings to form offices for the Lancaster Priority Trust and erection of a continuing care unit from the elderly.	Approved
98/00233/REM	Reserved Matters for the creation of a new access, conversion of listed buildings to form offices for the Priority Trust and erection of a continuing care unit from the elderly.	Approved
98/00123/LB	Listed Building application for alterations and extensions to form offices for the Lancaster Priority Trust.	Approved

4.0 Consultation Responses

4.1 At the time of compiling this report, the following representations have been received:

Statutory Consultee	Response
County Highways	No objections in principle, provided secure cycle storage can be provided. The application is small in scale and is unlikely to have a significant highway impact.
Environmental Health Service	No objections to the development provided an 'unforeseen contamination' condition and an hours of construction condition are imposed.
Lancashire Constabulary	No objections to the development. Recommendations include appropriate landscaping and CCTV in the interests of surveillance.
Access Officer	No objections provided details concerning the installation of a magnetic hearing loop are brought to the applicant's attention.

5.0 Neighbour Representations

5.1 At the time of compiling this report 4 letters have been received. One of these representations is in support of the proposal but with some reservations regarding parking. The other three letters raise no objections but express the following concerns:

- If the number of staff and visitors increase, the existing provision of car parking will be insufficient and could lead to an increase in on-street parking on Ashton Road – close to existing residential properties.
- Development encroaches already limited outdoor space

6.0 Principal Development Plan Policies

6.1 Lancaster District Core Strategy (CS)

Policy **SC1** (Sustainable Development) and **SC2** (Urban Concentration) of the CS emphasises the need to build healthy sustainable communities by focussing development where it will support the vitality of existing settlements, regenerate areas of need and minimise the need to travel.

Policy **SC5** (Achieving Quality in Design) seeks new development to reflect and enhance the positive characteristics of its surroundings.

Policy **SC6** (Crime and Community Safety) seeks to build sustainable communities that are safe and attractive by ensuring development proposals contribute to and enhance community safety.

Policy **E2** (Transportation Measures) seeks this policy seeks to improve residents quality of life and minimise the environmental impacts of traffic by focusing development on town centres and locations which offer a choice of modes of transport and improve accessibility by walking and cycling.

Lancaster District Local Plan (LDLP)

Policy **R21** (Access for People with Disabilities) requires that where appropriate, access provision should be made for people with disabilities.

7.0 Comment and Analysis

7.1 Principle of the Development

The key issues for Members to consider in determining this application are:

- Whether the use is acceptable in principle in terms of CS Policy SC1 and SC2; and,
- Whether the extensions and access alterations proposed are acceptable in terms of design, scale, appearance and use of materials.

7.2 The Oaklands Unit already functions as an in-patient unit for older people with mental health illnesses, standing within a site which is used to provide mental health facilities serving Lancaster District. The predominant use of the building will remain for C2 residential care. The only difference with the submitted proposal is the inclusion of the secure residential facility which, due to its secure nature, falls within the C2A use class. The proposed Section 136 suite is moderate in scale and contained within the fabric of the building, located in the central courtyard where it can be carefully managed and is secure from the rest of the site.

7.3 The intention is that the facility will provide a high quality in-patient unit for all adults, replacing some of the existing facilities that will be lost as a result of the intended closure of Ridge Lea Hospital and improving facilities already provided on the Pathfinders Drive site. The use of the building for C2 and C2A uses represents an appropriate use in this location given the current use of the Pathfinders Drive site. Members are advised that the provision of this facility will enhance the range of mental health facilities and services within the Lancaster area and will be beneficial to the wider community.

7.4 Appearance and Quality of Design

The detailed design of the proposed extensions is consistent with the design quality, external appearance and general finish of the existing unit. The Section 136 Suite is located entirely within the existing courtyard built to the same form and appearance as the existing building. Few windows are proposed on this extension, other than the elevation facing the courtyard due to the proximity of other bedrooms within the Unit.

7.5 The garden room extension on the south elevation sits at an elevated position behind properties on Ashton Road. Whilst the roof may be visible from the rear of these properties, a 2m high close boarded timber fence obscures any views out towards these properties and screens the development from the surrounding area, particularly from Ashton Road. Notwithstanding this, there is a substantial separation distance between the proposed garden room and neighbouring properties.

7.6 The extension to the front is more substantial but it sited behind a larger projection forming part of the eastern elevation. As a consequence this element of the scheme is only visible on approach to the Oaklands Unit and will not be visible from the listed barns to the east. The design and appearance of this extension represents that of the existing building. The use of extensive areas of glazing provides a more attractive entrance to the building and creates a naturally well-lit space.

7.7 The extensions are all modest in scale and in keeping with the form, design and appearance of the existing building. There would be no impact on nearby residents or the visual amenities of the surrounding area.

7.8 Parking & Access

It is proposed that the existing parking arrangements at the Pathfinders Drive site will be maintained. There is no additional parking proposed by this application on the basis that the proposals will have a negligible impact on traffic movements and parking provision. The extensions and refurbishment of the building will lead to only five additional rooms, including the Section 136 Suite. There are 19 parking spaces available in the car park situated adjacent to the Oaklands Unit. There are also a number of other spaces available on the larger car park next to the converted barns. In this regard the existing provision on the Pathfinders Drive site is considered sufficient in this case. County Highways have raised no objections to the proposal provided secure cycle parking can be provided on site. Officers are currently negotiating with the developer to secure this. The outcome of these discussions will be reported verbally at the committee meeting.

7.9 The new access road is an extension to the existing turning head and shall run along the west side of the building wrapping around the rear to the Section 136 Suite. The access involves some minor excavation of the existing grassed slope in order to construct the 3.5m wide road. A small retaining wall will be required alongside this new access road. The plans also indicate that the access road will take the form of a grasscrete type road to limit visual impact, and the precise details of this can be conditioned. The access track is well screened by the existing building and will only be occasionally used in connection with the Section 136 Suite. This raises no planning concerns.

8.0 Conclusions

- 8.1 The Oaklands building stands within a larger site which is largely given over to the mental health service. The proposed change of use and extensions to the Oaklands Unit shall contribute to improvements to this service in the interests of supporting the wider community. The extensions are modest in scale and have no impact on nearby residents or the visual amenities of the site itself and its surroundings. The slight increase in in-patient rooms will have a negligible impact on the existing access and parking arrangement.
- 8.2 Based on the above considerations, Members are advised that the proposal can be supported.

Recommendation

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

1. Standard Time Limit
2. Development to be carried out in accordance with the approved plans
3. Amended plans (awaiting site plan showing cycle provision)
4. External materials to match those of the existing building
5. Detail of the external paving materials, materials and finish to retaining wall and surfacing of new access road.
6. Cycle parking to be provided and retained
7. Building restricted to that applied for (C2 and C2A)
8. Standard hours of construction
9. Unforeseen contamination

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 A16	Committee Date 15 March 2010	Application Number 10/00108/CU
Application Site 6A Lines Street, Morecambe, Lancashire LA4 5ES	Proposal Change of use of former store at first floor to a self contained 2 bed apartment	
Name of Applicant Mr Steve Hughes	Name of Agent Michael Harrison	
Decision Target Date 2 April 2010	Reason For Delay Not applicable	
Case Officer	Peter Rivet	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 This application was originally identified as one which could be determined by the Head of Planning Services under delegated powers. It has been referred to Committee at the request of Councillor Archer, because of the possible impact of the development on one of the neighbouring businesses.
- 1.2 The property occupies part of an island site on the edge of the centre of Morecambe. The building concerned is occupied by a mix of retail and industrial uses. It has recently been renovated as part of a programme of improvements to the Morecambe Conservation Area.

2.0 The Proposal

- 2.1 The applicant wishes to convert part of the first floor to a flat. The accommodation would consist of a living room/kitchen, two bedrooms and a bathroom. As there is no open space available within the curtilage an internal bin store would be provided at the entrance, next to the stairway.
- 2.2 The present application differs from its predecessors in that it no longer involves the area directly above the printing works. Instead, the living accommodation would occupy the area above an art shop. The floorspace over the Deansgate side of the building would continue to be used for storage purposes only.
- 2.3 The proposal is accompanied by a report from an acoustic consultant. This concludes that the sound insulation measures within the building pass the standards set out in the Building Regulations.

3.0 Site History

- 3.1 The current proposal is not the first for this development. Previous applications for flats have been refused, because of concerns about the compatibility of residential use with the general industrial use on the ground floor of the Deansgate side of the building.

Application Number	Proposal	Decision
03/00442/CU	Change of use of first floor store to self-contained flat	Refused
03/00730/CU	Change of use of first floor store to offices	Refused
07/00600/CU	Change of use of first floor store into 2 self contained flats	Withdrawn
08/00181/CU	Change of use of first floor store into 1 self contained flat	Refused

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Consultees	Response
Environmental Health	The acoustic report does not specify exactly where the readings were taken from, nor does it indicate what additional insulation has been installed. They are concerned about the combination of residential accommodation with a general industrial use in the same building.
Housing Policy Officer	No objections.
Morecambe Town Council	No observations received at the time this report was prepared.

5.0 Neighbour Representations

5.1 Two objections have been received. One is from the Central Printing Company, who occupy premises at Deansgate, on the opposite side of the building from 6 Lines Street. They are concerned that vibration from their machinery could be a source of serious nuisance to occupiers of the flat and that this could prejudice the future of their business. A copy of this letter appears at the end of the report.

5.2 Another letter comes from the owner of 3 Deansgate who shares their concern. He also draws attention to conversion work on the premises, which they say appears to have been taking place in advance of consent being granted.

6.0 Principal Development Plan Policies

6.1 Policy **SC1** of the Lancaster District Core Strategy encourages sustainable development, in locations where it is convenient to walk, cycle and travel by public transport.

6.2 The proposal has also to be considered in relation to "saved" policy **H21** of the Lancaster District Local Plan (LDLP), which requires that flat conversions comply with the standards set out in appendix 2 of the Plan. As the site is in a Conservation Area, "saved" Policy **E36** which refers to changes of use within them is relevant.

6.3 Finally, note has to be taken of central government advice as set out in PPG24 (Planning Policy Guidance: Noise). This states that local planning authorities should consider carefully whether proposals for noise sensitive development would be compatible with existing activities.

7.0 Comment and Analysis

7.1 In general the use of accommodation above shops in town centres for residential use is to be welcomed. They can provide low-cost accommodation in accessible locations which is particularly suitable for people of limited means who are dependant on public transport, and ensures that the upper floors of buildings is maintained to a satisfactory standard.

7.2 The internal layout of the accommodation meets the standards set out in Appendix 2 of the LDLP. The main bedroom provides more than the 10.2 sq.m minimum floorspace required for a double bedroom. The outlook over Deansgate is a reasonably open one. The lack of any open space within the curtilage is a limitation but the architect has partly addressed this by providing an enclosed bin store adjoining the door to the flat, underneath the stairs. Arrangements of this kind have been accepted for flats above shops elsewhere in the centre of Morecambe.

- 7.3 The difficulty here is that part of the ground floor of the building is occupied not by a retailer, but by a general industrial (Class B2) use. Printing involves the use of noisy machinery, and the nature of the business means that from time to time printers have to work late in the evening to meet deadlines.
- 7.4 In this case the building also has a concrete floor and there are steel columns resting on it supporting the upper storeys. This means that noise transmission from the print works is particularly difficult to contain.
- 7.5 It should also be noted that if the printing workshop were to move, it would be possible for any other class B2 user (such as a motorcycle repairer) to take over the premises, without any need for a further planning permission. The acoustic report indicates that the insulation installed meets Building Regulations standards, but these are intended to insulate one flat from another rather than from machinery such as that used by printing workshops.

8.0 Planning Obligations

- 8.1 None involved in this application.

9.0 Conclusions

- 9.1 Taking these considerations into account, and specifically the continued reservations of the Environmental Health Service in respect of the Noise Assessment, the local planning authority cannot guarantee an acceptable standard of amenity for the proposed flat, and therefore it is recommended that permission should be refused.

Recommendation

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

1. Insufficient evidence to demonstrate that the transmission of noise and vibration from the adjoining workshop will not cause nuisance to residents of the living accommodation.

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. Letter from the Central Printing Company setting out their concerns about the proposal.

Central Printing Co.,
Deansgate,
Off Queen Street,
Morecambe.
LA4 5HD

Telephone & Fax: 01524 423531

Est. 1972
Printers & Stationers

CENTRAL
PRINTING COMPANY

Proprietors: R.D., S.J. & D.J. Coxhill

19th February, 2010

Planning Services
Development Control Team
PO Box 4 Town Hall
Lancaster LA1 1QR

Dear Sir/Madam

Re Planning Application No. 10/00108/FUL
at 6A Lines Street, Morecambe, LA4 5ES

Change of use of first floor warehouse/store-room into a self contained 2 bed apartment.

We wish to register concern regarding the above application.

We own the property directly below part of the property in question and for the last 28 years it has been a printing works, during this time the property above us has been a storeroom/warehouse, therefore the considerable noise and vibration generated by our printing presses and possible smells from the printing ink have not been a problem to anyone above us.

Our main concern is that should a dwelling be constructed adjoining our premises, the vibration or noise from our presses would be a serious nuisance to any residents and that any such planning application, if granted, would give the new owners of the flat rights against us. I am advised by solicitors that planning legislation requires that no dwelling be erected within thirty meters of a noisy business and it is quite clear to us that if planning permission was granted it would transgress that legislation.

On more than one previous occasion change of use has been refused for this particular warehouse for various reasons including the fact that the development would be contrary to central government advice as set out in PPG 24 (Planning Policy Guidance: Planning and noise).

I attended the meeting of the Planning Committee in May 2008, when this same application was rejected (15 votes against, none in favour) on the grounds that the warehouse was unsuitable as a dwelling, being in such close proximity to our printing works, and due to the vibration and noise that we generate.

I am aware that Mr. Hughes has recently carried out soundproofing works and that sound tests between separating floors are said to have passed the sound insulation standards of The Building Regulations. This may be the case but in these particular circumstances there can be no guarantee that the works carried out are sufficient to prevent our noise and vibration being noticed from above. Prior to commencement of the recent soundproofing works, we co-operated with sound engineers Martec Environmental Consultants by operating each of our machines as requested, while they monitored the sound/vibration as received at the warehouse above. Since the soundproofing has been completed, we have not been asked to participate in any further tests to establish its effectiveness.

Therefore before any planning permission is granted, I request a site visit by the planning committee (whilst our machinery is in production) to establish the effectiveness of Mr. Hughes' sound/vibration proofing.

I request this because at present in the print works we can hear noise coming from Mr. Hughes' property and therefore as we generate much more noise and vibration than he does, I think it reasonable to assume that our noise can be heard above.

My only concern is for the future of our business for as you are aware, if Mr. Hughes' warehouse becomes a dwelling then the whole responsibility of sound/vibration proofing is shifted from himself on to us and consequently, if we could not effectively stop the sound and vibration travelling upwards, as I believe to be the case, then we would have to close down our business after over 28 years here, putting three people out of work. This would not only be against natural justice but, in my opinion, morally wrong.

I have one question: Can we be assured absolutely that any soundproofing that has been carried out by Mr. Hughes is sufficient to stop any sound or vibration travelling from our machinery to his property and, if not, after planning permission has been granted, will HE have to remedy it or will the responsibility be shifted on to us?

In view of the above we would request that this application be heard by the Planning Committee and not delegated.

R. D. Coxhill, S.J. Coxhill, D.J. Coxhill.

Agenda Item A17	Committee Date 15 March 2010	Application Number 09/01015/CU
Application Site 4 Old Station Yard Kirkby Lonsdale Carnforth Lancashire LA6 2HP	Proposal Retrospective application for use of land and buildings for stone working, storage and distribution (B2/B8 use) and retention of an open-fronted workshop building	
Name of Applicant Fairhurst Stone	Name of Agent Mrs Miranda Barnes	
Decision Target Date 18 December 2009	Reason For Delay Not applicable	
Case Officer	Martin Culbert	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The site is located at the northern end of the Old Station Yard industrial area, to the South of Kirkby Lonsdale and the west of the A65. The industrial estate is 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.
- 1.2 There are two residential properties adjacent to the southern end of the estate close to the estate road entrance and a further residential property to the east of the estate mid way up its length, separated by a narrow fields 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 former A65 road which has a good 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 is occupied by either large mounds of uncut stone or pallets of finished product awaiting delivery, to the extent that little space is left for vehicle turning or parking. This has resulted in much parking or articulated lorries, trailers and stone skips (both loaded and unloaded) on the estate road and the reversing of articulated lorries from the old A65, along the estate road to the site.

2.0 The Proposal

- 2.1 This proposal is a retrospective application for the 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 an unauthorised open fronted workshop building backing onto the west side of the plot.
- 2.2 These 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 to some degree for 6 years and now employs over 20 local people.
- 2.3 The business operates from 07:00 to 17:30 Monday to Friday, 07:00 to 1200 Saturday and not at all on Sunday.
- 2.4 The processes and activities involve the following:-
- a) The importation of stone flags from the applicant's quarries, for storage in large, pallets and distribution when required using large HGV's.
 - b) The importation of large rocks from the quarries for storage and transfer to the processing plant as required.
 - c) The transfer of the rocks by JCB to the processing plant either within the building or externally where it is washed and cut using fixed saw equipment.
 - d) The cut stone is then transferred to the open fronted building to be cropped and finished used fixed machinery including a stone tumbler. Or cut and polished by hand held equipment.
 - e) The finished products are then either stored in pallets using fork lifts or transported to the skips using tipper trucks.
- 2.5 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 Members will note that this is a retrospective application and has been submitted following complaints, investigation by the Planning Control Section and discussions with the applicants and their agents. A detailed explanation of how events have unfolded is provided at paragraphs 3.5-3.9.
- 3.2 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, 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. The uses of the adjoining industrial/ commercial sites are generally in accordance with the approved consents.

- 3.3 It is perhaps worth noting recent history in relation to Unit 3. This was granted consent (Ref: 98/00988/CU) for its change of use from light industry and storage to agricultural engineering (including steel fabrications), which is clearly a General Industrial (B2) use. This permission was subject to a raft of conditions to limit its impact on its surroundings and local residents, including no outside working and your officers are not aware that the subsequent application for this unit, have

given rise to any complaints from local residents to date. The precedent for the use of parts of the site for general purposes has clearly therefore been established.

3.4 There is a current separate enforcement enquiry regarding the alleged use of one of the units as a brewery but this should not affect the consideration of this current application

3.5 The Retrospective Nature of the Application

This application relates principally to the unauthorised change of use of a haulage depot to a stone working, storage and distribution yard. The unauthorised use apparently commenced in February 2004 with stone storage and distribution, and was then expanded in 2005 to include stone working and cutting activities. An additional open fronted workshop building was erected in November 2008, without planning consent and over these years the unplanted inner face of the screen mound surrounding the west, north and east sides of the site has been eaten into to create additional storage areas.

3.6 While your officers were aware that the use of the site had changed to stone storage and distribution they were not aware that the nature of use had widened to include stone working and cutting (which is a B2 general industrial use) until we received formal complaints at the end of 2008. Investigations revealed that the level of activity had outgrown the capacity of the existing buildings and yard area which resulted in storage and work being undertaken on the site access road. Stone cutting had been introduced and a new building and plant had been erected.

3.7 After a number of site visits/meetings with the site operator your officers considered that the operation of the site at that time was giving rise to significant environmental impacts and detriment to neighbouring amenities and that it was now in the public interests to take appropriate action.

3.8 However, given the history of the use, which until relatively recently occurred without such impacts and given its proportionate high level of local employment (23 full time jobs), the business was invited to consider ways to reduce the level of activity and the impacts currently generated to levels which cease to have a detrimental impact on neighbouring occupiers (residential and commercial) and to seek to regularise the use on that basis and subject to those limitations.

3.9 This application therefore seeks to establish those parameters and an enforceable regime of controls and requirements designed to achieve them.

4.0 Consultation Responses

4.1 The following responses have been received:

Consultees	Response
Lancashire County Council Highways	Concerned about skip parking on the access road. A control is required to the effect that no commercial activities associated with the use of this site shall take place outside the site curtilage. Conditions are also required to provide and retain the proposed skip storage area, vehicle turning space and car parking spaces.
Environmental Health	Had initially recommended refusal due to the inadequate assessment of noise impacts submitted with the application. Further assessment has taken place following a number of site visits, and on 8 February the Service confirms that the business appears to be operating to a much more acceptable standard than previously. Suitable conditions on their operations would allow them operate with minimal impact upon nearby residential properties.
Contaminated Land Officer	No comments.
Parish Council	No objections - Noise and dust seem to be well under control.

5.0 Neighbour Representations

- 5.1 Six lengthy letters have been received from two addresses objecting to the regularising of the present unauthorised use of this site for the following reasons:-
- 5.2
- This site is part of a very large and long established business with premises and quarries elsewhere and is rapidly expanding leading to intolerable HGV traffic to and from this site and parking on the adjacent highways and access roads.
 - Scale of the present use exceeds the capacity of the site to accommodate it, resulting in nose to tail parking along the entire length of the access roads. As a result of this parking obstruction, all traffic in and out of the units is forced into one lane; and because of the narrowness of that single lane and the restricted size of the Unit 4 yard, large and heavily-loaded stone wagons have to pull into the stopped-up old A65 road, reverse backwards round a blind corner, manoeuvre warily into the single available lane and reverse alarms wailing, all the way up to the stone yard so that they can unload from the back of the wagon and come out forwards. Traffic wanting to pass the obstruction has to wait outside the dwellings; others proceed knowing full well that an approaching forty-ton wagon dictates its own priority. The obstruction of the left hand lane often means that wagons delivering goods to other units, Mortimer's in particular, are unable to swing round into the reception yard and are forced to unload their goods on the one-lane road outside, so that that lane, too, is blocked until the unloading is completed.
 - 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:-
 - iv) The company has outgrown its present premises (at Kirkby Lonsdale Station) and there is no possibility of expansion...
 - v) The existing site has inadequate external storage areas, the building is too small for stone-cutting and facilities for staff are again inadequate.
 - vi) The existing site cannot meet the demands for the products the company supplies and new premises are desperately required to meet the demand and to further expand the company.
- This application was refused on the grounds of its unacceptable environmental impact.
- Submitted noise assessment reports were clearly based on favourable recording conditions. The reality of the unremitting shriek of the saws, the noise of machinery and plant, the thunderous bangs of rocks being dropped and moved, the wail of vehicle alarms and the constant coming and going of ton after ton of stone suggest that somewhere in the production of these comfortable conclusions some adjustments have been made.
 - On average 7 to 8 very large wagons access this site per day, each loaded with over 20 tons of stone, which causes considerable visual impact as well as noise nuisance and congestion on the roads.
 - Road damage and very loud noise from heavy wagons and dragging skips along the surface of the old A65 to the site.
 - Inadequate drainage
 - Surrounding screen mounds are being removed from the inside to leave an inadequate and unstable land form.
 - The company has alternative premises on which to locate.
 - Loud noise nuisance from the outside circular stone saw and rock tumbler and the tipping of large stones from lorries on to the ground.
 - Constant sound of vehicle reversing warnings.

- Work generally commences at 06:00 and finishes at 19:00 however lorries have arrived at the site as late as 23:00 and left the site as early as 04:00.
- Inadequate car parking for staff numbers involved. All staff arrive on their own by car.
- Mud on all roads in wet weather and clouds of dust from lorries in dry weather.

This is a relatively brief over view of the main and most salient points of the objections but does not purport to cover all of the issues raised. The full texts and accompanying photographs can be accessed on the council's website.

The unauthorised use of this site for the purpose proposed also has a substantial history of enforcement complaints prior to submission of this application, citing similar issues.

6.0 Development Plan Policy

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) and Planning Policy Guidance Note 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 • PPG24 Paragraph 10 states that much of the development which is necessary for the creation of jobs and the construction of essential infrastructure obstructs in the way of such development. Nevertheless LPA's must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that a subsequent intensification may result in greater intrusion and they may wish to consider the use of appropriate conditions.

6.6 Local Planning Policies

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.

- 6.7 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.

- 6.8 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.
- 6.9 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.
- 6.10 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.

8.0 **Comments and Analysis**

- 8.1 It is noted that as well as regularising the existing use of the site and the open fronted work shelter, the proposals also include, as mitigation:
- The reorganisation of the yard layout to create specific areas for the parking of all skips on site and for the turning and manoeuvring of articulated lorries within the site together with dedicated circulation routes around the yard for the stone handling vehicles;
 - The tipper trailers that previously moved the boulders from the lorries to the yard floor have been replaced by flat wagons that lift as appeared to drop the stones. These should prevent the land, dropping noises experienced by neighbours and will be retained;
 - The stone tumbler, which is sited outside will be lined with a rubber lining and re-housed within one of the buildings. This is possible because it works by the stones rubbing together to rub off the sharp edges rather than the inside of the tumbler drum;
 - Floodlights to be redirected away from neighbours; and,
 - No more than 2 HGV's to be in the process of arriving at, within, or leaving from the site at any time.
- 8.2 It appears to your officers, from personal site visits and from the representations received that the main issues in this case are the noise generated by the movement and working of the stone in the yard and the visual auditory and physical nuisance and disturbance generated by HGV's accessing, parking, loading and unloading on the access roads.
- 8.3 The application was accompanied by a traffic and highways report, which found that during a 12 hour survey, 28 vehicles arrived at and 34 vehicles left the application site. This was less than the trip generation of unit 2 and represented only 25/30% of the total trip generation of the estate. Similarly with the maximum accumulating parking, the application site attracted a maximum of 18 vehicles, the same as unit 2 and only 31% of the estate total. During the survey, no more than 2 HGV's were in the process of either arriving or departing the site, at any one time.
- 8.4 Notwithstanding the information contained in the representations, there is no evidence to suggest that these figures are in any way misleading in respect of the operation of the site since the application was requested. Observations of the site by your officers would suggest that such a change in the manner in which the vehicle movements and the use of the access roads takes place, has occurred over this period. The highway authority have not raised any objections or concerns in respect of the contamination of the use of the site in the manner proposed.

- 8.5 With regard to the noise issue, a noise assessment was submitted with the application. This was considered to be inadequate in terms of its depth and scale. Further noise surveys were carried out by the applicant which identified that noise from the site does cause disturbance to nearby residents and identified four sources;
- Noise from vehicle movements in and out of the site
 - Noise from vehicle movements within the site
 - Noise from stone cutting and dressing equipment at the site
 - Noise from unloading and handling large pieces of uncut stone
- 8.6 Council Environmental Health officers have undertaken a series of independent and unannounced noise surveys at various points around the site since the application was submitted in order to assess the impact of the site on the occupiers of nearby residential properties and to evaluate the figures obtained by the applicant's noise consultant.
- 8.7 The conclusion of those surveys did not vary significantly from the applicants final submission and further identified that;
- Noise from stone curing on the site is intrusive at Green Acres to the east of the site
 - Noise from stone handling and vehicle movements is intrusive at Green Acres
 - Noise from HGV movements and other vehicle movements during early mornings and late evening is likely to be intrusive Station House, Willow Copse and Green Acres.
 - It was also noted that intrusion on the roadway from parked HGV's and stone slurry run off has been much reduces.
- 8.8 Given the observed and recorded levels of these recognised impacts your Environmental Health Officer is satisfied that they may be adequately controlled by the imposition and, if necessary enforcement of effective conditions on a planning approval and has suggested a number of conditions.
- 8.9 These findings are acknowledged by the applicant and the suggested conditions, which include limiting the hours of operation of the site to 08:00-18:00 Monday to Friday only, 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 and made acceptable in terms of its impact on surroundings and neighbouring amenities.
- 8.10 The unauthorised open fronted work shelter building does not itself raise any significant planning issues since it is well screened by screen planted bund which surrounds the whole site. However it is suggested that it should be given a closed front to contain the noise of the activities carried on within it.
- 8.11 This is an established rural employment site, serving the needs of not only this District, but also South Cumbria and Craven Districts. It is well located between these, on principle roads 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. 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 continuation of a use on a well established small but intensive rural industrial site is critical in considering the principle of the proposal and would militate in favour of approval.
- 8.12 If the principle in locational terms is accepted the Committee must determine the acceptability or otherwise in terms of the impact on nearby neighbours and whether this can be effectively managed through the imposition of planning controls. There are some noise issues emanating from on site activities but the main course of nuisance is created by activities, vehicle reversing, unloading etc taking place off the site on the access road. This is a result of the site being overdeveloped and leaving insufficient room for loading unloading and turning.. The revised plans seek to address this providing specific maintained areas for specific activities. The key to effective control of this will be an acceptance by the applicant of the need to scale down his activities at the site and monitoring and enforcement of appropriate conditions if necessary. Clearly activities at the site have been reduced during the application processing period and it is hoped that this is an indication of future intent.

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 light industrial estate in the rural area. The development currently supports 23 full time employees from the surrounding rural area of Lancaster, South Cumbria and Craven District.
- 9.2 There are no objections to the development from 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 modified in such ways that remove the causes of disturbance and detrimental impact upon the neighbouring residential neighbours, it would also appear that the site operator (the applicant) is willing to implement these changes and to abide by a raft of conditions designed to regulate these activities, within and around the site in an enforceable context. In these circumstances it is difficult to oppose the development on planning grounds and it is therefore recommended for conditional approval.
- 9.4 The conditions below, are aimed at ensuring the business can operate without detriment to neighbours 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 a management plan to regulate traffic movements, 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. Amended site plan 9-11-09.
2. Development in accordance with submitted plans and details.
3. Hours of operation and all vehicle movements to and from site limited to 08:00 to 18:00 Monday to Friday only - no working or deliveries Saturday, Sunday or Bank Holidays.
4. Approved Layout, including turning space and car parking spaces (details of which must be formally agreed in writing), to be fully implemented within 2 months of the date of the consent and retained at all times thereafter
5. No commercial activities associated with the use/development to take place outside the site curtilage.
6. A Traffic Management Plan (aimed primarily at incorporating the proposal to regulate HGV arrivals and departures and also ensuring that no HGV's, vehicle bodies, trailers, skips or other vehicles associated with the operation of this use are to be parked, loaded or unloaded and the estate access road, or any section of the old A65 or Long Lane) shall be submitted to and agreed in writing by the local planning authority, and then shall be subsequently implemented in full within 2 months of the date of the consent. The Management Plan shall then be adhered to at all times thereafter.
7. All vehicles used on site to be fitted with "white noise" or similar, reversing alarms.
8. Wheel wash facility at site entrance, designed to prevent runoff of slurry water onto the road surface shall be provided within 2 months.
9. 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;
 - 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.

10. 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.

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 A18</p>	<p>Committee Date 15 March 2010</p>	<p>Application Number 09/01068/FUL</p>
<p>Application Site Land At Claughton Quarry Claughton Moor Claughton Lancashire Farleton Old Road Claughton Lancashire</p>	<p>Proposal Renewable Energy project comprising the erection of 20 wind turbine generators, each with a maximum height of 126.5 metres, together with associated access track, hard standing areas, control and substation building, borrow pits, meteorological mast and temporary construction and site storage compounds on Claughton Moor and Whit Moor near Lancaster</p>	
<p>Name of Applicant Community Windpower Ltd</p>	<p>Name of Agent Mrs Gillian Cropper</p>	
<p>Decision Target Date 24 February 2010</p>	<p>Reason For Delay Committee cycle</p>	
<p>Case Officer</p>	<p>Mr Andrew Drummond</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Refusal</p>	

1.0 The Site and its Surroundings

- 1.1 The 338 hectare application site is located across the highest sections of Whit Moor, Caton Moor and Claughton Moor, with a small section of the site extending out to the A683 between the settlements of Claughton and Farleton in the River Lune valley. The centre point of the site falls c11km east of the Lancaster City Centre. The land is predominantly covered with boggy grassland and is currently used for rough grazing for sheep and cattle.
- 1.2 The surrounding land is classified as moorland hills and moorland fringes with some areas of wooded rural valleys. Access to Whit Moor is generally by foot or horse along the local footpath or bridleway network. Vehicular access is restricted as far as Claughton Hall to the north west and Caton Moor wind turbines (via Quarry Road) to the south west. A further track, which serves a property named Winder, runs parallel to the southern boundary.
- 1.3 The site falls within the Forest of Bowland Area of Outstanding Natural Beauty (AONB), the District's Countryside Area and part of Claughton Moor County Biological Heritage Site (BHS). The south west boundary of the site is shared with Caton Moor BHS. The access track runs along the boundary of Faithwaite Wood for 2 short sections and across grassland adjacent to these woods, both of which are designated as BHSs. The track also runs close to a Scheduled Monument. The beckes and gills that form the natural drainage across the application site flow into the River Lune to the west, which is a BHS, and to the River Roeburn in the east, which flows through a series of BHSs and Outhwaite Wood Site of Special Scientific Interest (SSSI).

2.0 The Proposal

- 2.1 The application seeks planning permission for 20 wind turbines across the tops of Whit Moor, Claughton Moor and Caton Moor, with associated infrastructure. This associated infrastructure includes:

- 80m meteorological mast
- c2km of access track from the A683
- c9km of further tracks connecting from the access track to all 20 wind turbines
- c9km of cable trenches from the turbines to the sub-station
- 8 borrow pits
- Crane hardstanding areas
- Construction compound (to be removed post construction)
- Site storage compound (to be removed post construction)
- Sub-station
- 13km of underground cabling from the sub-station to the nearest grid connection point

2.2 The 20 wind turbines would measure up to 126.5m in height from their base to the top of the blade. The columns would be 80m high and 5.5m wide with the blades having a rotor diameter of up to 93m. Their colour would be pale matt grey and constructed of fibreglass reinforced epoxy and carbon fibres. They would each require an octagonal concrete base measuring 16m in width (across flats) and 3.5m in depth, requiring approximately 300m³ of concrete and c45 tonnes of steel reinforcement. However, these are typical foundations, not necessarily the type to be used on this proposal. The wind turbines would generally be laid out along 6 west-east lines with 3 or 4 turbines per line, and would be no closer than 300m from the nearest turbine. They would be adequately separated from the existing Caton Moor wind turbines so the turbines do not interfere with the aerodynamics of one another.

The fencing around the substation compound would measure 28m by 24m. It would comprise a containerised system of units made from powder coated steel and be located on the edge of Kirkby Gill Wood towards the top of the access track.

The construction compound would be located adjacent to the substation compound, and have a land takeoff 0.275 hectares (50m by 55m). No further details are provided within the submission.

The site storage compound would be situated at the top of the ridge on the eastern boundary between wind turbines 7 and 10, and would have a land take of 0.5 hectares (50m by 100m). The application does not provide any further detail.

The 8 borrow pits would differ in size from 50m by 40m to 200m by 150m, and be scattered around the edge of the northern half of the hilltop section of the application site. The total surface area of the 8 borrow pits combined would be 48,100 sq m (4.81 hectares). Though it is anticipated by the applicant that not all of these pits may be required, the potential volume of stone to be removed and then crushed for the construction of the access roads would be 61,000 m³.

The meteorological mast would be constructed from a dark grey, galvanised steel pipe lattice tower, which would be held erect by high tensile steel guy wires at approximately 12 metre intervals. The guy wires would be set at 30m and 60m from the base and secured by iron ground anchors. The triangular tower with sides of 0.35m would be set upon a foundation frame measuring 1.2m by 1.2m, and 1.2m in depth. It would be located on the eastern boundary, close to Warm Beck Gill.

The permanent land take is calculated by the applicant to be less than 3% of the total application site area of 338 hectares (in other words, 10 hectares). This is using the area of the turbine columns (not foundations), the crane hardstandings, substation, meteorological mast and the access tracks.

2.3 A new track is proposed to gain access to Claughton Moor. This new track would be created from a stretch of the A683 between the villages of Claughton and Farleton, though would seek to utilise parts of existing tracks. The existing tracks would need to be widened, improved and strengthened to accommodate construction traffic. It would be used for the sole purpose of constructing and maintaining the wind turbines, with unauthorised vehicular access being restricted by use of locked gates. Pedestrian access would be provided with the use of stiles and kissing gates where necessary.

The access from the A683 would be constructed using a 10m wide tarmac section set between concrete kerbstones that would splay to a width of 25m on the south edge of the adopted highway. The tarmac section would give way to an access track set back 10.5m from the edge of the highway, a line also delineated by a set of double lockable gates. The track would remain 10m wide for 15.5m

beyond the gates before narrowing to 5m some 11m further back. The track would remain at this 5m width up the hillside with the exception of an undefined number of passing places along its length. Where existing tracks require widening, local stone will be used to a depth of 0.4m, with the existing tarmac sections of the track strengthened with tarmac where necessary. The hedgerow along the A683 would be cutback to retain the necessary sightlines from the junction.

In addition, further tracks will be required to access all 20 turbines. These would be constructed up to 6m in width and would require trenches to be dug up to 2m away from the tracks to accommodate the underground cables. These cables would be buried to a depth of about 1m.

- 2.4 The site would remain open, with the exception of the track to prevent unauthorised vehicular access and the various compounds that would be secured by fencing (though the means of enclosure has not been described in detail). It is proposed to provide natural screening along the access track, though this landscaping scheme has not been detailed.

3.0 Site History

- 3.1 2 relevant applications relating to this site have previously been received by the Local Planning Authority:

Application Number	Proposal	Decision
09/00222/FUL	Improvements to existing private access road leading to Claughton Hall, Manor Lodge Farm and surrounding farmland and creation of new access from A683	Withdrawn
09/00886/FUL	Erection of a temporary (3 year) 50m high meteorological mast	Permitted

- 3.2 2 relevant applications relating to the adjacent site (Caton Moor) has previously been received by the Local Planning Authority:

Application Number	Proposal	Decision
01/92/0165	Erection of 10 wind turbines to be used for supplying electricity energy to the grid system	Approved following a Public Inquiry
02/01331/FUL	Erection of 8 replacement wind turbines with associated tracks, underground cabling, switchgear housing and a picnic area	Approved following Written Representations appeal

4.0 Consultation Responses

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

Statutory Consultee	Response
County Planning	<p>The proposed development would provide a significant contribution to meeting the Lancashire renewable energy target in RSS and would make a positive contribution to targets for reducing green house gas emissions. Furthermore it would provide wider economic and social benefits. However, the visual impact of the proposed development would result in substantial harm to the landscape.</p> <p>On balance it is considered that the benefits arising from the proposed development are outweighed by the visual impact of the proposed development on the landscape. The proposed development would therefore be contrary to Policy EM1 of the RSS.</p> <p>Given the scale of the material to be extracted from the borrow pits, a separate planning application should be submitted to the County Council in respect of this matter. On this basis a holding objection is made the proposed development.</p>
County Highways	The Highway Authority is generally satisfied that their initial comments have been accommodated and so confirm that they have no objections to the granting of

	<p>planning permission subject to 5 conditions covering the new access site, its visibility splays, introduction of a temporary 40 mph speed limit in the vicinity of the new access, these highway works being implemented prior to other parts of the proposal being commenced, and a Traffic Management Plan to be submitted and agreed in advance of commencement of any works.</p>
<p>County Ecology</p>	<p>The main ecological issues arising from the proposal include potential impacts on:</p> <ul style="list-style-type: none"> • Qualifying features of the Bowland Fells Special Protection Area. • Biological Heritage Sites, including Claughton Moor, Caton Moor, Swaintley Hill Fields and Faithwaite Wood. • Habitats of Principal Importance/Annex 1 Habitats, e.g. blanket bog. • Species of Principal Importance and protected species, e.g. bats, great crested nests, otters, badgers, breeding birds, common toads. • Deep peat and hydrology. <p>However, the Environmental Statement (ES) does not contain sufficient amount of detail to make a thorough and adequate evaluation of impacts (biodiversity, peat, hydrology) associated with these proposals. It does not demonstrate adequate mitigation and compensation for impacts, and therefore it does not demonstrate that the proposals are in accordance with the requirements of planning policy, guidance and legislation, including PPS9, Policies EM1 and DP7 of the RSS, and a number of saved Local Plan policies. The ES, as it stands, is flawed and incomplete.</p> <p>The key concerns relate to:</p> <ul style="list-style-type: none"> • The extent of the damage caused by the proposal is more likely to spread to 30-40 hectares, not the 10 hectares stated as the permanent land-take, though even 10 hectares is a significantly large area of land; • It is not clear that there has been a thorough consideration of all associated impacts, including borrow pits, tracks, drainage ditches, cable trenches, foundations, compounds, lorry washing facilities, crane hardstandings; etc, • It is not clear that surveys have been carried out by suitably qualified and experienced personnel as no credentials of the consultants/individuals have been provided; • The methodology section does not provide sufficient details of survey methods, areas of surveys, survey timings, constraints/limitations; etc, • There does not appear to have been an arboricultural assessment despite the fact that trees would be felled and pruned; • Surveys for European Protected Species are incomplete; • The ES does not include a map of habitats/vegetation - without this it is impossible to determine impacts; • It is not clear that sufficiently detailed vegetation surveys have been carried out; • The ES should demonstrate that impacts on UK BAP Priority Habitats/Habitats of Principal Importance and Annex 1 Habitats (Habitats Directive) will be avoided, or that there will be adequate mitigation and compensation for impacts, but the ES does neither; • According to the ES, the blanket bog is not of high conservation value, and is not 'active' (therefore not a priority habitat) – both statements are questioned; • The ES identifies drying of the blanket bog as something short term given the 25 year lifespan of the wind turbines, but it does not take into consideration the permanent features that will remain beyond that timeframe; • The ES states that the vegetation impacts will be minimal, with a loss of no more than 5% of habitats. As this equates to roughly 17 hectares of land, the impacts are not necessarily minimal, particularly since the applicant has not clearly stated what habitats would be affected by the proposals; • The ES does not include a mitigation plan, but recommends that a management plan is written following further survey work and consultation - this is not acceptable;

- The ES, by its own admission, does not contain sufficient information to enable determination of the application;
- The ES states that there would not be any significant impacts on Biological Heritage Sites yet it is not clear how the ES arrived at this conclusion;
- In terms of ornithology, the ES should include all raw data, and should provide full details of survey timings, areas and methods employed, including the reasoning behind certain assumptions (especially why one collision risk model was chosen over another);
- The ES indicates that hen harriers are active within the application area and its surroundings. As hen harriers are a qualifying feature of the Bowland Fells SPA, the ES should (but does not) contain sufficient information regarding hen harrier usage of the area to determine whether the proposals would have a likely significant effect on the SPA (in accordance with the Habitats Regulations);
- The ES concludes that the wind farm will not have detrimental impacts on ornithology. It is not clear from the ES that this conclusion is supported by a thorough and rigorous assessment of impacts;
- Hydrology, hydrogeology and geology assessment comprises a desk-based data-gathering exercise, together some limited soil sampling, though does not appear to have been any site-based assessment/monitoring of hydrological regimes and appears to consider surface water only;
- There does not appear to have been a thorough assessment of the impacts of the various elements of the scheme (e.g. turbine foundations, roads, excavations) on hydrological regimes or the peat resource;
- For a site with a potentially substantial quantity of peat, that supports nationally and internationally important habitat types, a desk-based assessment of hydrological impacts is completely inappropriate. All statements regarding the impacts of the scheme upon hydrology, on and off site, appear to be based on assumptions and guesswork.

The ES has failed to demonstrate that the proposals are in accordance with the requirements of planning policy. It is a key principle of PPS9 that where significant harm to biodiversity interests cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

County Landscaping

The Service objects to the proposal. The impacts arising from the proposal would be unacceptable in landscape terms. The proposal would have landscape and visual impacts of major significance in a strategically located, prominent, highly sensitive and designated landscape of national importance. The principal impacts would be:

- major landscape fabric losses;
- the loss of landscape character over substantial and highly visible upland area;
- damage caused to the special landscape and scenic qualities;
- sense of wildness and tranquillity of the uplands areas of the AONB;
- interruption of a significant skyline that forms the setting and character to historic villages and important buildings;
- significant impacts on the historic cultural landscape;
- significant cumulative landscape and visual impacts in association with the wind turbines at Caton Moor;
- degradation of the quality available recreational experience through major visual intrusion on key attractions such as long distance trails, historic villages, picnic sites and important buildings;
- moderate impacts on the setting of Green Belt land.

The proposal is contrary to PPS1, PPG2, PPS7 and PPS22. The location, scale, landscape character and landscape amenity impacts and the absence of any appropriate offsetting actions would result in a net loss in resources, therefore contrary to RSS policies EM1 and EM17. The proposal is also contrary to the Forest of Bowland AONB Management Plan, which seeks to conserve the exposed and undeveloped character of skylines and the overall sense of remoteness and

	<p>tranquillity.</p> <p>The application also lacks key information relating to proposed access tracks and associated works, which makes an assessment of the full extent of likely landscape and visual impacts impossible. Furthermore, the Service has reservations regarding the representation of the proposed wind turbines on the submitted photomontages which appear to overly compress the height of proposed wind turbines.</p>
County Archaeology	<p>Further to receipt of the additional walkover survey, the Service is satisfied that the survey demonstrates that no significant sites of archaeological interest will be damaged or destroyed by the proposed layout, and those features of interest can be dealt with as part of an appropriate archaeological mitigation strategy for the site as a whole. Therefore if the Local Planning Authority is minded to grant planning permission, the Service would request that a programme of archaeological work be required by way of a condition.</p>
Forest of Bowland AONB	<p>The Forest of Bowland AONB Joint Advisory Committee object to the proposed wind farm at Claughton Moor due to:</p> <ul style="list-style-type: none"> • insufficient information being presented with the application on the effects on surrounding landscapes particularly on views into, out of and within the protected landscape of the AONB • insufficient information being presented with the application on the effects on wildlife including impact on nearby Bowland Fells Special Protection Area for Birds, hydrology and peatland • insufficient information being presented with the application on the effects on common land and commoners rights • serious concerns about scientific methodology being utilised • that the proposal would be in direct conflict with AONB purposes as defined in legislation, the Forest of Bowland Landscape Character Assessment 2009 and statutory Forest of Bowland AONB Management Plan 2009-2014 <p>The Forest of Bowland is fully committed to climate adaptation and carbon management through the Sustainable Development Fund which has helped with a number of small scale projects, but felt the scale of this development was inappropriate. The Forest of Bowland Management Plan supports this view at 12.3C: “oppose and seek to prevent large-scale energy generation developments that are damaging in scale or siting to the conservation of the character of the AONB landscape”.</p>
Arnside and Silverdale AONB	<p>Object to the proposal for the following reasons:</p> <ul style="list-style-type: none"> • The proposed development would be clearly visible from the Arnside and Silverdale Area of Outstanding Natural Beauty, therefore adversely affecting the setting of this AONB. The statutory and primary purpose of an AONB designation is to conserve and enhance the natural beauty of the area. This includes the setting of the AONB including views out of it; • Insufficient evidence has been submitted with the application to accurately determine the true landscape and visual impact of this major development on the surrounding area including nationally protected landscapes; • The turbines would be clearly seen from certain places within the AONB, such as Jenny Brown’s Point and Warton Crag where long distance views out from the AONB to the wider countryside are an important part of the character of the area. The new turbines would extend the area of view affected and, more importantly, would be visible against the sky and therefore more intrusive to the view; • The development is approximately 11km from the Arnside and Silverdale AONB and the impact will be indirect, in terms of the views out from the AONB. It is the opinion of the AONB Committee that the development would have a moderate adverse impact on the AONB’s character in certain locations, especially when assessing the cumulative visual impact of the existing Caton

	<p>Moor wind turbines with the proposal;</p> <ul style="list-style-type: none"> • The proposal is contrary to PPS7, PPS22, Lancaster District Core Strategy policies SC1, SC5 and E1; • It is also contrary to the objectives of the Arnside and Silverdale AONB Management Plan: “to ensure that developments avoid sites that would have significant detrimental impacts on the landscape, seascape or biodiversity of the AONB”. Though the Management Plan supports appropriate small scale renewable generation initiatives, it is the opinion of the AONB Committee that this development is a large scale development that would have significant adverse impact on the surrounding area, particularly when the cumulative effects with the existing wind turbines are considered, and therefore contradicts the policies stated above.
Yorkshire Dales NP	No comments received within the statutory consultation period.
Lake District NP	By virtue of the distance between the National Park and the proposed development, they have no objections. It would not unacceptably affect the National Park.
Natural England	Object to the application. The objectives of the AONB designation, while affected to some degree by the existing wind turbines at Caton Moor, would be compromised to a significantly greater extent by the major development proposed on undisturbed moorland above it. The applicant has not adequately identified or assessed the effects on the special qualities of the AONB which led to its designation. This has led to the erroneous conclusion that the additional effects of the proposed development on the AONB would only be slight. The proposal would have a significant impact on the natural beauty and distinctive qualities of the AONB, clearly conflicting with the purposes of the designation to such an extent that the objectives of the designation would be compromised. They do not believe that the adverse landscape and visual effects could be adequately addressed by mitigation measures. The development would result in an unacceptable loss of public benefit through the substantial reduction in tranquillity and integrity of landscape character of a large part of the AONB. The turbines would dominate their surroundings to such an extent that mitigation would be ineffective. The application is also incomplete in terms of ecology, so the proposal may have unacceptable adverse impacts on natural conservation, particularly statutory protected species. With a lack of information it cannot be judged if the mitigation measures are adequate. The application is therefore contrary to national, regional and local planning policy.
Wildlife Trust	The Wildlife Trust for Lancashire, Manchester and North Merseyside objects to this application on the grounds that there is insufficient ecological data (in terms of both quality and quantity) with which to assess this application against relevant planning policy and thus prove no net loss of biodiversity.
4NW	The proposal would play a role in implementing RSS energy policies EM15, EM17 and EM18, and contribute to climate change policy DP9. In particular it would help towards meeting the renewable energy targets set out in EM17. However, policy EM17 lists a range of more detailed criteria that schemes should take into account. It is important for the proposals to be carefully considered against these criteria.
CPRE	No comments received within the statutory consultation period.
National Trust	Opposes the application: <ul style="list-style-type: none"> • visual quality would be eroded by the proposed installation (with noticeable impacts upon the valued views from both Arnside Knott and Holme Park Fell) • site itself is situated within a designated landscape, the Forest of Bowland AONB
RSPB	The RSPB objects to proposal for the reasons summarised below: <ul style="list-style-type: none"> • The RSPB believes that there is insufficient information in the Environmental

Statement (ES) to determine what the impact of the proposal will be.

- The RSPB consider that the main impacts of the development on birds are likely to be:
 - Displacement of breeding wading birds (which occur on Claughton Moor and adjacent farmland in significant numbers). Lapwing, curlew (and skylark) are UK BAP priority species. There appears to be discrepancies in the submission in this regard
 - Potential impact (through displacement) on roosting hen harriers
 - Potential impact on breeding Peregrine Falcon and Merlin (the latter being a qualifying feature of the Bowland Fells SPA) which are also known/ believed (respectively) to nest nearby
- The RSPB do not believe that any of the potential impacts listed above (on birds sensitive to windfarm developments) have been adequately assessed, in terms of robust data collection, analysis of impacts and mitigation.

A displacement buffer needs to be applied to each turbine and the number of birds likely to be displaced can then be calculated and potentially mitigated for, for example by moving/ removing a potentially damaging turbine.

Hen harriers are a qualifying feature of the Bowland Fells Special Protection Area (SPA), which lies close to the proposal area. Without more detailed information on the hen harrier roost within the proposal area plus buffer, the RSPB do not believe that the Council can ascertain whether there is a likely significant effect on the Bowland Fells SPA under the Habitats Regulations. It is not clear from the submission how the hen harrier roost area was defined on the map, whether any data is available to quantify its importance and if so, what methodology was used etc.

The RSPB are also concerned about possible impacts on deep peat and associated upland habitats, which maybe of Site of Special Scientific Interest (SSSI) quality.

The RSPB therefore believes that the Council should not grant consent for the project until the risk posed by this development is fully assessed. The RSPB believes that this proposal, located in such a sensitive bird area close (and potentially linked) to an SPA, needs to demonstrate in more detail and through further survey and impact assessment, what the likely effects of the development will be.

Environment Agency

Object to the application as submitted on the following grounds:

- Planning decisions should prevent harm to nature conservation interests. This has not been demonstrated in the present application so it is contrary to PPS9 and Core Strategy Policy E1. The assessment and mitigation of the risks to nature conservation in the Environmental Statement supporting the application are inadequate and do not properly address the risks.
- To assess the suitability the otter surveys, details should be provided as to how and when these were carried out as well as stating methodologies and experience of surveyors. In addition, further information should be provided regarding the measures proposed to protect otters on this site during works.
- Biodiversity Action Plan (BAP) priority habitats present at the site include blanket peat and wet grassland and a pond at the site of new access road and the development may have detrimental effects on these habitats. Insufficient surveys have been carried out as to the impact on these and no mitigation measures have been proposed.
- There is no specified minimum depth for peat to support Blanket bog vegetation and peat depth can be very variable. The site shows peat depth from less than 0.5m and a significant area is above 0.5m. It cannot, therefore, be concluded that the habitat on site is not of high conservation value as stated in the Environmental Statement. Although the Statement says an increased rate of drying of the peat habitat will occur, no assessment has been

	<p>made or mitigation proposed for this. Nor has mitigation been proposed for fragmentation of habitat.</p> <ul style="list-style-type: none"> No assessment has been made of the impact of the development on habitats outside of the application boundary. As the site is an upland peat area and surrounding habitat on lower slopes is linked hydrologically to it an assessment needs to be made on the impacts of drainage through the development on adjacent habitat and any mitigation proposed to compensate for impact on the habitats. It is also important to assess cumulative impacts on habitats and species particularly peat habitat. Detailed hydrological site survey and assessment of impacts is needed to determine the effects of the development on the site. Drainage channels are proposed next to each new access road. Some of these are stated to be floating roads which do not need drainage. Clarification is needed to the extent of drainage necessary at the site as this will further impact on the peat habitat and mitigation measures are necessary to compensate for this.
Ministry of Defence	No objection to the proposal, though turbines (those located on the corners of the site and a few in the middle) must be fitted with red aviation lighting measuring 25 candelas.
Civil Aviation Authority	No comments received within the statutory consultation period.
Blackpool Airport	No comments received within the statutory consultation period.
NATS	No comments received within the statutory consultation period.
United Utilities	No comments received within the statutory consultation period.
North Lancashire Bat Group	No comments received within the statutory consultation period.
Ramblers Association	<p>Object to the application:</p> <ul style="list-style-type: none"> It is against the characteristics of the landscape Adverse visual impact on the landscape, both near and far The existence of Common Land has not been addressed in the application New access road would be very unsightly A public bridleway would be turned into a wide road for large, heavy construction vehicles
Lune River Trust	<p>Object to the proposal:</p> <ul style="list-style-type: none"> The proposal would increase run-off and sediment, adversely affecting the spawning beds of sea trout in the Cloughton Beck, River Roeburn and Farleton Beck. Work with the EA will be undermined as the development will increase the risk of polluted discharge degrading the water's quality This part of the AONB is used by Hen Harriers and Peregrine Falcon, and the turbines will be detrimental to their environment Adverse impact on otters that are starting to use the local becks again (the ecological survey is poor in this regard) The turbines are visually intrusive Cumulative impact with Caton Moor will compound the visual impact 11 years of hard work by various organisations in improving the quality of the River Lune and its associated waterways will be undone
FELLS	<p>Strongly object to the wind turbines:</p> <ul style="list-style-type: none"> The environmental and social impacts cannot be addressed satisfactorily The scale of the development cannot be adequately minimised

	<ul style="list-style-type: none"> • Insufficient benefits associated with the proposal to justify its location 6km within an AONB designation • The proposal is contrary to PPS1 as it does not protect the landscape • The proposal is contrary to PPS7 as it does not protect the landscape • Significant damage to the area's biodiversity • Degradation of the blanket bog, which act as carbon sinks • Enhanced flood risk to the Lune Valley • If approved it would set a poor precedent
Open Spaces Society	<p>Object to the application:</p> <ul style="list-style-type: none"> • The applicant is applying for planning permission for wind turbines without even knowing whether there is sufficient wind to justify them meteorologically • The proposal would be a severe intrusion in this open area • It is common land over which people have the right to walk, and the turbines will interfere with that right • It is in a designated Area of Outstanding Natural Beauty and will conflict with the statutory purposes of the AONB • The proposed access track, hardstanding areas and buildings will also be an eyesore in this landscape and interfere with public access • Commons are special areas for their history, biodiversity and opportunities for public enjoyment, and therefore should not be developed
Lune and Wyre Fishing Association	<p>Object to the proposal:</p> <ul style="list-style-type: none"> • Run-off into streams/rivers populated by fish • Unsightly development on the landscape
Tebay Anglers	<p>Object strongly to the application for the following reasons:</p> <ul style="list-style-type: none"> • Damage to the peat, blanket bog and watercourses • Impact on riverine life in the Lune and its catchment • Impact on important salmon spawning becks • Destroy habitats of protected species, such as otters, great crested newts, water voles and common toads • The proposed track would run through an important wetland supporting breeding wetland birds • Run-off from the development would cause erosion, movement of gravel and siltation to the Lune and its tributaries
EnviroLink North West	<p>This non-profit making organisation make reference to the technical issues of the proposal (by referring to best practice on noise and shadow flicker) but make no site specific comments.</p>
Tree Officer	<p>An Arboriculture Implications Assessment (AIA) is required in compliance with <i>BS 5837 (2005) Trees in relation to construction</i> before a full assessment of the proposals in relation to trees and hedgerow trees can be undertaken.</p> <p>An AIA should be undertaken by a suitably qualified and experienced arboriculturist and include tree survey, recommendations for removal and retention of trees/hedgerows; Tree Constraints Plan; Tree Protection Plan; Method Statement for works in proximity to 'on & off' site trees implicated by the proposals; Landscape Scheme detailing new trees, location, species, quantity of new trees, size at planting and maintenance regime post planting including replacement if trees fail to establish.</p>
Environmental Health	<p>The Service has no comments to make regarding pollution control. However, the proposed development warrants specific planning controls to prevent adverse noise impacts. Based on the information supplied in the application the Service is satisfied that disturbance from noise will not be caused to the occupants of residential properties in the area. However, if approved, it is recommended that 5 specific</p>

	conditions relating to noise be imposed on the approval, including restrictive delivery and construction hours (0800-1800 Monday to Saturday only).
Hornby PC	<p>Object to this planning application on the following grounds:</p> <ul style="list-style-type: none"> • The development is inappropriate in an Area of Outstanding Natural Beauty (AONB). • The Parish Council has a duty to protect the AONB under the Countryside and Rights of Way Act. • It will form part of the cumulative blight of the countryside & AONB. • It will have a negative impact on a unique environment, the peat bog, and on the wildlife which live in the affected habitats. • The Parish Council wishes to support the many residents of Farleton who object to this proposal. • There are specific concerns of the effect of the development on the water supplies of farms in the area which are spring-fed.
Cloughton PC	<p>Oppose the application for the following reasons:</p> <ul style="list-style-type: none"> • New access road will create highway safety problems and cause significant environmental damage • The AONB should be protected not industrialised • The area is a UK Biological Action Habitat • Peat bog will be irreversibly damaged • Concerns about drainage, flooding, water pollution, and associated damage to habitat and fauna • Detrimental impact on local economy • The land in question is Common Land - it should therefore not be developed • The development will create significant carbon emissions
Arkholme PC	Object to the proposed plans with regard to aesthetics - the site is spread along the horizon of the moor when viewed from Arkholme and will spoil the outlook for (especially) residents, walkers, cyclists and other passing-through visitors.
Halton PC	<p>Objects to the proposal:</p> <ul style="list-style-type: none"> • New industrial scale wind turbines should not be permitted in the AONB • Wind turbine generated power is notoriously inefficient • The statement that there is no suitable alternative location in the North West is refuted • This type of development in an AONB is not permitted under the European Landscape Convention • The need to meet renewable energy production targets does not justify the destruction of this protected environment • Discourage walkers, cyclists and horse riders from visiting the area, restricting access to common/open access land • The proposal is contrary to planning policy: Increased flood risk, net loss of local employment; does not protect or enhance the historic environment; adverse visual impact; creates noise pollution; does not maintain and enhance biodiversity; adverse effect on water quality; inappropriate development in an AONB; traffic generation • The emphasis in PPS22 is on public consultation - the public have categorically stated that they do not want this development
Roeburndale PC	<p>Oppose the proposal on the following grounds:</p> <ul style="list-style-type: none"> • Development of this scale in the AONB goes against national planning policy • Set a poor precedent for other AONB and National Park developments • The site falls within Common Land and Open Access Land - should be protected in line with Government policy not developed

	<ul style="list-style-type: none"> Local water is supplied from springs on the moor, so concerns regarding water pollution created by the development Flooding created from rapid run-off and erosion of the peat beds Carbon emissions created by quarrying, processing, transporting etc No mitigation against the creation of borrow pits and peat excavation Noise pollution, especially to nearby residents Work done by local farmers, RSPB and DEFRA on protecting local birds species (including the hen harrier, lapwings, curlew, snipes) would be undone by this proposal Inadequacy of the Environmental Statement in addressing the above issues
Melling PC	<p>Object to this planning application on the basis that the proposal is directly contrary to the Parish Plan for Melling with Wrayton insofar as:</p> <ul style="list-style-type: none"> The development is not a good use of resources (i.e. wind turbines are inefficient) It would have an adverse impact on the birds, habitats Installing an industrial site in such area would clearly be incongruous and contrary to the local ambience It would have a detrimental impact on leisure and tourism, and therefore also on local employment It would not improve the quality of life for local residents due to the additional and heavy traffic using the A683
Priest Hutton PC	<p>Opposed to this application because of its adverse visual impact on the whole of the Lancaster area.</p>
Borwick PC	<p>Opposes the application because of the intrusive nature of the structures proposed and the questionable efficiency of wind farms especially when compared with other forms of renewable energy.</p>
Overton PC	<p>No objection.</p>
Bolton-le-Sands PC	<p>The Parish Council felt unable to comment on this application.</p>
Cockerham PC	<p>No objection.</p>
Yealand Conyers PC	<p>Objects on the following grounds:</p> <ul style="list-style-type: none"> The proposal lies within the AONB Loss of deep peat moorland Adverse visual impact An increase in noise Set a precedent for further development in protected areas, if approved
Gressingham PC	<p>20 wind turbines of a height of 126.5m spread out over a large area would be a considerable eyesore on the Forest of Bowland AONB.</p>
Burrow with Burrow PC	<p>Objects because:</p> <ul style="list-style-type: none"> The wind turbines would be intrusive eyesores They are inefficient The development would set a poor precedent if approved Application site is in an AONB
Morecambe Town Council	<p>Objects to the application on the grounds of the detrimental impact the development will have on the visual amenity of the countryside in an area of outstanding natural beauty.</p>

Ellel Parish Council	No observations.
Nether Kellet PC	No particular concerns.
Silverdale PC	No objections.
Kirkby Lonsdale and District Civic Society	<p>Object in the strongest possible terms to this planning application:</p> <ul style="list-style-type: none"> • The proposal to site a large industrial complex well inside the boundary of an AONB is totally unacceptable as a matter of principle. The surroundings have been awarded coveted AONB status because of their intrinsic qualities which would be greatly diminished by the construction of this industrial site. • The proposed site is high on a hill overlooking the Lune valley. The landscape quality is of a very high order and this development would have a major negative impact on this, being an intrusion visible from many miles away in many directions. • The cumulative impact of such a development taken together with the existing windfarms at Caton, and Lambrigg, and the recently approved one at Armistead, is such as to be overbearing on the locality of much of South Lakeland and the Lune valley.

5.0 Neighbour Representations

5.1 342 separate items of correspondence of objection have been received. The reasons for opposition include the following:

- Inadequacies of the Environment Statement
- Application is misleading and incomplete, including the inaccuracies on the photomontages to play down the visual impact of the proposal
- No assessment of alternative sites
- Inappropriate (industrial) development in an Area of Outstanding Natural Beauty (AONB)
- Contrary to the AONB Management Plan
- Contrary to national planning guidance (PPS7)
- Contrary to European Landscape Convention
- Adverse visual impact on the protected landscape (including 2 National Parks and 2 AONBs)
- Inappropriate scale (20 turbines all of a height of 126.5m)
- Cumulative impact of the existing and proposed windfarms (including their associated infrastructure) is wholly inappropriate and very intrusive
- Sets a very poor precedent
- Inefficient energy production (unpredictable windspeeds, need to use fossil fuels to support the operation of the turbines, inefficient conversion of electricity onto the national grid, turbines have shorter lifespans than proposed/replaced every 10-12 years)
- Adverse impact on the leisure industry in the Lune Valley
- Therefore a reduction in local jobs (the small number of temporary construction jobs proposed by the applicant would not compensate for this loss)
- Significant loss of peatland - both a carbon sink and a 'water sponge'
- Adverse impacts on ecological habitats, Biological Heritage Sites and birds (especially hen harriers)
- Removal of trees
- Major drainage/flooding problems created by the loss of peat bog, thereby increasing run-off and the risk of polluting watercourses
- Adverse impact on the setting of Conservation Areas and Listed buildings
- Adverse impact on a historic landscape as painted by Turner
- Geological and archaeological disturbance
- No benefit to local people/communities - applicant and landowner will be the only beneficiaries especially of the large subsidies/grants provided by central government
- Inadequate proposals to restore the site, especially relating to the borrow pits, site compound, concrete foundations and access tracks
- Carbon emissions produced as a result of production, transportation, construction, maintenance and decommissioning, especially relating to concrete and turbines

- Carbon emissions relating to the loss and disturbance of the peatland
- Amenity concerns including noise, dust, vibration and flicker
- Health concerns, especially relating to documented links between low drones emitted by the turbines and stress/depression
- Light pollution created by the red navigation lights
- Loss of open access land/public access eroded
- Highway safety concerns with increased vehicle movements/turnings on a busy and dangerous A683 (the third most dangerous 'A' road in the country according to the AA statistics for accidents resulting in severe injuries and/or fatalities)
- Adverse impact of the access road on the protected landscape
- Access road is unnecessary given the existence of Quarry Road
- Access road is excessive and has the long term potential to be used by the quarry, as previously proposed by the applicants

38 separate items of correspondence supporting the proposal have been received. The reasons for support include the following:

- Produces renewable energy
- Delivers clean energy quicker than alternative technologies (shorter lead-in time)
- Helps towards Government targets
- Helps tackle climate change by reducing carbon emissions
- Proposal is in line with national planning guidance (PPS22)
- The turbines are aesthetically pleasing
- Better to group windfarms than to scatter them across the landscape

6.0 Principal Development Plan Policies

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

PPS1 (Delivering Sustainable Development) - provides generic advice for all new development. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. 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.

PPS1 supplement (Climate Change) – Planning is identified as having a key role in helping to secure progress against the UK's emissions targets. 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. Though the overall emphasis is on reducing the effects of climate change, it does state that restrictive policies may be justified in exceptional circumstances such as with nationally recognised designations.

PPG2 (Green Belts) – visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

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. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development. When determining planning applications for development in the countryside, local planning authorities should provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22. Nationally designated areas comprising National Parks, the Broads, the New Forest Heritage Area and Areas of Outstanding Natural Beauty (AONB), have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation

of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas. Major developments should not take place in these designated areas, except in exceptional circumstances. Planning authorities should ensure that any planning permission granted for major developments in these designated areas should be carried out to high environmental standards through the application of appropriate conditions where necessary.

PPS9 (Biodiversity and Geological Conservation) - 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. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused. Where a proposed development on land within or outside a SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), planning permission should not normally be granted. Networks of natural habitats provide a valuable resource. They can link sites of biodiversity importance and provide routes or stepping stones for the migration, dispersal and genetic exchange of species in the wider environment.

PPG15 (Planning and the Historic Environment) - authorities considering applications for planning permission for works which affect a Listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character. The setting of a building may be limited to obviously ancillary land, but may often include land some distance from it. A proposed high or bulky building might also affect the setting of a Listed building some distance away, or alter views of a historic skyline. In some cases, setting can only be defined by a historical assessment of a building's surroundings. The starting point for the exercise of Listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals which are outside the Conservation Area but would affect its setting, or views into or out of the area.

PPS22 (Renewable Energy) and its companion guide – 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. The Government has already set a target to generate 10% of UK electricity from renewable energy sources by 2010. The White Paper set out the Government's aspiration to double that figure to 20% by 2020. Development 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. In sites with nationally recognised designations (Sites of Special Scientific Interest, National Nature Reserves, National Parks, Areas of Outstanding Natural Beauty, Heritage Coasts, Scheduled Monuments, Conservation Areas, Listed Buildings, Registered Historic Battlefields and Registered Parks and Gardens) planning permission for renewable energy projects should only be granted where it can be demonstrated that the objectives of designation of the area will not be compromised by the development, and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits. Small-scale developments should be permitted within areas such as National Parks, Areas of Outstanding Natural Beauty and Heritage Coasts provided that there is no significant environmental detriment to the area concerned. Local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for renewable energy developments. Planning applications for renewable energy developments in such areas should be assessed against criteria based policies set out in local development documents, including any criteria that are specific to the type of area concerned. Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved. Planning authorities should also take into account the cumulative impact

of wind generation projects in particular areas. Local planning authorities should ensure that renewable energy developments have been located and designed in such a way to minimise increases in ambient noise levels.

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) - recognises that though flooding cannot be wholly prevented, its impacts can be avoided and reduced through good planning and management. All forms of flooding and their impact on the natural and built environment are material planning considerations. Positive planning has an important role in helping deliver sustainable development and applying the Government's policy on flood risk management. It avoids, reduces and manages flood risk by taking full account in decisions on plans and applications of present and future flood risk, involving both the statistical probability of a flood occurring and the scale of its potential consequences, whether inland or on the coast, and the wider implications for flood risk of development located outside flood risk areas.

Draft NPS EN3 for Renewable Energy Infrastructure – Section 2.7 relates to onshore wind. The applicant should identify the impacts of a proposal, together with proposals for their avoidance or mitigation wherever possible. Applications should include:

- the full extent of the access tracks necessary and an assessment of their effects, including an assessment of various potential routes to the site
- details of what will be decommissioned and removed from site at the end of the operational life of the turbines (to this extent any planning permission should be time limited and decommissioning secured by way of a condition)
- where elements of the design of the site are uncertain at the time of the application, this should be made clear by the applicant with reasons for the uncertainty given
- an assessment of biodiversity (including bats, birds, flora and fauna), geology, hydrology, and the impact of disturbing important habitats such as peat

The draft NPS reiterates PPS22 guidance in terms of onshore wind projects on sites within national designations. It identifies the key impacts as the historic environment, landscape and visual, noise, shadow flicker, and traffic and transport.

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 **DP7** (Promote Environmental Quality) - Environmental quality should be protected and enhanced, especially by understanding and respecting the character and distinctiveness of places and landscapes, the protection and enhancement of the historic environment, promoting good quality design in new development and ensuring that development respects its setting, reclaiming derelict land, using land resources efficiently, maintaining and enhancing the tranquility of open countryside and rural areas, and maintaining and enhancing the quantity and quality of biodiversity and habitat.

Policy **RT9** (Walking and Cycling) - scheme promoters should take the opportunity to enhance walking and cycling provision, including crossings, signage, lane markings, allocation or re-allocation of road space, and off-road routes wherever possible.

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. Priority should be given to conserving and enhancing areas, sites, features and species of international, national, regional and local landscape, natural environment and historic environment importance. Schemes should identify, protect, maintain and enhance natural, historic and other distinctive features that contribute to the character of landscapes and places, including the special qualities of the Forest of Bowland AONB.

Policy **EM5** (Integrated Water Management) - protect the quantity and quality of surface, ground and coastal waters and manage flood risk.

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
- 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

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

Policy **E3** (Area of Outstanding Natural Beauty) – Development within and adjacent to the Forest of Bowland Area 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 **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 **E8** (Protection of Ground Water) - Within areas of groundwater vulnerability, development which would have a significant adverse effect on the purity of groundwater supplies will not be permitted.

Policy **E11** (Development affecting Flood Plains) - Partly superseded by the Core Strategy, states that proposals within areas at risk of flooding will only be permitted where appropriate flood protection measures are already in place or these will be provided without adverse environmental impacts.

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 **E16** (Sites of Special Scientific Interest) – Development likely to damage or destroy a

designated or proposed site of special scientific interest will not be permitted unless the need for the development is of national importance and this demonstrably outweighs the need to protect the site. Where development is permitted, developers will be required to minimise any adverse impacts and to compensate for these by appropriate habitat creation and/or enhancement measures either within the site or the immediate local area.

Policy **E17** (Biological Heritage Sites) – Development likely to damage or destroy a County Biological Heritage Site or County Geological Heritage Site will not be permitted unless the need for the development demonstrably outweighs the need to protect the site. Where development is permitted, developers will be required to minimise any adverse impacts and to compensate for these by appropriate habitat creation or enhancement measures either within the site or the immediate local area.

Policy **E22** (Wind Turbines) – 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. Within Areas of Outstanding Natural Beauty, wind turbines will only be permitted where the applicant can demonstrate that no alternative site exists elsewhere, that the economic benefits of the proposal clearly outweigh any adverse impact on the areas and that any such impact is minimised.

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) – developments proposal 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. Planning permission will not be granted without an adequate assessment of the nature, extent and significance of the remains present and the degree to which the development is likely to affect them.

Policy **T17** (Travel Plan) – Development proposals likely to generate large numbers of daily journeys must be accompanied by a Travel Plan. Where the developer is unwilling to meet reasonable targets for minimising the proportion of journeys made to the site by car, development will not be permitted.

Policy **T27** (Rights of Way) – Development proposals that would adversely affect the route or characteristics of an existing or proposed right of way will only be permitted where a satisfactory diversion can be provided and secured in advance of development.

6.4 Lancaster District Core Strategy - adopted July 2008

Policy **SC1** (Sustainable Development) - Development must not result in unacceptable flood risk or drainage problems, must not cause harm or loss to features of biodiversity, landscape, archaeology or built heritage, is appropriate to the character of the landscape and is integrated with its character, where appropriate enhances biodiversity and provides for archaeological investigation, uses renewable energy technologies, and reuses previously developed land.

Policy **SC3** (Rural Communities) – An allowance of 5% of employment is made to accommodate development to meet local needs in villages, including Caton, Brookhouse, Wray and Hornby. Development should protect, conserve and enhance rural landscapes and the distinctive characteristics of rural settlements.

Policy **SC5** (Achieving Quality in Design) – maintain and improve the quality of development in Areas of Outstanding Natural Beauty and other rural areas that reflects and enhances the positive characteristics of its surroundings including the quality of the landscape.

Policy **SC7** (Development and the Risk of Flooding) – Development must not expose workplaces, homes and public areas to unacceptable levels of flooding.

Policy **ER6** (Developing Tourism) – In the District's countryside, encouraging agricultural diversification to create quiet recreation and small scale sensitively designed visitor attractions and accommodation, promoting new walking and cycling routes including long distance routes and linkages to national networks.

Policy **ER7** (Renewable Energy) – To maximise the proportion of energy generated in the District from renewable sources where compatible with other sustainability objectives, including the protection of the Bowland Fells from adverse effects.

Policy **E1** (Environmental Capital) - Development should protect and enhance 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, properly manage environmental risks such as flooding, protect and where possible enhance habitats and the diversity of wildlife species, and conserve and enhance landscapes.

7.0 Comment and Analysis

7.1 Renewable Energy

The Government's aim to produce more energy from renewable sources, which is set out in the supplement to PPS1 and in PPS22 and its companion guide, is picked up and detailed in the Regional Spatial Strategy (RSS). PPS22 outlines the Government's target to generate 10% of UK electricity from renewable energy sources by 2010, increasing to 20% by 2020 (though the more recently published UK Renewable Energy Strategy increases this to 30%). The RSS adopts the PPS22 targets and provides a breakdown for each County by renewable energy type. For example, by 2010 Lancashire should be generating 195MW of electricity from onshore wind turbines increasing to 232.5MW by 2015/20. To date, Lancashire has the 'installed capacity' (which includes wind turbines that are approved and operational) of 137.5MW. This is a shortfall of 57.5MW against the 2010 target, and 95MW against the 2015/20 targets. The application proposes 20 wind turbines with a total output of up to 50MW of electricity. It is quite clear that the proposal would go a long way towards meeting the RSS targets. Therefore the proposal's contribution of renewable energy is clearly supported by RSS Policy EM17.

7.2 Climate change / Efficiency of wind power / Carbon savings

The application was submitted in early November 2009, and has generated a significant number of consultation responses from the public. To date, 90% of the responses have objected to the proposal, a significant different result to that reported by the applicant following their consultation exercise (which was undertaken on their behalf by Lancaster University and showed only 14% opposition to the development and two thirds of those questioned in the vicinity of the proposal in support). One of the key objections to the proposed scheme was the perceived inefficiencies of wind technology. The reasons given included:

- The irreversible damage to the peat bog, which is a carbon sink;
- The CO₂ emissions related to the manufacture of the turbines, concrete etc;
- The CO₂ emissions related to the transportation of the turbines, concrete etc, both during erection and decommissioning;
- The variable wind speeds, resulting in turbines being turned off during spells of no/little wind and strong winds;
- The disputable lifespan of the wind turbines (historically they are decommissioned or replaced after 8-12 years, not 25 years as specified).

Whilst these are all valid points, they effectively question the validity of the wind technology and their role in renewable energy production and climate change as a whole. A planning application is not the forum in which to query these fundamental issues – wind technology is currently accepted as a vital method of meeting the energy demands of the country. Therefore these matters are for those

concerned to raise directly with Central Government in relation to their suite of new National Planning Statements relating to renewable energy technologies. As Robin Brooks, the Inspector on the recent Sillfield appeal states:

“...the precise nature and causes 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]. None of these arguments bear directly on the determining issues in this case”.

Therefore this report will only deal with the planning details.

7.3 AONB designation / Alternative sites

As the site falls within 6km of the Area of Outstanding Natural Beauty (AONB) boundary, the objection raised in most of the public responses relates to the siting of the wind turbines and their associated infrastructure in an AONB. An AONB is a national designation, and is given the same (highest) status of protection in landscape and scenic beauty terms as National Parks, as evidenced in PPS7. The applicant puts their case forward for this site in 2 ways. Firstly by looking at a series of reasons why the site was chosen, and secondly by arguing why a development of this type should be permitted within an AONB. Their site selection criteria included:

- A willing landowner;
- A minimum wind speed of c17mph at 45m above ground level;
- Distance from the application site to the nearest residential dwelling of 750m (though 500m is standard practice);
- Clearance by Ministry of Defence and Civil Aviation Authority;
- Available, suitable and economically viable grid connection point near the site;
- Presence and location of existing technology, especially communication lines (e.g. telecommunication paths).

Other criteria are listed in the submission, including ecological, archaeological and visual matters, as well as consideration for regional and local policy, rights of way, proximity of other wind turbines and accessibility. However, these issues are discussed in detail below.

Having identified the application site using the parameters above (which included ruling out locations such as the coastline around South Heysham, which is identified in the Core Strategy as a possible location for such technology), the applicant seeks to justify the proposal on the grounds of PPS22 and RSS Policy EM17 as set out above. They further justify the scheme based on the existence of the wind turbines on Caton Moor, insofar as the existing turbines have already changed the character of the landscape, and therefore it is better to cluster such development in one location than develop a series of smaller sites across a wider area. The cumulative impact of the 2 sets of wind turbines and their associated infrastructure is described later in this report. However, it is worth highlighting at this point that in terms of planning policy neither of these 2 arguments justifies the scheme.

Firstly the applicant has failed to set out the ‘exceptional circumstances’ that would justify such a large development in an Area of Outstanding Natural Beauty as required by paragraph 22 of PPS7. Secondly, though national planning policy statements, such as PPS22, encourage the development of wind turbines to generate renewable energy, the policy also clearly requires the applicant to address all environmental issues arising from the development. As explored in detail later in this report, the applicant has failed to investigate adequately the environmental impacts of the development, and therefore is unable to demonstrate how these impacts can be appropriately mitigated against and/or compensated for. Furthermore, the Environmental Statement has failed to understand the distinctive qualities of the AONB for which it was designated and therefore cannot understand the effects of the proposed development on the protected landscape. With the proposal being set well within the AONB, not at the extremity, it would affect about a fifth of the AONB and hence the area’s distinctive qualities is clearly an issue that the application should have grasped.

The applicant has made it very clear to the Council that reducing the number of wind turbines or the height of the wind turbines is not negotiable. However, the scale of this development is significant, especially given its location in a Countryside Area and in particular an Area of Outstanding Natural

Beauty. A scheme of 20 wind turbines is a large scale development regardless of its location, but being so prominently located across a summit of a hill at the head of the valley, its scale is accentuated yet further. Given its proximity to the existing wind turbines on Caton Moor, the scale is extended to 28 turbines, though the cumulative effects are explored in more detail in 7.4 below.

PPS22 encourages local planning authorities to permit small-scale developments in Areas of Outstanding Natural Beauty where there is no significant environmental detriment to the area concerned. However, there is no such endorsement of large scale developments. Therefore, the larger scale renewable energy generating projects must meet the requirement that environmental, economic, and social impacts can be addressed satisfactorily. Development proposals should also demonstrate how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures. This proposal firstly fails to satisfactorily address environmental and social impacts (as discussed elsewhere in this report) and secondly makes no allowance or consideration for scale or location.

Given the designations of the application site, the scale of this development is wholly inappropriate. As such it fails many policy requirements, and therefore planning permission should be refused.

7.4 Visual and Landscape Impact

The landscape character type of the larger part of the application site is enclosed moorland hills. This is strongly represented at the site with dramatic panoramic views afforded in all directions. The relatively smooth, open, rolling landform, limited enclosure provided by the gritstone wall vernacular, simple patterns of intact muted moorland vegetative land cover, broad panoramic views which in places are of distant landscapes with little signs of man's influence all contribute to a sense of wildness and remoteness. With the exception of the wind turbines on Caton Moor, disused Claughton quarries and the Claughton clay pit with aerial ropeways, there is little sign of man's influence. At a strategic level, Lancashire County Council's wind energy study identifies that the Central Bowland Fells landscape character type within which the proposed turbines would be situated as having a high degree of sensitivity to wind energy development. This is reinforced by the site's location (strategic), scale (large) and height (completely covering the main summit) which ensures that within the context of the Lune Valley, the proposal would be a strong visual feature in the landscape that forms the setting and character to many of the surrounding settlements and landscapes. The strategic location of the hill means that it forms an important landscape feature of the Lune Valley providing the transitional landscape between upland and valley floor. Taken in the context of the existing wind turbines at Caton Moor and the considerable overlap between the existing and the proposed turbines, it would create a strong sense of layout disharmony and visual clutter. In conclusion the proposal would be likely to have landscape character impacts of major significance, especially to areas of the moorland to the south (up to 5km), areas to the east between Wennington and Mallowdale Fell, and to the south western half of the Lune Valley from Tunstall to Halton.

The likely effects on the landscape value of the setting of the Forest of Bowland AONB would be impacts of moderate to major significance. The impacts on the setting of the Arnside and Silverdale AONB would likely to be slight-to-moderate given the distance between the application site and that protected landscape. The proposal would have a moderate significance on the visual amenities within parts of the Green Belt land to the west. In the case of the impacts on the setting of the surrounding Conservation Areas of Hornby, Wray, Gressingham and Wennington, the impacts would be of major significance. The impacts would be moderate-to-major on the setting of Hornby Castle and Gressingham Hall.

The impacts on landscape fabric relate to the wind turbine foundations, the extensive network of tracks, crane hardstandings, borrow pits and the 3 compounds (storage, construction and substation). In all, 11.2km of 5-6m wide access track would be needed for the wind turbines, which would be a permanent part of the development. The applicant proposes to use about 0.8km of existing track, though this would need to be widened by 2-3m. However, the true impact cannot be fully assessed due to the absence of detailed construction drawings for the full route. In the absence of details of trees, hedges and shrubs to be removed (supported by a tree survey – also omitted from the submission), drainage and culvert details, and proposed earth movement required to create the necessary gradients, an accurate assessment of the impacts is impossible. With the limited information provided, it is however clear that the track location through a highly sensitive scenic landscape within the AONB would ensure that it was a prominent feature. Options for mitigating the

landscape and visual impacts of the proposed tracks would be very limited particularly on the exposed grasslands typical of the upper moorland areas where screen planting would not be appropriate. Even in the lowland areas, the substantial width of the proposed track could create problems, since screen planting to such a wide major routeway could actually emphasise its presence rather than subtly assimilate it into the landscape. The proposed access tracks would appear as major hillside and summit scars visible over a wide area.

The proposed substation would appear as an incongruous utilitarian feature in the landscape due to the modern materials chosen for the external surfaces which make no reference to the local stone building vernacular. The storage compound would be particularly intrusive since it would be prominently located close to the summit of the hill and to the ridge along the eastern boundary of the application site. 8 borrow pits would affect much of the upland area resulting in substantial residual losses of relatively unspoilt moorland grassland. These residual losses would be additional to those along the more lowland sections of the proposed access track which would include loss of trees, shrubs, hedgerow and grazing land. Of major concern is that the re-establishment of the unspoilt upland grasslands lost during construction works to their original condition may be unobtainable due to problems associated with water run-off, soil loss, ground instability and likely changes to ground hydrology as a result of the proposed development.

The largely undeveloped, open, exposed character of the moorland hills creates a wild experience which is highly sensitive to development. The assessment of Lancashire's landscape sensitivity to wind energy development (Landscape Sensitivity to Wind Energy Development in Lancashire, February 2005) states "the landform, complexity, remoteness and recreational use indicate a high sensitivity. These areas provide important backdrops for adjacent areas. This landscape forms the core of the Forest of Bowland AONB." The Forest of Bowland AONB Landscape Character Assessment states that "the enclosed moorland hills landscape character type is considered to have very high visual sensitivity overall, as a result of the strong sense of openness and generally uninterrupted skylines. It forms a striking backdrop to views from adjacent landscapes." It goes on to say that these exposed and undeveloped skylines and the overall sense of remoteness and tranquillity should be conserved.

Landscape tranquillity mapping by the Campaign for the Protection of Rural England (CPRE) indicates that the site and surrounding areas are some of the most tranquil landscapes in the north west region. The key characteristic is clearly evident from various landscape character assessments and the photomontages which show little or no man influenced features such as those evident in other upland areas in the region.

The quality of the recreational and amenity experience is directly linked to the scenic quality and natural beauty of the landscapes within the area. The overall landscape amenity impacts of the proposed development would likely to be of moderate significance, although some areas would experience impacts of major significance due to the close proximity. Particular areas affected would be picnic sits at Crook o' Lune and Baines Crag, sections of the Lune Valley Ramble, the Claughton-Lancaster cycleway and the summit of Clougha (recognised as one of the top 100 summits in the UK, and one of only a few in England outside of the Lake District).

The strategic location of the fill is significant as it provides a prominent landform, backdrop and skyline to much of the Lune Valley and its historic villages, designed landscapes and important buildings. In addition, the hill forms a key approach to, and is part of, the setting of the AONB when approaching from the west, north or east. The hill appears as a significant landform in the landscape, emphasised by its location at the head of the valley. It is a natural focal point and therefore people would naturally be drawn to look at the proposed development. Given its scale of the development, the height of wind turbines, the siting of the wind turbines and the site's prominent location, the proposal would be very visually intrusive and therefore it would have a major, negative visual impact.

In terms of cumulative visual impact (with the 8 wind turbines at Caton Moor), from many viewpoints the 2 sets of wind turbines would be read as one cluster; one very large cluster. Whilst locating schemes together may mean that they are seen in conjunction from some viewpoints, the combined visual effect would be greater than that for each development alone. The cluster would be too large for the scale of the receiving landscape. It would represent a significant extension of quasi industrial development in an otherwise open, moorland landscape. The proposed turbines would be nearly 40m taller than those at Caton Moor, and this difference would serve to emphasise the height and

scale of those at Claughton Moor, creating disharmony. The existing and proposed turbines would overlap each other visually reducing the apparent separation distances between each turbine, creating an overly cluttered appearance. As such, they would be seen as a major, disordered skyline development exerting a strong influence over a wide area.

In summary, there is no consideration of the proposal in the context of the aims and intentions of the European Landscape Convention, which the UK Government signed up to in February 2006 to protect, manage and create landscapes. The key landscape and visual impacts relate to the highly sensitive landscape of the moorland hill within a nationally important designated landscape that has no capacity to accommodate the scale of wind energy development proposed without causing significant impacts. There is no obvious scope for changes to the proposal that would reduce these impacts. The proposed development would cause unacceptable harm to the character and appearance of the landscape, and unacceptable cumulative visual and landscape effects in conjunction with the wind turbines at Caton Moor. By reason of their height, movement and distinctive appearance the proposed wind turbines would have a significant adverse visual effect on the surrounding area, and a corresponding adverse impact on the character and appearance of the landscape. The visual impacts and cumulative visual impacts would be of major significance on its immediate surroundings (within 5km) and moderate to major significance up to 10-11km away, with no scope for mitigation. The landscape fabric would also be adversely affected by the development with little understanding (from the information submitted) if remediation would be possible.

7.5 Biodiversity

One of the key aspects of this proposal is the impact that the wind turbines will have on the biodiversity of the area. Given that parts of the site fall within Biological Heritage Sites (BHS), and the proximity of Sites of Special Scientific Interest (SSSI) and Special Protection Areas (SPA), including the Bowland Fells SSSI and SPA (part of which falls within 1.5km of the southern boundary of the application site on Haylot Fell) and Outhwaite Wood SSSI (a similar distance but to the east of the site), it is imperative that the requirements of PPS9 relating to 'no net loss of biodiversity interest' are met.

Therefore given these designation, the main ecological issues arising from the proposal include potential impacts on:

- Qualifying features of the Bowland Fells Special Protection Area, including hen harriers
- Biological Heritage Sites, including Claughton Moor, Caton Moor, Swaintley Hill Fields and Faithwaite Wood
- Habitats of Principal Importance/Annex 1 Habitats (e.g. blanket bog)
- Species of Principal Importance and protected species (e.g. bats, great crested nests, otters, badgers, breeding birds and common toads)
- Deep peat and hydrology

The applicant proposes a series of land management enhancements to the site in order to mitigate against any potential effects on ecology and habitats. These include:

- Restoration of degraded peat and bog habitats
- Controlled and reduced grazing on the moor to prevent over grazing
- Grip blocking to reduce drainage on the site and to aid with rewetting of the peat
- Heather restoration
- Repairing and rebuilding dray stone walls
- Environmental enhancements which are specific to particular species
- Monitoring of bird activity
- Maintaining open access for walkers

However, it is very clear from the comments received by various statutory consultees, including RSPB, Natural England, Environment Agency and County Ecology, that even with these enhancements, the applicant has failed to meet the requirements of PPS9 and other related policies. Firstly, the applicant has not assessed the impact adequately, and therefore secondly they cannot identify the necessary mitigation and/or compensation measures required to support the proposed development.

The concerns include:

- It is not clear that sufficient species surveys have been carried out, or that appropriate survey standards were followed;
- It is not clear that sufficiently detailed vegetation surveys have been carried out to enable a thorough assessment of impacts;
- The ES includes a largely desk-based assessment of impacts upon peat and hydrology, but does not include the type of site-specific monitoring information that is required to adequately determine impacts of the scheme;
- The ES suggests that the land-take is reasonable, and assesses permanent land-take to be only 3% of the application area (equating to 10 hectares). However, the true extent of the land-take (both temporary and permanent is probably 3 or 4 times that amount, though 10 hectares is a significant area of land to be developed on open moorland, and therefore not necessarily 'reasonable' as concluded by the applicant;
- Section 2 of the ES lists the various elements of the scheme, but it is not clear that there has been a thorough consideration of all associated impacts. To constitute an adequate assessment, the ES needs to evaluate all potential impacts of the scheme (individual and cumulative) on all possible receptors (on and off site);
- It is thus not clear that surveys have been carried out by suitably qualified and experienced personnel;
- It is not clear that there was a thorough desk study/data search. This is essential to underpin the ES, and inform the need for specific surveys;
- The methodology section does not provide sufficient details of survey methods, areas of surveys, survey timings, constraints/limitations, etc. It is thus not clear that there has been sufficient survey effort, or that recognised survey standards were employed;
- No arboricultural assessment has been undertaken despite the fact that trees would be felled and pruned to facilitate track widening;
- Surveys for European Protected Species are incomplete;
- It is not clear that sufficiently detailed vegetation surveys have been carried out. Many of the identified habitats are UK BAP Priority Habitats/Habitats of Principal Importance and, additionally, some (including blanket bog) are Annex 1 Habitats (Habitats Directive). The ES should demonstrate that impacts on these habitats will be avoided, or that there will be adequate mitigation and compensation for impacts (the ES does neither);
- There are assumptions and conclusions regarding blanket bog that are unsubstantiated and therefore possibly flawed;
- The ES does not include a mitigation plan, but recommends that a management plan is written following further survey work and consultation – this is unacceptable;
- Unsubstantiated conclusions that state that there would be no significant impact on the Biological Heritage Sites or the hydrological regime;
- The effects of the proposed wind turbines on the Bowland Fells SPA have not been adequately considered and further ornithological survey work is required, including a collision risk assessment;
- The potential impacts of displacement of breeding wading birds, on roosting hen harriers and breeding Peregrine Falcon and Merlin have not been adequately assessed (on birds' sensitivity to wind turbines), in terms of robust data collection, analysis of impacts and mitigation.

It is quite clear, given the length of the list above, that there are many omissions within the Environmental Statement.

At the decommissioning stage, the site would be partially cleared and partially restored. However, the applicant states that the site can be restored easily and the landscape effects are fully reversible and can be returned to its pre-development state. The submission then goes on to state that the wind turbines and on-site containerised substation would be dismantled and removed, along with the upper sections of the turbine foundations (which would be backfilled with up to 1m of appropriate material and the area re-seeded with local species), but the access tracks would be left for use or left to grass over. There is also no mention of the storage or construction compound foundations, the crane hardstandings, the meteorological mast, the borrow pits or the remainder of the concrete foundations. In other words, the site cannot and will not be restored to its pre-development state, and secondly the landscape effects are not fully reversible. These statements in the submission are both misleading and inaccurate.

For the reasons set out above in this section, it is clear that the application cannot be supported in planning policy terms.

7.6 Access/Highway Safety

The applicant proposes to create a new access to the top of Whit Moor to accommodate construction and maintenance traffic. However, they have failed to assess any alternative route. With existing routes to the south and east of the site, the applicant has not sought to assess the suitability of existing infrastructure and the impact of using other roads and tracks in the area to serve their proposal. Sections 7.3 and 7.4 of this report set out the biodiversity and landscape impacts of this proposed development, both of which make clear reference to the proposed track's adverse impacts.

It is recognised that County Highways do not have any concerns that cannot be dealt with by way of condition, both in terms of highway design and safety (for example, extending the 40mph limit through Claughton almost as far as the turning to Farleton for the duration of the construction period, estimated at 9 months), but in the absence of critical information, the impact and suitability of the track cannot be adequately assessed. The application provides a framework for the access roads, but no specific detail, such as:

- Defining which parts of the road will be new;
- Illustrating which parts of the road will be utilising existing track (albeit these section will require widening);
- Showing where the passing places will be located;
- Identifying the type of construction to be used on different sections of the road;
- Defining the gradients on the various sections of the track;
- Demonstrating where the surface water run-off will be directed to;
- Showing where culverts are required;
- Defining where access will be provided for pedestrians and horseriders;
- Identifying where trees and hedgerows will be lost and how this will be compensated for.

Without this information, it is impossible to assess the impact of the access track. These points were raised with the applicant when an application just for the access track (Ref: 09/00222/FUL) was submitted, which resulted in the application being withdrawn. They were reiterated again during pre-application discussions with the applicant. It is therefore disappointing that when armed with this information that they have failed to act upon it. Though they made verbal comments relating to concerns of noise and disturbance to residents of Caton and Brookhouse if construction traffic were to be directed through these villages, it would appear that the applicant has drawn this conclusion in the absence of evidence, rather than assessing the various environmental and social issues surrounding different routes.

As proposed, the access track would be incongruous to its setting, especially on the open lower sections. Even the use of additional planting may accentuate the presence of the road rather than disguise its existence. It is noted that no photomontage has been provided from the northern slopes of the Lune Valley to demonstrate one way or another how effective landscaping can be to screen the track adequately and sensitively so not to change the character of this part of the AONB. In the absence of evidence to the contrary it is concluded that an access track in this location is very likely to create a permanent scar through a protected landscape as discussed previously.

Though the applicant seeks to restrict the use of the access road to construction and maintenance traffic for the wind turbines only, there is a risk that the brickworks in Claughton may try to argue for its use if their aerial ropeways (which they currently use to bring excavated material down the hillside from Claughton Clay Pit) become unviable to run and/or repair. Though the use of the road can be controlled by condition, it could be very difficult to defend a decision preventing the brickworks from utilising it given the strength of national planning policy relating to rural employment. In fact, originally the access road was partially designed and located to accommodate future use by the brickworks as well as the owners/occupiers of Claughton Hall and the local farmers.

The applicant proposes to draft and agree a Traffic Management Plan with the Police and County Highways if planning permission were to be granted. The development would attract a significant

amount of construction traffic, including large vehicles with abnormal loads, which would require a police escort. This would have significant traffic and highway safety implications on the busy A683 (the only main road that runs west-east for some distance due to the protected nature of the Forest and Trough of Bowland) and motorway network. The distance from the proposed access track to junction 34 of the M6 is about 9km, and given the notoriously poor safety record of this road (as confirmed by the AA's classification of this being the third worst 'A' road in England in terms of accidents resulting in fatalities or critical injuries), the detail in this proposed Plan is critical to the operation and safety of this highway. However, neither the Police nor County Highways have objected to the development, but this Traffic Management Plan should incorporate a Travel Plan for construction workers, as well as restrictive windows for deliveries of abnormal loads to minimise the impact on the road network.

7.7 Hydrology

The application site naturally drains at present along a series of becks to the north, north west, south west, south and east. All but the eastern becks flow into the River Lune between Caton and Claughton. The eastern becks flow into the River Roeburn which runs through Outhwaite Wood Site of Special Scientific Interest (SSSI) before joining the River Hindburn then the River Wenning at Wray and Hornby respectively. The River Wenning flows into the River Lune between Farleton and Hornby. The River Lune is a Biological Heritage Site (BHS) in this part of the valley.

Though a significant amount of the water is likely to run-off the site at present into these becks, in the absence of development, a proportion of the water will soak into the ground providing water for the vegetation, peat and other underground aquifers. By developing the site, especially creating large areas of hard surfaces such as tracks and concrete foundations, the impacts could include:

- Greater surface water run-off into the becks increasing flood risk downstream;
- Drying out of the blanket bog, at least in certain areas;
- Soil erosion;
- Deterioration of plant life, including the moorland grass;
- Degrading on other habitats;
- Adverse impacts on the BHS and SSSI;
- Pollution of waterways and ground water;
- Siltation of rivers and their tributaries;
- Landslides / stability risks.

The River Lune is an important waterway for sea trout and salmon, and much work has been undertaken over the last decade by the Lune River Trust, the Environment Agency and other organisation to improve the quality of River Lune and its associated waterways. This has helped to increase the quantity of fish as their spawning beds have been protected. The proposed development could have an adverse effect on their beds and therefore their numbers, along with other habitats of protected species, such as otters, great crested newts, water voles and common toads. Though they have not provided any technical guidance within their consultation responses, these are the concerns of the Lune River Trust and a few anglers' clubs.

However, these points have been reiterated in different ways by the Environment Agency, County Ecologist and Natural England. The submission has failed to address the issue of hydrology adequately, and therefore the impacts listed above cannot be discounted. The survey work is poor, it is not clear what soil sampling strategy was adopted, the depth of the peat recorded is questionable, there appears to have been no site-based assessment/monitoring of hydrological regimes (only a desk based data gathering exercise), and by its own admission the Environmental Statement (ES) advises that there is an information gap relating to riverflow and rainfall data. For a site with a potentially substantial quantity of peat, that supports nationally and internationally important habitat types, a desk-based assessment of hydrological impacts is completely inappropriate. All statements regarding the impacts of the scheme upon hydrology, on and off site, appear to be based on assumptions.

The ES appears to consider surface water only. However, even then the submission is inaccurate. It states that the development is not located in an area of flooding, though to access the wind turbines on Whit Moor the applicant is proposing to create a track through a flood zone, identified by the Environment Agency's flood risk map as being in Zone 3. There does not appear to have been a

thorough assessment of the impacts of the various elements of the scheme (e.g. turbine foundations, roads, excavations) on hydrological regimes or the peat resource. Furthermore, the Environment Agency has criticised the application for the absence of drainage details and that no assessment has been made of the impacts arising from the development upon habitats outside of the application boundary. As the site is an upland peat area and surrounding habitat on lower slopes is linked hydrologically to it an assessment needs to be made on the impacts of drainage through the development on adjacent habitat and any mitigation proposed to compensate for impact on the habitats. It is also important to assess cumulative impacts on habitats and species particularly peat habitat. Detailed hydrological site survey and assessment of impacts is needed to determine the effects of the development on the site.

The applicant has sought to minimise the impact of the development in hydrological terms by siting wind turbines at least 50m from any watercourse, including drainage channels to direct run-off, and constructing attenuation ponds where necessary to minimise run-off into watercourses. They conclude that the development may result in minor alterations to the drainage patterns on the site, though given the volume of water involved will not alter to any degree, it is considered that this impact is insignificant. As pointed out above, other water related risks are not addressed, and even surface water run-off has not been investigated adequately.

Given the area's susceptibility for flooding (e.g. the floods in Wray and others along the Lune Valley) and the hydrology regime's potential impact on important and protected habitats and species, the omission of such investigative work is unacceptable and therefore the application should be refused.

7.8 Historic Conservation

The submission includes an archaeological survey, which the County Archaeology department has commented upon. County's initial concerns relating to lack of information has now been satisfied by way of an additional walkover survey. This further information demonstrates that the proposed layout would not damage or destroy significant sites of archaeological interest. Therefore the Archaeological Service feels it reasonable to apply an appropriate condition to the consent if planning permission is granted to secure a programme of archaeological works.

However, the development has little regard to the setting of a number of Conservation Areas in the towns and villages of the Lune Valley, and the setting of the Listed Buildings within these settlements. In the immediate setting of the application site (within 5km) fall the Conservation Areas of Brookhouse, Hornby, Gressingham, Wennington and Wray (with the impact on these settlements being deemed to be of major significance by the County Landscape Service). Slightly further from the application site (within 10km) are the Conservation Areas of Halton, Melling, Arkholme, Tunstall, Wrayton, Cantsfield, Nether Burrow and Whittington. The majority of the wind turbines proposed will be clearly visible from these protected areas, and though some would see the proposed development against the existing Caton Moor scheme, the wind turbines on the latter site sit a lot closer to the skyline so have are less intrusive. As the proposed wind turbines are significantly higher than the existing ones on Caton Moor (126m against 90m) and would sit across the summit of Whit Moor (rather than on the lower slopes of Caton Moor), their size, location and movement would draw people's eyes to the structures to a greater extent than the existing turbines at Caton Moor currently do.

Though a number of these Conservation Areas are within 5-10km from the application site, and therefore the impact is less significant due to the distances involved, the openness of the Lune Valley upriver of the proposed wind turbines means that they would be very visible from these protected settlements, and as such the visual impact would be moderate (as determined by the County Landscape Service).

Though the wind turbines are only proposed for a period of 25 years, this is a significant proportion of anyone's lifespan. Furthermore, national policy (PPG15) does not make the distinction between temporary and permanent in this regard. Therefore the 'temporary' nature of the impact on the setting of the Conservation Area does not make that the adverse impact permissible.

This is evidenced in the photomontages within the application, clearly illustrated by the view south from Hornby Bridge. So important is this view (setting) that the Conservation Area appraisal for Hornby makes special mention of it. Though as previously stated that County Landscape Services deem these images to underplay the turbines' impact, these photomontages show the visual impact

to be substantial, especially from Hornby, Gressingham and Wennington. If the images were reproduced to satisfy County's concerns, the impact would only be greater. In conclusion, the impact on the setting of the local Conservation Areas is unacceptable. Likewise, the setting of some of the Listed Buildings within these areas and along the A683 is unacceptable, especially on historic properties like Hornby Castle and Gressingham Hall. The proposal would also have a detrimental impact on the setting of the historic landscape, with scenes of the Crook o' Lune and Hornby Castle famously painted by Joseph Turner (1775-1851). Therefore the application should be refused.

7.9 Residential Amenities (including health concerns)

The Council believes that noise could be problematic, though because predicting noise from wind turbines is far from an exact science, a series of 3 conditions are proposed if the application is approved. These would safeguard the residents of the nearby dwellings in terms of noise.

Shadow flicker is the effect of the sun shining behind the rotating turbine blades and creating an intermittent shadow inside nearby buildings. It only occurs when certain meteorological, seasonal and geographical conditions prevail, so in other words not very often. However, it can be a source of nuisance, but again its effects can be relatively easily mitigated against, not least by shutting down the relevant turbines during periods when it could occur. It is a matter that can be appropriately addressed by a condition. Under some circumstances reflection of sunlight from turbine blades can cause flashing but this can be largely overcome by matt surface finishes, as proposed.

Likewise, adverse effects on broadband links and television reception can be controlled by way of a condition requiring the implementation of a scheme of mitigation.

There is no evidence that ground transmitted low frequency noise or infrasound from wind turbines is at a sufficient level to be harmful to human health. Knowledge is incomplete and further research is needed. This is set out in paragraph 44 of Technical Annex 8 of the Companion Guide to PPS22.

The views from the 3 nearest dwellings would be adversely affected. Thornbush is located within 750m of turbines 18 and 20. Winder is within 900m of turbines 4 and 7. Similarly Deep Clough is within 900m of turbines 2, 3 and 4. Thornbush is situated at 235m above sea level, with the 2 nearest wind turbines set between 275m and 295m above sea level. The 2 turbines nearest Winder would be set at between 330m and 340m with the residential property at 265m above sea level. Deep Clough is situated at 250m above sea level, with turbines 2, 3 and 4 set at 320-330m. With each turbine measuring 126.5m in height from base to the tip of the blade, they would be dominant feature on the landscape. Given the difference in height between the residential properties and the base of the turbines' columns is between 40 and 80m, and the grade difference between the two, it is unlikely that the full height of the wind turbine would be visible from the properties. However, given the height of the turbines, they would appear very prominent on the skyline from each property. With this in mind, the properties were visited by the case officer to judge if the turbines would appear overbearing from the principle windows of each of these dwellings. It is the view of the case officer that the wind turbines would be very dominant and overbearing, especially to the property known as Thornbush, but also to the upstairs accommodation at Deep Clough and Winder. From these properties, a significant proportion of the turbines' columns would be visible, climbing to a significant height of 126.5m (including blades). The appearance and height of the wind turbines at close quarters and on elevated ground, and the motion of the blades, would be intrusive and intimidating and would markedly detract from enjoyment of both the house and its open space. Therefore the development would adversely affect the residential amenities of these properties. The loss of visual and residential amenity would fall below that which the case officer deems to be acceptable.

7.10 Socio-Economic (including tourism and recreation)

The applicant is proposing to fund a series of benefits as part of this wind turbine scheme. The key benefits are:

- £50,000 contribution per annum for the lifetime of the wind turbines towards BeGreen Energy Advice Service;
- A further £50,000 contribution per annum for the lifetime of the wind turbines to the Parish Councils of Caton with Littledale, Roeburndale, Claughton and Hornby with Farleton to fund

environmental, energy efficiency and carbon offsetting activities and projects;

- The provision of 7 jobs, including 4 wind turbine engineers to maintain and manage the wind turbines, 2 people to run the BeGreen Energy Advice Service and 1 educational ranger/educational support to work with nearby schools;
- Students from the local area who are enrolled on Environmental and Renewable Energy courses at universities in the UK will be eligible to apply to the applicant for a bursary.

As welcome as these contributions and benefits may be, there is however a concern amongst local residents that these are far outweighed by the adverse impact the development would have on the local economy, especially relating to tourism and recreation. Unfortunately there is no way of quantifying what this impact would be, whether positive or negative. Without being able to establish clearly the scale and significance of the impact, it is difficult to comment. In the absence of any compelling evidence that the proposal would have any significant adverse effect on the contribution made by tourism and recreation to the local economy, no conclusion can be drawn one way or the other.

7.11 Public Access / Right of Way

There are no mapped footpaths or bridleways across the top of Whit Moor where the 20 wind turbines are proposed. A track runs to the south of the site to the property known as Winder. A footpath connects Winder to a property named Thornbush. This footpath runs to the east of the site. In addition, the track known as Quarry Road, which serves the wind turbine scheme as Caton Moor links into a bridleway that runs north of the existing wind turbines to the track by Claughton Moor, which terminates at the village of Claughton. The majority of this bridleway would be affected by the proposed access track, though it is proposed to create a new bridleway parallel to the proposed access track so no provision is lost and to reduce the conflict between horseriders and construction traffic. Though the bridleway appears not to be a particularly important link in the wider network, there are very few bridleways (at least mapped) in the area, and therefore its provision should be retained, and if possible enhanced. However, its enhancement in the short term is unlikely as its attraction to horseriders would be minimal with construction traffic movements adjacent to the bridleway. The enhancement would only occur in the medium to long term (excluding the period for decommissioning, subject to the applicant successfully policing the use of the access track e.g. no motorbikes, quarry traffic etc).

Though there are no mapped links across the site, the entire site is allocated as Open Access land, as defined by the Countryside Rights of Way Act, and therefore anyone wishing to access the land on foot can do so. The applicant argues that the network of tracks proposed between the wind turbines would improve access across the top of Whit Moor and this would compensate for the small areas of land that would become inaccessible (i.e. the areas of land covered by compounds, borrow pits and the turbine columns). Though these tracks may formalise access across the top of the moor, there is no question that their presence along with the wind turbines and other infrastructure would diminish the experience currently enjoyed by users of the moor.

Some of the application site falls within an area that is designated as Common Land. The applicant, if successful in being granted planning permission for this scheme, would have to apply separately to DEFRA to seek their approval to develop on such land.

Though Whit Moor forms the highest point in this northern section of the Forest of Bowland AONB, the higher peaks of Ward's Stone and Clougha to the south attract greater numbers of walkers. The site itself does not appear to attract walkers from any great distance or in large numbers. The impact on recreational amenity as a result of this development is likely to be nominal.

The wind turbines would be visible from the Pennine Way (c30km away), a national trail that runs through the nearby Yorkshire Dales, and from Ingleborough (c20km away), Wharfedale and Pen-y-ghent (the 3 summits of the Yorkshire Dales famous 3 peak challenge), but the impact would be of slight significance.

In summary, the proposal would harm the experience of the countryside enjoyed by at least some users of nearby rights of way, though the number of people so affected would likely to be small.

8.0 Conclusions

8.1 This application tests the weighting to be given to each planning element, and whether on balance it can be determined positively or not.

In the application's favour is the strong emphasis given by Central Government to deliver schemes that generate renewable energy. This is reflected in their new suite of draft National Planning Statements (NPSs) and the Planning Policy Statements (especially the supplement to PPS1, and PPS22 and its companion guide) as well as being picked up by regional and local planning policy.

Against this policy position the following aspects should be considered:

- Visual impact, impact on landscape character (including the principle of development of wind turbines in an AONB) and the cumulative impact of wind turbine schemes;
- Environmental impacts including ecology and hydrology;
- Residential amenity including noise and shadow flicker;
- Historic conservation;
- Socio-economic issues including employment, tourism and enjoyment of the countryside.

As set out above in the Analysis section of this report, the application fails on 9 fronts, which are concisely set out below in the Recommendation. Despite the laudable push to deliver renewable energy targets as set out in PPS22 and RSS Policy EM17, such developments must meet the planning requirements of other adopted policy before they can be deemed to be acceptable. Even Policy EM17, which encourages renewable energy generation, requires the applicant to take account of visual impact, nationally designated sites, nature conservation and local amenity. The policy tests (in no particular order) are namely:

- For renewable energy development to be acceptable, environmental impacts must be addressed satisfactorily (PPS22);
- For planning proposals to be assessed on their own merit - there is no indication in policy since the publication of PPS22 that visual and landscape effects carry less weight than the increase of renewable energy generation capacity;
- In AONBs renewable energy projects should only be permitted where the objectives of the designation will not be compromised by the development and where any significantly adverse effects on the qualities of the area are outweighed by the environmental, social and economic benefits (PPS22);
- Prior to determination, a thorough evaluation of the development proposal's impacts should be undertaken, demonstrating adequate mitigation and/or compensation for the identified impacts (PPS9);
- It is a material consideration to preserve or enhance the setting of a Listed building or Conservation Area, and therefore planning permission should only be granted where preservation or enhancement can be achieved (PPG15);
- All forms of flooding and their impact on the natural and built environment are material planning considerations (PPS25).

Given the national, regional and local planning policy position on these matters of AONB designation, biodiversity, hydrology, residential amenity, historic conservation, landscapes and visual impacts, the application cannot be supported.

Recommendation

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

1. The application does not set out any 'exceptional circumstances' to develop such a major proposal within an Area of Outstanding Natural Beauty and is therefore contrary to PPS7.
2. The development is of an inappropriate scale given its location within an Area of Outstanding Natural Beauty and Countryside Area, and therefore is contrary to PPS7, Core Strategy Policy EM1 and saved Local Plan policies E3 and E4.

3. The development would have an adverse visual impact upon the landscape, contrary to PPS1, RSS policies DP7 and EM1(a), Core Strategy policies SC1, SC3, SC5 and E1, and saved Local Plan policy E3.
4. The development would have an adverse cumulative impact upon the environment, contrary to PPS1, RSS policies DP7 and EM1(a) and Core Strategy policies SC1, SC3, SC5 and E1.
5. The development's impact on biodiversity, including within the Biological Heritage Sites, has not been adequately assessed, so appropriate mitigation against and/or compensation for the development cannot be identified. The proposal is therefore contrary to PPS1, PPS9, PPS22, RSS policy DP7, Core Strategy policies SC1 and E1, and saved Local Plan policy E12.
6. The development's impact on hydrology has not been adequately assessed, so appropriate mitigation against and/or compensation for the development cannot be identified. The proposal is therefore contrary to PPS25, RSS Policy EM5, Core Strategy policy SC7 and saved Local Plan policies E7 and E8.
7. The development would have a detrimental impact on the historic environment, particularly on the setting of a number of local Conservation Areas and Listed Buildings within these protected areas, and therefore is contrary to PPS1, PPG15, RRS policy DP7, Core Strategy policies SC1, SC3, SC5 and E1 and saved Local Plan policy E35.
8. The development would be overbearing, dominant and intrusive on a number of nearby residential properties.
9. The application does not assess alternative access routes, and therefore it cannot be determined if the proposed route is the most acceptable given social and environmental considerations.

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 A19	Committee Date 15 March 2010	Application Number 10/00130/CCC
Application Site Carnforth High School Kellet Road Carnforth Lancashire	Proposal Erection of a new sports hall including 11 car parking spaces two of which are disabled, car park and existing path will be lit by 7 5.5 metre lighting columns, the existing fence will be repositioned and additional 2.4 metre high wall mesh fencing will be installed.	
Name of Applicant Lancashire County Council	Name of Agent None	
Decision Target Date 5 March 2010	Reason For Delay Committee Cycle	
Case Officer	Andrew Holden	
Departure	No	
Summary of Recommendation	Raise no objections to the proposals	

1.0 The Site and its Surroundings

- 1.1 The application site is located off Kellet Road, Carnforth within the complex of buildings associated with Carnforth High School. The plot is located to the rear of the main group of buildings between the swimming pool and the all weather sports pitches. The application site currently comprises a small car parking area and a small all weather pitch sited approximately 1.5m above the car park. Direct access to the site is gained via a separate access road to neighbouring Our Lady of Lourdes RC Primary School.
- 1.2 A small number of residential properties are located on the Kellet Road frontage some 80m from the application site with the bowling green to the Cross Keys public house in between. The remainder of the site is surrounded by the school complex.

2.0 The Proposal

- 2.1 The proposal is seeking to develop a new sports hall including the rearrangement of the existing car parking area, provision of a temporary car park, the erection of seven 5.5m high lighting columns and additional 2.4m high mesh fencing. The footprint of the sports hall is 34m X 34m and will rise to a maximum height of 10.5m under a curved roof. The internal area of the hall is split with half the area laid out as pitches and the remaining area being two storeys, reception and changing to the ground floor and a mezzanine plant room, viewing/teaching area. The main entrance and reception area is located to the east of the building to encourage car parking and pedestrian movements from the recently upgraded car parking area associated with the community building to the east of the school complex. An existing linking footpath is to be upgraded with lighting columns to improve accessibility from the car park in the hours of darkness.
- 2.2 The building materials are a mixture of render, timber cladding and natural stonework under a ribbed continuous membrane roof. The palette of materials will reflect those of the existing school buildings. The curved continuous membrane roof has been used to provide for clear spaces within

the building and a contemporary design to the external elevations.

2.3 The sports hall is to be used during school times as part of the schools facilities but it is intended to be open to general public use outside school times. The proposed hours of public opening are:

- Evenings 6.00pm – 10.00pm
- Weekends 8.00am - 10.00pm (all year)
- During school holiday period – open all day 8.00am - 10.00pm (every day)

3.0 Site History

3.1 The school has been the subject of many applications over the last few years, almost all relate to the replacement and upgrading of school facilities. In 2007 the neighbouring land to the east of the school gained consent (Ref: 07/01496/CPA) for the erection of a community resource/children and young persons centre along with improvements to car parking area and access of Kellet Road. This car parking area is used during the school day by both school staff and the community centre.

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
Environmental Health	Views awaited

5.0 Neighbour Representations

5.1 Consultation has been undertaken directly by Lancashire County Council.

6.0 Principal Development Plan Policies

6.1 There are no specific Lancaster District Local Plan saved policies relevant to the proposal.

Lancaster District Core Strategy – Policy **SC2** seeks to build healthy sustainable communities by focusing development where it will support the vitality of existing settlement, regenerate areas of needs and minimise the need for travel. Policy **SC8** is also relevant, in that it seeks to build sustainable communities by ensuring that existing and future residents and visitors have access to sports facilities, greenspaces and greenspace networks.

7.0 Comment and Analysis

7.1 The application has been submitted to ensure that the school can provide a full and complete curriculum to its pupils. The school currently lacks adequate sports facilities to enable the widest possible opportunities to its pupils. In addition the school considers that it plays an important role in the community and provision of these additional facilities will help in the schools community role.

7.2 The building design is considered to be sympathetic to the current complex of building at the school. The materials have been drawn from those present at the school. The overall height of the building is taller than any currently on site but the land to the rear of the main school building falls away resulting in the floor level of the new building being at least 1.5m lower than the neighbouring buildings. The relative height is reduced as a consequence and whilst the new sports hall will be taller than the adjacent buildings the difference will not be substantial or uncomfortable when viewed from public areas.

7.3 The short term implications from the construction period and in particular the servicing of the swimming pool have been addressed in the proposal. The current swimming pool car park will be lost within the overall site during the development of the hall. To ensure that some parking is available for the pool a temporary car park is to be created closer to Kellet Road in front of class rooms. Creation of the car park will necessitate removal of grassed areas and access being routed via the schools internal road network. The temporary arrangement will provide 6 spaces with two made over to disabled standard spaces. Additional parking will be available as it is now in the car

park serving the community centre.

- 7.4 Following completion of the sports hall the temporary car park will be removed and reinstated back to grass. The original car park immediately alongside the pool will be re-opened in a revised layout which will result in the loss of approx 2/3 spaces as the new layout will only accommodate 11 cars, two laid out to disabled standards. However parking is available in the community centre car park although this will necessitate a longer walk. New fencing is being erected to the north of the hall to improve security around the building. As a result the sports hall will only be accessed by the general public from the community centre car parking area along an improved footpath route.
- 7.5 Overall, the development is one which is considered appropriate for the area and the wider community. The scale of the development including the new lighting system is acceptable and would not unduly impact upon the amenities of nearby residents. The car parking immediately available to the swimming pool will be reduced slightly but the use of the adjacent community centre car parking area is now to be openly encouraged to serve both the sports hall and as overflow parking for visitors to the swimming pool.

8.0 Planning Obligations

- 8.1 None required.

9.0 Conclusions

- 9.1 The development represents an opportunity to introduce a valuable facility to the benefit of both the school pupils and the wider community. The development is not considered to unduly impact upon local amenities and accords with planning policy which seeks to develop recreational facilities to help support sustainable communities. As such the development should be supported by the City Council.

Recommendation

That the City Council would raise **NO OBJECTIONS** to the proposals subject to the following conditions:

1. Parking areas to be made available for use prior to use of the sports hall.
2. Cycle parking provision to be made available for use prior to use of the sports hall.
3. Additional tree planting to be undertaken to aid screening of the car park area.

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>A20</p>	<p>Committee Date</p> <p>Monday 15th March 2010</p>	<p>Application Number</p> <p>10/00118/DPA</p>
<p>Application Site</p> <p>Lancaster Railway Sports and Social Club</p> <p>Morecambe Road</p> <p>Lancaster</p> <p>LA1 2RX</p>		<p>Proposal</p> <p>Cycle route improvements to Greyhound Bridge A6 northbound slip road including conversion of footways to shared use, improvements to road crossing, kerb re-alignments, alterations to vehicular access, associated signage and road markings</p>
<p>Name of Applicant</p> <p>Lancaster City Council</p>		<p>Name of Agent</p> <p>Mr Gary Bowker</p>
<p>Decision Target Date</p> <p>1 April 2010</p>		<p>Reason For Delay</p> <p>None</p>
<p>Case Officer</p>		<p>Mr Karl Glover</p>
<p>Departure</p>		<p>No</p>
<p>Summary of Recommendation</p>		<p>Grant Planning Permission</p>

1.0 The Site and its Surroundings

- 1.1 The area subject to this application is located off the A6 northbound slip road from Greyhound Bridge, adjacent to its junction with Morecambe Road and north of Lancaster Railway Sports and Social Club. Beyond the site to the north of Morecambe Road is Ryelands Park; to the east is Our Lady’s Catholic High School and directly to the west is a two storey office building known as Riverway House.
- 1.2 The area in which the works are to be implemented also includes a triangular grassed traffic island with a number of small trees/vegetation on and on the southern side of the slip road is an oval shaped island with similar features.
- 1.3 The Council’s Strategic Flood Risk Area identifies the site as lying within Flood Zone 2.
- 1.4 The site is designated as a Primary Bus Corridor on the Local Plan Proposals Map.

2.0 The Proposal

- 2.1 The proposed improvements to the junction include:
 - Reducing the road width on the A6 slip road on the approach to Morecambe Road from Greyhound Bridge;
 - Improving sight lines for pedestrians, cyclists and motorists;
 - Modifying road markings;
 - Relocating/modifying signs and posts;
 - Relocating the 30mph speed restriction.
- 2.2 The proposal also includes the relocation of the existing exit from the service road to the sports and social club, approximately 5 metres south of its existing position.

3.0 Site History

3.1 There is no site history relevant to this application.

4.0 Consultation Responses

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

Statutory Consultee	Response
Lancashire County Highways	No objections to the proposal however the highway works might vary in detail from those included in the application, subject to the completion of the highways road safety audit procedures.
Tree Protection Officer	No comments received at the time of compiling this report, details of which will be presented verbally to Members.

5.0 Neighbour Representations

5.1 No correspondence has been received at the time of compiling this report. Any comments subsequently received will be reported verbally.

6.0 Principal Development Plan Policies

6.1 National Planning Policy Guidance (PPG) 13 – Seeks to maximise opportunities for means of transport other than car and encourage development at public transport nodes.

6.3 Lancaster District Core Strategy – adopted July 2008

Policy **SC1** (Sustainable Development) – ensures new development proposals are as sustainable as possible, minimise greenhouse gas emissions and are adaptable to the likely effects of climate change.

Policy **SC5** (Design Quality) – ensuring new development is of a quality which reflects and enhances the positive characteristics of its surroundings, and improves appearance where conditions are unsatisfactory

Policy **SC7** (Development and Flood Risk) – ensures that development proposals and allocations will be assessed in line with PPS25 (Development and Flood Risk)

Policy **E2** (Transportation Measures) – states that the Council will minimise the need to travel by car by focusing development on town centres and locations which offer a choice of modes of transport.

Lancaster District Local Plan Policies

Policy **T5** – Seeks acceptable development on the primary bus corridor which would not effect the efficient operation of buses.

7.0 Comment and Analysis

7.1 In policy terms the site is located as a Primary Bus Corridor as defined by Policy T5 in the Lancaster District Local Plan. This seeks to prevent development which would adversely effect the efficient operation of buses or the introduction of priority measures within this corridor. In this instance the application site is clearly located within a very busy section of the highway but the minor alterations/improvements are not seen to have any implications to the day to day operation of buses.

7.2 The proposed works are all part of the wider scheme to improve the cycle network throughout the Lancaster District; alterations to the access to Our Lady's Catholic College have taken place from the east with the creation of a shared use path along the south side of Morecambe Road from the signal controlled crossing at Owen Road.

- 7.3 The alterations - which include new paving, re-positioning of highway safety/warning signs, proposed cycle path and crossing improvements are all seen to be an improvement to the existing layout which is currently not cycle friendly.
- 7.4 The design of the layout and the use of relevant materials have been carried out in accordance with local and national guidance aimed at providing suitable and usable road layouts, all of which are seen to be satisfactory by Lancashire County Highway Authority.
- 7.5 The scheme will require alterations and landscaping to the two existing traffic islands. This includes the trimming and pruning of four mature trees (none of which are subject to Tree Protection Orders) which will improve sightlines. This work is currently being assessed by the Tree Protection Officer who is to advise accordingly, this will be verbally reported to Members verbally at committee.

8.0 Conclusions

- 8.1 The proposed highway improvements are seen to be a substantial improvement to this section of highway and will result in a much safer easier and more efficient route for cyclists. Therefore subject to the Tree Protection Officer's comments the scheme can be supported.

Recommendation

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

1. Standard time limit
2. Development to accord to plans
3. Amended plans dated 16th February 2010
4. As may be requested by the Tree Protection Officer

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

APPLICATION NO	DETAILS	DECISION
09/00818/FUL	Erection of a detached bungalow with detached garage at 38 Middleton Road (Land Adjoining Curwen Avenue) Heysham Morecambe Lancashire LA3 2QF (Overton Ward)	Application Permitted
09/00918/FUL	Alterations to site entrance gate position and erection of boundary walls at Carr House Farm Carr House Lane Lancaster LA1 1SW (Castle Ward)	Application Permitted
09/00987/FUL	Installation of road barrier, formation of new vehicle turning head and provision of cycleway bypass at Haverbreaks Road Haverbreaks Lancaster Lancashire (Scotforth West Ward)	Application Permitted
09/01005/FUL	Replacement of existing flat roof to pitched roof to create additional rooms in roof space and creation of a balcony at 8 The Knoll Hest Bank Lancaster Lancashire LA2 6BU (Slyne With Hest Ward)	Application Permitted
09/01029/FUL	Erection of two detached two storey dwellings at Land Adjacent To 39 Watery Lane Lancaster LA1 2SQ (Skerton West Ward)	Application Permitted
09/01062/FUL	Erection of 2 storey extension to the side at 422 Heysham Road Heysham Morecambe LA3 2BL (Heysham South Ward)	Application Permitted
09/01078/FUL	Erection of dormer window to the side and rear at 3 Beaufort Road Morecambe Lancashire LA4 6TY (Torrisholme Ward)	Application Withdrawn
09/01108/FUL	Erection of a garage, kitchen and lounge extension at 35 Hawthorn Road Bolton Le Sands Carnforth Lancashire LA5 8EH (Bolton Le Sands Ward)	Application Withdrawn
09/01125/FUL	Erection of a two storey dwelling on land adjacent at 70 Slyne Road Bolton Le Sands Carnforth LA5 8AL (Slyne With Hest Ward)	Application Permitted
09/01130/FUL	Erection of a rear single storey extension to lower ground floor at Whitelaw House Residential Nursing Home 429 Marine Road East Morecambe LA4 6AA (Bare Ward)	Application Permitted
09/01163/FUL	Erection of a new office building to serve external storage facility, construction of an access road and erection of 2.4m high security fencing at 5 Stevant Way White Lund Estate Morecambe Lancashire LA3 3PU (Westgate Ward)	Application Refused
09/01164/ADV	Erection of 11 various signs at The Lancaster Hospital Meadowside Lancaster LA1 3RH (Dukes Ward)	Application Permitted
09/01169/FUL	Erection of a single storey extension to the rear and side at 35 Barley Cop Lane Lancaster Lancashire LA1 2NB (Skerton East Ward)	Application Permitted
09/01173/CU	Change of use from retail/cycle store to student accommodation, with associated alterations to ground floor elevations and relocation and enlargement of cycle store to basement car park. at 1 - 3 Cable Street Lancaster Lancashire LA1 1BP (Bulk Ward)	Application Permitted
09/01182/FUL	Erection of a first floor extension and replacement garage at 11A Slyne Road Bolton Le Sands Carnforth Lancashire LA5 8AG (Bolton Le Sands Ward)	Application Permitted
09/01184/FUL	Erection of dormer extension to the side and rear at 16 Greenwood Avenue Bolton Le Sands LA5 8AW (Slyne With Hest Ward)	Application Withdrawn
09/01189/ADV	Installation of 1 part internally illuminated fascia sign and 1 externally illuminated hanging sign at 18-20 Market Street Lancaster LA1 1HT (Dukes Ward)	Application Permitted
09/01193/FUL	Erection of a conservatory to the rear at 2 High Crag Court Warton Carnforth Lancashire LA5 9ND (Warton Ward)	Application Permitted
09/01195/LB	Listed building application for various internal and external alterations at Castle Station Westbourne Road Lancaster Lancashire LA1 5NW (Castle Ward)	Application Withdrawn

APPLICATION NO	DETAILS	DECISION
09/01196/FUL	Erection of chimney to side at Mill View Cottage Lancaster Road Caton Lancaster Lancashire LA2 9HX (Lower Lune Valley Ward)	Application Permitted
09/01197/FUL	Erection of a single storey orangery to the rear at St Michaels House Main Street Whittington Carnforth Lancashire LA6 2NX (Upper Lune Valley Ward)	Application Permitted
09/01200/CU	Change of use from doctors surgery to single dwelling at 3 Castle Hill Lancaster LA1 1YS (Castle Ward)	Application Permitted
09/01201/LB	Listed Building Consent in connection with change of use from doctors surgery to single dwelling at 3 Castle Hill Lancaster LA1 1YS (Castle Ward)	Application Permitted
09/01203/FUL	Erection of a two storey extension to the side and rear at 20 Eastlands Heysham Morecambe Lancashire LA3 2HT (Heysham South Ward)	Application Permitted
09/01206/FUL	Installation of 20m lattice tower, equipment cabin with ancillary cabling and ducting and 1.8m high palisade fencing at Electricity Substation Carr Lane Middleton Lancashire (Overton Ward)	Application Permitted
09/01207/CU	Change of use of shop and flat above into one residential dwelling and erection of a single storey rear extension at 24 Highland Brow Galgate Lancaster Lancashire LA2 0NB (Ellel Ward)	Application Permitted
09/01211/ADV	Erection of various signs at John O Gaunt 55 Market Street Lancaste Lancashire LA1 1JG (Dukes Ward)	Application Permitted
09/01213/LB	Erection of various signs at John O Gaunt 55 Market Street Lancaste Lancashire LA1 1JG (Dukes Ward)	Application Permitted
09/01214/ADV	Installation of 4 Internally illuminated signs at Travelodge 67-69 King Street Lancaster LA1 1RE (Dukes Ward)	Application Refused
09/01215/FUL	Erection of a conservatory to the rear at 5 Brentlea Crescent Heysham Morecambe LA3 2BT (Heysham South Ward)	Application Permitted
09/01224/FUL	Installation of balcony to south elevation at 7 Truman Avenue Lancaster LA1 5EP (Castle Ward)	Application Permitted
09/01225/FUL	Erection of an animal shelter at Grebe Barn 5 Braides Farm Sandside Cockerham Lancaster Lancashire LA2 0EL (Ellel Ward)	Application Permitted
09/01226/FUL	Erection of a treated timber mono pitch storage building at Mill Croft Spout Lane Wennington Lancaster Lancashire LA2 8NX (Upper Lune Valley Ward)	Application Withdrawn
09/01228/FUL	Erection of a conservatory to the rear at 9 The Hawthorns Lancaster Lancashire LA1 4PJ (Scotforth East Ward)	Application Permitted
09/01238/FUL	Erection of an outbuilding to be used for ancillary office purposes at Old Hall Farm Over Hall Road Ireby Carnforth Lancashire LA6 2JQ (Upper Lune Valley Ward)	Application Permitted
09/01244/ADV	Erection of 2 free standing notice boards at St Martins Church Centre Braddon Close Morecambe Lancashire LA4 4UZ (Westgate Ward)	Application Permitted
09/01245/LB	Listed Building application for demolition of existing boundary wall and rebuilding to same height and with existing stone at Beech House Nether Kellet Road Over Kellet Carnforth Lancashire LA6 1DL (Kellet Ward)	Application Permitted
09/01246/CU	Change of use of part of car park to childrens play area at Cockerham Parish Hall Main Street Cockerham Lancaster Lancashire LA2 0EF (Ellel Ward)	Application Permitted
09/01247/FUL	Erection of single storey extension to form a store room at Cockerham Parish Hall- Main Street Cockerham Lancaster Lancashire LA2 0EF (Ellel Ward)	Application Permitted

APPLICATION NO	DETAILS	DECISION
09/01250/FUL	Erection of a single storey extension to the side and rear at Keer Side Arkholme Carnforth Lancashire LA6 1AP (Upper Lune Valley Ward)	Application Permitted
09/01251/LB	Listed Building Consent to demolish existing lean-to and replace with a single storey orangery at Bankfield House Whitebeck Lane Priest Hutton Carnforth Lancashire LA6 1JL (Kellet Ward)	Application Permitted
09/01252/FUL	Erection of a single storey extension to create toilets for nursery children at St Patricks Rc Primary School Littledale Avenue Heysham Morecambe Lancashire LA3 2ER (Heysham Central Ward)	Application Permitted
09/01255/FUL	Installation of three central glazing bars to the rooflights and retrospective application for the change of use of attached storeroom to classroom involving external alterations to the front door and the installation of three rooflights. at Crookhey Hall Special School Garstang Road Cockerham Lancaster Lancashire LA2 0HA (Ellel Ward)	Application Permitted
09/01256/LB	Retrospective application relating to amendments made to applications ref: 07/00408/FUL and 07/00409/LB (installation of glazing bars to existing roof windows) at Crookhey Hall Special School Garstang Road Cockerham Lancaster Lancashire LA2 0HA (Ellel Ward)	Application Permitted
09/01257/FUL	Erection of a single storey extension to the rear at 11 Johnson Close Lancaster Lancashire LA1 5EU (Castle Ward)	Application Permitted
09/01258/LB	Listed building application for repointing and replacement of UPVC rainwater goods with cast iron at 2 Standen Park House Lancaster Lancashire LA1 3FF (John O'Gaunt Ward)	Application Permitted
09/01259/FUL	Erection of a first floor extension to the rear at 67 Fairfield Road Heysham Morecambe Lancashire LA3 1ES (Heysham North Ward)	Application Permitted
09/01261/FUL	Erection of an agricultural building for livestock at Trumley Farm Trailholme Road Overton Lancashire LA3 3HW (Overton Ward)	Application Permitted
09/01262/FUL	Erection of an agricultural building for storage of silage at Trumley Farm Trailholme Road Overton Lancashire LA3 3HW (Overton Ward)	Application Permitted
09/01263/FUL	Erection of palisade fencing and gates to form secure compound at Focus Do It All Westgate Morecambe Lancashire LA3 3DD (Westgate Ward)	Application Permitted
09/01269/FUL	Demolition of existing dwelling and erection of a 5 bed detached house to replace existing at 10 Oxcliffe Road Heysham Morecambe LA3 1PS (Heysham Central Ward)	Application Refused
09/01270/FUL	Installation of air conditioning to sales area and installation of a cellarator to a store room at 56-58 Euston Road Morecambe Lancashire LA4 5DG (Poulton Ward)	Application Permitted
09/01271/FUL	Erection of a single storey extension to side and rear at 3 Buckingham Road Morecambe Lancashire LA4 4LU (Harbour Ward)	Application Refused
09/01272/FUL	Erection of dormer roof extension to the rear and installation of one additional roof light to the front at 19 Gardner Road Warton Carnforth Lancashire LA5 9NY (Warton Ward)	Application Permitted
09/01273/ADV	Erection of 2 static illuminated signs to the front and 1 non illuminated fascia sign to the side at 52 Ullswater Road Lancaster Lancashire LA1 3PS (Bulk Ward)	Application Permitted
09/01274/FUL	Erection of an extension to existing front dormer at 6 Steward Avenue Lancaster Lancashire LA1 4HP (John O'Gaunt Ward)	Application Permitted
10/00001/FUL	Erection of a single storey extension to the side and rear at 37 Yealand Drive Lancaster LA1 4EW (Scotforth East Ward)	Application Permitted

APPLICATION NO	DETAILS	DECISION
10/00005/LB	Listed building application to remove existing corroded corner window post and two adjacent corroded metal windows and replace with masonry pier at Tarnwater Coneygarth Lane Tunstall Carnforth Lancashire LA6 2QP (Upper Lune Valley Ward)	Application Permitted
10/00006/FUL	Demolition of existing attached garage, erection of an extension to the side, erection of a conservatory to the rear, construction of dormer to the rear in connection with loft conversion and erection of a detached garage to the rear at 4 Claylands Drive Bolton Le Sands Carnforth LA5 8LN (Bolton Le Sands Ward)	Application Permitted
10/00010/FUL	Erection of a 2 storey extension to the front at 3 Malvern Avenue Lancaster LA1 4BP (Scotforth West Ward)	Application Permitted
10/00015/DIS	Discharge of all conditions on approved application no. 09/00871/FUL at Asda Stores Ltd Ovangle Road Lancaster Lancashire LA1 5JR (Westgate Ward)	Application Permitted
10/00017/FUL	Erection of a two storey side extension and conservatory to the rear at 43 Russell Drive Morecambe Lancashire LA4 6NS (Torrisholme Ward)	Application Permitted
10/00022/FUL	Erection of a single storey extension to existing dining room at 18 Hazelwood Silverdale Carnforth Lancashire LA5 0TQ (Silverdale Ward)	Application Permitted
10/00023/FUL	Erection of conservatory to the side at 19 Levens Way Silverdale Carnforth LA5 0TG (Silverdale Ward)	Application Refused
10/00025/FUL	Erection of a two storey extension to side and single storey extension to rear at 25 Westover Road Warton Carnforth LA5 9QT (Warton Ward)	Application Withdrawn
10/00031/FUL	Erection of a two storey extension to side, single storey extension to rear and single storey garage/store at 16 & 18 Clevelands Avenue Morecambe Lancashire LA3 1SX (Heysham North Ward)	Application Permitted
10/00040/FUL	Erection of kitchen and dining room extension at 6 Greenways Over Kellet Carnforth LA6 1DE (Kellet Ward)	Application Permitted
10/00041/FUL	Demolish existing double garage, erection of a single storey extension to side, single garage, rear bay window, solar panels and open front porch at 47 Caton Green Road Brookhouse Lancaster Lancashire LA2 9JJ (Lower Lune Valley Ward)	Application Permitted
10/00049/FUL	Erection of a shelter for practise range at Morecambe Golf Club Marine Road East Morecambe Lancashire LA4 6AJ (Bare Ward)	Application Permitted
10/00052/FUL	Erection of a slurry store at Downlands Farm Moss Road Heaton With Oxcliffe Morecambe Lancashire LA3 3ES (Overton Ward)	Application Permitted
10/00060/ADV	Erection of signage at The Pavilion Bridge Lane Lancaster Lancashire LA1 1EE (Castle Ward)	Application Permitted
10/00079/FUL	Erection of a double garage at 96 West End Road Morecambe Lancashire LA4 4EA (Harbour Ward)	Application Permitted
10/00094/FUL	Erection of a rear dormer extension at 7 Clevelands Avenue Silverdale Carnforth Lancashire LA5 0RP (Silverdale Ward)	Application Permitted
10/00101/FUL	Demolition of an existing flat roof garage and the construction of a new garage and garden store with a pitched roof. at 32 St Johns Avenue Silverdale Carnforth Lancashire LA5 0SU (Silverdale Ward)	Application Permitted
10/00136/NMA	Non-material amendment to application 09/00097/FUL for revised entrance at Hay Carr Preston Lancaster Road Ellel Lancaster Lancashire LA2 0HJ (Ellel Ward)	Application Permitted
10/00156/PLDC	Lawful development certificate for the erection of a conservatory extension to the side at 20 Camborne Avenue Carnforth Lancashire LA5 9TS (Carnforth Ward)	Application Permitted

Planning and Highways Regulatory Committee

Planning Appeals and Possible Costs Claims

15th March 2010

Report of Head of Planning Services

PURPOSE OF REPORT

To recommend to Members a procedure to minimise the risks of cost claims against the Council in respect of applications which are refused against officer advice and which then go to appeal.

This report is public

RECOMMENDATIONS

- (1) That in those instances where Committee propose to refuse an application against officer advice AND where both the Head of Planning Service and the Senior Solicitor (or their representatives) agree that there is a risk of costs being awarded against the Council in any subsequent appeal, that a deferral for a “cooling off ” period be introduced. This will enable the officers to assess whether it is possible to produce evidence to support Members’ prospective reasons for refusal and thus to minimise the risk of any subsequent successful costs claims against the Council.

1.0 Introduction

- 1.1 A costs claim has recently been awarded against the Council in respect of two planning applications refused against officer recommendation (the related planning appeals were allowed) and the Council was considered to have acted unreasonably in refusing them. Planning Committees are fully at liberty not to accept officer recommendations. Indeed, it is considered such occasional disagreements are a fundamental part of the democratic process. Experience in this Authority suggests that such divergences of opinion are rare and usually relate to those finely balanced applications where it is possible to make a convincing argument both for and against a proposal. In recent times there have been only one or two successful costs claims in such circumstances, although in one case relating to Mayfield Chicks at Burrow with Burrow the costs awarded against the Council were significant.

However, a legislative change which now allows costs claims to be made in respect of written representation appeals (previously they could only be made in respect of public inquiries or hearings) will certainly lead to an increase in the number of such costs applications against the Council, essentially as 80% of appeals are considered

under the written procedure. The appeals referred to above were the first this Authority has experienced under the new system.

In addition to the above, recent experience suggests that Planning Inspectors are increasingly looking to Councils to produce their own detailed technical evidence where they disagree or do not accept that provided by applicants. It is clear that it is no longer sufficient to argue that the Council disputes the applicant's evidence. In any appeal the Council has to provide evidence to fully support its reasons for refusal. To fail to do so leaves it vulnerable to an accusation of unreasonable behaviour. It is possible for the Council to win an appeal and lose a partial costs claim were it has been unable to justify part of the grounds for refusal. In the case referred to above it is clear that the Inspector had placed a great deal more weight on the technical noise report produced by the appellants than the anecdotal "evidence" produced by neighbours. In that instance the Inspector suggested that the Council should have investigated the neighbours' concerns more vigorously before refusing the application.

It is acknowledged that neighbours often amount assertive and effective arguments to persuade Members to support their point of view. Such campaigns rarely follow through into convincing and robust defences at appeal. Where they are the sole source of evidence to back up a refusal the Council puts itself in a vulnerable position in relation to potential claim for costs.

In order to minimise the risks of costs awards against the Council it is suggested that a minor change to current procedures is introduced as detailed below.

2.0 Proposal Details

- 2.1 It is recommended that where Committee move for refusal against officer recommendation, and both the Head of Planning Services and the Senior Solicitor (or their representatives) agree that the proposed reasons for the decision may not be supported by sound planning evidence, and there is a risk of a costs award against the Council from any subsequent appeal that the Committee's normal practice should be to move a deferral to the following meeting. This would give officers time to investigate the Members' suggested reasons for refusal and provide advice as to whether these were supportable or whether further work needed to be undertaken to ensure they can be justified on appeal.

It is not the purpose of this "cooling off" period to persuade Members to a different viewpoint. It is simply to enable the Council's professional planning and legal advisors to advise on how such a decision can be defended if there is an appeal. Members should note that the Council's Planning Officers as Chartered Town Planners cannot give evidence to support a Member decision if it is contrary to their own professional opinion. It is usually the responsibility of a Member or members of the Committee to give the Council's evidence if such an appeal is heard by an informal hearing or public inquiry.

It is also expected that such measures would be used sparingly and only where officers considered that there is a significant likelihood of an awards costs against the Council

3.0 Details of Consultation

3.1 None

4.0 Options and Options Analysis (including risk assessment)

4.1 Option 1

Continue as at present and run the risk of an increasing number of successful costs claims against the Council

4.2 Option 2

Introduce the cooling off system recommended above to minimise such risks

5.0 Conclusion

5.1 Committee are advised to approve the above recommendation for the clearly stated advantageous reasons detailed in the main body of this report.

**CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

It is not considered that this minor procedural change in the Committee's operation has any adverse impacts in respect of the above matters.

FINANCIAL IMPLICATIONS

Due to the unpredictable nature of these claims, the service currently has no budget provision to accommodate them. The last claim, Mayfield Chicks (as mentioned above), amounted to £78,000. Due to the legislative changes that have taken place there is the possibility of an increase in the number of costs awards against the Council if measures suggested are not implemented. In the event that any such costs awards arise, this will need to be reported through Cabinet identifying how/where the costs are to be funded from.

SECTION 151 OFFICER'S COMMENTS

None

LEGAL IMPLICATIONS

None

MONITORING OFFICER'S COMMENTS

None

BACKGROUND PAPERS

Recent costs awards decision

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