



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 2 FEBRUARY 2015

Venue: MORECAMBE TOWN HALL

Time: 10.30 A.M.

A G E N D A

Officers have prepared a report for each of the planning or related applications listed on this Agenda. Copies of all application literature and any representations received are available for viewing at the City Council's Public Access website <http://www.lancaster.gov.uk/publicaccess> by searching for the relevant applicant number.

1 Apologies for Absence

2 Minutes

Minutes of meeting held on 5th January 2015 (previously circulated).

3 Items of Urgent Business authorised by the Chairman

4 Declarations of Interest

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 10 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

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.

5	A5 14/00938/FUL	Heysham Port Ltd, North Quay Heysham Harbour, Heysham	Overton Ward	(Pages 1 - 17)
		Erection of a wind turbine with an overall tip height of 77 metres, creation of a hardstanding crane pad area, erection of a control building and under-ground cabling for Mr Stephen Snowdon		
6	A6 14/01236/FUL	Anchor Building, 1 Penrod Way, Heysham	Heysham South Ward	(Pages 18 - 24)
		Resubmission of planning application 13/01048/FUL for the erection of a two storey extension and extension to parking area and erection of security fencing (part retrospective) for Mrs Jane Watson		
7	A7 14/00366/OUT	19 Church Grove, Overton, Morecambe	Overton Ward	(Pages 25 - 31)
		Outline application for the demolition of an existing dwelling and erection of three detached dwellings for Mr James Hutton		
8	14/00629/OUT	Land at Carnforth Brow, Carnforth	Carnforth Ward	(Pages 32 - 40)
		Outline application for the development of up to 6 residential dwellings for Mrs Sandra Barron		
9	A9 14/01204/FUL	Luneside West Development Site, Thetis Road, Lune Business Park	Castle Ward	(Pages 41 - 45)
		Erection of 60 residential units with associated access roads and parking for Mr Jermaine Barrett		

Category D Applications

Applications for development by District Council.

- | | | | | |
|----|------------------------|--|--------------|-----------------|
| 10 | A10 14/01316/CU | Car Park And Play Area, Marine Road Central, Morecambe | Poulton Ward | (Pages 46 - 49) |
|----|------------------------|--|--------------|-----------------|

Change of use of car park (East) to form new play and open space area and change of use of play area (West) to form new car park for Mr Julian Inman

- 11 **Delegated Decisions (Pages 50 - 55)**

- 12 **Quarterly Planning Performance Figures (Pages 56 - 61)**

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Helen Helme (Chairman), Keith Budden (Vice-Chairman), Eileen Blamire, Dave Brookes, Roger Dennison, Sheila Denwood, Tony Johnson, Andrew Kay, Geoff Marsland, Margaret Pattison, Robert Redfern, Sylvia Rogerson, Richard Rollins, Roger Sherlock and Paul Woodruff

(ii) Substitute Membership

Councillors June Ashworth (Substitute), Mike Greenall (Substitute), Tim Hamilton-Cox (Substitute), Richard Newman-Thompson (Substitute), David Smith (Substitute), Keith Sowden (Substitute), Susan Sykes (Substitute) and Malcolm Thomas (Substitute)

(iii) Queries regarding this Agenda

Please contact Sarah Grandfield, Democratic Services: telephone (01524 582132) or email sgrandfield@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

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

MARK CULLINAN,
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LANCASTER, LA1 1PJ

Published on Wednesday 21st January 2015.

<p>Agenda Item A5</p>	<p>Committee Date 2 February 2015</p>	<p>Application Number 14/00938/FUL</p>
<p>Application Site Heysham Port Ltd North Quay Heysham Harbour Heysham Morecambe</p>	<p>Proposal Erection of a wind turbine with an overall tip height of 77 metres, creation of a hardstanding crane pad area, erection of a control building and under-ground cabling</p>	
<p>Name of Applicant Peel Energy Ltd Mr Stephen Snowdon</p>	<p>Name of Agent Mr James Glynn</p>	
<p>Decision Target Date 25 December 2014</p>	<p>Reason For Delay Committee cycle (An extension of time has been agreed for the determination of this application)</p>	
<p>Case Officer</p>	<p>Mrs Jennifer Rehman</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

1.0 The Site and its Surroundings

- 1.1 The site relates to a 0.91 hectare parcel of land located on the North Quay at the Port of Heysham, approximately 240m from the western end of the harbour wall. The site is accessed from the junction of Port Way and Shore Road before entering the controlled internal road network. The Port of Heysham is located on the southern shore of Morecambe Bay, characterised by shipping infrastructure, large-scale warehousing and cranes of varying size interspersed by extensive hard standing areas used predominantly for container storage and car parking. The Heysham Port railway station and ferry terminal are situated along the south quay of the harbour.
- 1.2 Heysham Power Station and its two large reactors are located south of the Port together with associated infrastructure including overhead lines which exit the power station complex via lattice tower pylons (approximately 48m high), across open recreation land (Heysham Golf Course) and then run eastward toward an electricity substation south of the A883, approximately 1.4km east.
- 1.3 Almost immediately to the north of the site lies Half Moon Bay and Heysham Sands which form the Morecambe Bay Special Protection Area (SPA) and the Morecambe Bay Wetland of International Importance (Ramsar Site). Morecambe Bay Site of Special Scientific Interest (SSSI) also sits immediately adjacent to the development site.
- 1.4 To the east and northeast respectively lie the residential areas of Higher Heysham and Lower Heysham. Both areas lie within 2km of the application site. Lower Heysham forms part of Heysham's historic core and is partly designated as a conservation area. High Heysham is predominately made up of typical suburban housing.
- 1.5 Separating Lower Heysham and the Port to the east is Heysham Head. This is an important National Trust site that comprises a sandstone headland, open grassland, woodland and the remains of St. Patrick's Chapel and the rock-cut graves which occupy part of Heysham Head are nationally important remains, enjoying Grade I listed status and designation as a Scheduled Ancient Monument.

1.6 The Development Plan land allocation identifies the site and its immediate surroundings for employment/business purposes.

2.0 The Proposal

2.1 The applicant seeks planning permission for a single wind turbine generating up to 0.5MW of electricity designed to have an operational life of 25 years. The model proposed will be a traditional three-blade horizontal axis turbine with a maximum ground-to-tip height of 77m. The turbine shall be finished in a matt pale grey colour. The position of the turbine is identified in the submission documents, though a 10m allowance for micro-siting is proposed as part of the application. Ancillary infrastructure will be required and includes the creation of turbine and crane hardstanding areas and foundations, a control building which accommodates the house switchgear, metering, protection and control equipment. This building will measure approximately 10m x 4.5m x 3.1m finished in brick with a tiled roof. The development will also involve approximately 470m of below-ground cabling connecting the turbine to the grid. Temporary works include the provision of a construction compound which will extend approximately 3,500m². The turbine is intended to be delivered via the port but in the event this is not possible, the turbine would be delivered via the existing road network, the details of which would be secured under a traffic management plan condition in the event of an approval.

2.2 The application has been submitted with an Environmental Statement that considers and evaluates the main environmental issues identified in the Scoping Opinion provided by the local planning authority, with regard to the main issues raised during consideration of the applicant's earlier proposal for three turbines (see Paragraph 3.1). The assessment considers the environmental impacts of the development in isolation but also in combination with other projects as required by the relevant legislation, policy and guidance.

3.0 Site History

3.1 The applicant identified the Port of Heysham as a potential site for wind farm development back in 2007 when they undertook their own feasibility studies. A meteorological mast was installed to record wind speeds to ascertain viability for wind energy development. In 2011 the applicant submitted a scheme for three 125m-high wind turbines. This application was accompanied by an Environmental Statement. This application was withdrawn following lengthy discussions with the developer and consultees. Officers had 4 fundamental concerns at the time which lead to the withdrawal of the application, and these were:

- 1) Impacts on ornithology and potential adverse effects on Morecambe Bay SPA/RAMSAR site;
- 2) Impacts on the setting of designated heritage assets (St Patricks Chapel & Heysham Head);
- 3) Impacts on residential amenity (visual impacts); and,
- 4) Potential safety risks associated with the proximity of the development of Heysham Nuclear Power Station (concerned raised by EDF Energy).

This application is a different development proposal but originates from the concerns that were expressed by the local planning authority during the 2011 proposal.

Application Number	Proposal	Decision
09/00343/FUL	Installation of a 50m meteorological data gathering mast supported by guy wires for a period of 3 years	Permitted
10/00785/EIO	Request for a scoping opinion for the erection of wind turbines	Completed
10/00896/FUL	Erection of a 50m meteorological mast	Permitted
11/00816/FUL	Erection of three wind turbines with an overall tip height of 125 metres, and creation of hardstanding crane pad areas, erection of control building and under-ground cabling.	Withdrawn
14/00056/EIR	Screening request for the erection of a wind turbine	Completed confirming an Environmental Statement is required.

4.0 Consultation Responses

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

Consultee	Response
Office of Nuclear Regulation	No objection.
EDF Energy	No objection - based on the precise position of the turbine. EDF Energy didn't take account of the proposed 10m micro-siting specified in the application and have yet to assess whether the micro-siting affects their risk assessment. Further consultation has been undertaken. EDF Energy have confirmed that they are yet to undertake the assessment and that this is not a priority to them at present due to extreme workloads. If comments are submitted a verbal update will be provided.
Civil Aviation Authority	Advice to consult NATS and MoD and local aerodromes, including emergency services.
Ministry of Defence (MoD)	No objection subject to a condition requiring aviation lighting; notification of the date construction starts and the maximum height and latitude/longitude of the turbine.
NATS	No safeguarding objection.
Blackpool Airport	Initially requested a line of sight survey to fully assess the scheme. Subsequent correspondence between the developer and Blackpool Airport suggests that the Airport no longer require this information and have no objection to the proposal. This approach would accord with their response to the earlier 3 turbine scheme. A formal response to the local planning authority is still outstanding.
BAE Systems	No objection – supports the MoD response that there is no safeguarding objection.
Police (Traffic Management)	No objection – comments indicate that the Police support the transportation of the major components from the Port via ship rather than road, due to concerns that the current highway infrastructure is incapable of accommodating the long turbine blades. It is acknowledged that the abnormal loads could be transported via the Heysham to M6 road once completed.
Joint Radio Company LTD	No objection.
Environment Agency	No objection subject to the submitted Flood Risk Assessment being conditioned.
Natural England	<p>Initially Objected for the following reasons:</p> <ul style="list-style-type: none"> • The proposal did not include a Habitat Regulations Assessment; • Concerns over the potential loss of intertidal feeding habitat within the SPA through displacement. • Mitigation (as advised at pre-application stages) should be considered. • Standing advice for protected species <p>Natural England have now considered the Appropriate Assessment undertaken by Avian Ecology on behalf of the Council and the proposed mitigation measures now incorporated into the proposal. Natural England now concur with the conclusions of the Appropriate Assessment that the development will not result in adverse effects on the integrity of any of the European designated sites, subject to the mitigation measures being appropriately secured in any permission given. Natural England's initial objection has now been removed.</p>
RSPB	<p>Initially Objected for the following reasons:</p> <ul style="list-style-type: none"> • Displacement effects can reduce the capacity of intertidal habitat to support birds within a 600m radius of the turbine. The turbine will affect 24.8ha of the SPA and could affect a significant number of wading birds. • These displacement effects would be reduced to acceptable levels if mitigation was put forward by the applicant (such as reinstating the traditional helipad roost). <p>Following the submission of further information to provide mitigation and the imposition of a planning condition to this effect, the RSPB's initial objection has now been removed.</p>

Wildlife Trust for Lancashire	No comments received within statutory consultation period.
English Heritage	Comment that there is a visual impact on the heritage assets centring on St Patrick's Chapel which causes harm to the significance of the setting of the highly graded heritage assets on the Headland. English Heritage recommends that the movement of the turbine inland (east) or a reduction in height could mitigate this impact. English Heritage indicate it is for the local planning authority to weigh this harm against the public benefits of the scheme.
National Trust	Objection - whilst indicating the heritage assessment and proposal itself undoubtedly a manifest improvement from the earlier withdrawn proposal, the Trust conclude that the development would lead to significant adverse impacts to the setting of Heysham Head, specifically St Patrick's Chapel and rock cut graves.
Conservation Officer	No objection - comment that the level of assessment in relation to the impact of the development on adjacent heritage assets is acceptable and that the findings and observations of that assessment are not disputed.
County Archaeology	No objection
County Emergency Planning Service	No objection - the changes can be accommodated in the Heysham Power Station off-site Emergency Plan.
Cockerham Parish Council	No objection
Heysham Neighbourhood Council	Object for the following reasons: <ul style="list-style-type: none"> • Proximity to a busy port and neighbouring buildings where staff will be affected by shadow-flicker • Risks associated with the turbine collapsing onto the neighbouring land would have consequences for the everyday running of the port and a risk to human life • Impact on TV reception and shadow-flicker to neighbouring residents • The power generated by the development does not warrant the inconvenience and safety risks associated with the development
Morecambe Town Council	No comments received within statutory consultation period.
Heaton with Oxcliffe Parish Council	No comments received within statutory consultation period.
National Grid	No comments received within statutory consultation period.
Wyre Borough District Council	No comments received within statutory consultation period.
South Lakeland District Council	No comments received within statutory consultation period.

5.0 Neighbour Representations

5.1 At the time of writing this report 37 letters have been received, 1 in support and 36 against.

The main reasons for opposition are summarised below:

- Impact on nearby residents – visual impacts and noise impacts, particularly those on elevated land nearby (Moneyclose Lane/Heysham Head).
- The turbine will affect nearby residents and businesses (including tourism) 24 hours/day
- A separation distance of turbine to dwellings is too short – WHO suggests between 2.5km–3km.
- Noise impacts - turbine noise should be thoroughly understood and tested – ETSU-R-97 is over a decade old. Low frequency noise impacts can affect health. Affects human rights/peaceful existence.
- Shadow-flicker impacts – offer of blinds unacceptable
- Adverse impact on Heysham Head heritage asset
- Enjoyment of coastal walks and views from the area would be ruined which could permanently affect tourism and local economy in the area
- Loss of property value and ability to sell
- No community benefit and low output – only benefits the developer financially

- Power from turbines fluctuate - not a reliable renewable energy recourse in the long term.
- Health and safety risks to nearby residents and workers - lack of risk assessments
- Risk of blade failure/ice throw – too close to the power station. Safety of power station should be given highest priority.
- Affects safe navigation
- Precedent for further applications
- Landscape impact – plot beautiful coastal line and loss of views
- Turbines should be off-shore
- There are sufficient wind turbines in Morecambe Bay
- Impacts on wildlife, in particular birds, using Morecambe Bay
- The turbine will stand-alone and not be viewed against the industrial backdrop of harbour buildings and power station
- Buildings and internal roads within the topple distance
- The access road to existing businesses on the port should not be affected by the construction/failure/maintenance of the turbine and that existing businesses should be involved in the traffic management plan.
- Security of existing businesses should not be compromised by the development
- Impacts to telecommunication
- Increase in stress and uncertainty over the proposal has affected people living close to the site
- Lack of appropriate consultation

The reasons for support are as follows:

- Site is an industrial one with power stations, pot and warehouses. No impact on landscape
- Few residential properties affected

David Morris MP has written in to object on the grounds that the development is too close to residential streets of Money Close Lane and Moon Bay Walk and businesses on the port itself, leading to potential noise, shadow-flicker and loss of TV reception. The MP also raises concerns over the proximity to the nearby national trust heritage asset, which should be protected at all costs.

6.0 Principal National and Development Plan Policies

- 6.1 National Planning Policy Framework (NPPF)
Paragraphs 7, 12 and 17 - Sustainable Development and Core Principles
Paragraph 56 – Good Design
Paragraphs 93, 97, 98 – Meeting the challenge of climate change, flooding and coastal change
Paragraph 118 and 119 – Biodiversity considerations
Paragraph 123 – Noise considerations
Paragraphs 128, 131 - 136 – Conserving and Enhancing the Historic Environment
Paragraphs 186, 187, 188, 196, 197, 203 - 204 – Decision-taking
- 6.2 Saved Lancaster District Local Plan (adopted 2004)
Policy EC5 – Employment Site Allocations (including Heysham Power Station and Heysham Port)
Policy EC6 – Criteria for new employment development
- 6.3 Lancaster District Core Strategy (adopted July 2008)
Policy SC1 – Sustainable Development
Policy ER2 – Regeneration Priority Area (South Heysham – Green Regeneration)
Policy ER3 – Employment Land
Policy ER7 – Renewable Energy
- 6.4 Lancaster District Development Management DPD (adopted December 2014)
DM17 – Renewable Energy Generation
DM18 – Wind Turbine Development
DM27 – The Protection and Enhancement of Biodiversity
DM28 - Development and Landscape Impact
DM32 – The Setting of Designated Heritage Assets
- 6.5 Other considerations
National Planning Practice Guidance
Land Allocations DPD (Policy HEY1)

7.0 Comment and Analysis

7.1 Main Issues

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

- Policy context and site selection (7.2)
- Landscape and Visual Impact (7.3)
- Historic Environment Considerations (7.4)
- Ecological Considerations (7.5)
- Residential Amenity (7.6)
- Safety and Telecommunications (7.7)
- The contribution to renewable energy generation (7.8)

7.2.1 Policy Context

One of the national core planning principles is to support the transition to a low carbon future by delivering renewable/low carbon energy and associated infrastructure, and that this is central to the economic, social and environmental dimensions of sustainable development. Development Plan policies are consistent with the national position to support and promote renewable energy. Policy ER7 of the Core Strategy explicitly promotes South Heysham as a key focus for renewable energy generation including wind and biomass technology. Policy ER2 also recognises South Heysham as a regeneration priority area with a focus on accommodating and supporting expansion of the Port and the associated industrial estate with significant potential for renewable energy. Emerging Land Allocations DPD policy HEY1 also endorses energy-related development in the area and is described as the Heysham Energy Coast. Subsequently, the principle of wind-energy development along the Heysham Coastline does not conflict with policy.

7.2.2 In terms of the location of the development, the site is actually located within designated employment land, protected by saved policy EC5. Whilst this proposal is not specifically employment development (B1, B2 or B8 development) its location and the nature and scale of development has been carefully selected taking into account the safe operation of the Power Station specifically, but also the suitability of the site based on predicated wind speeds, electrical connections, access, military and aviation constraints, planning constraints, proximity to dwellings and nature conservation constraints. The development lies on the harbour wall within land owned and controlled by Peel Holdings Group of Companies. The Peel Group covers various sectors including Peel Ports who own and operate Heysham Port. It is contended that the proposed development will not prejudice the employment land allocation of the site or its future development (subject to some controls that are discussed later in this report).

7.2.3 Whilst there are no in-principle policy reasons to resist renewable energy development at this site all levels of policy require such proposals to be balanced against other environmental objectives. The National Planning Practice Guidance indicates that local planning authorities should approve proposals if its impacts are (or can be made) acceptable. To address the environmental considerations of a proposal the applicant has submitted an Environmental Statement (ES). The following sections of this report address the main issues in order to reach a balanced recommendation over whether the proposal constitutes sustainable development (in the context of paragraph 7 of the NPPF) and can therefore be supported or not.

7.3.1 Landscape and Visual Impact Assessment

The applicant has undertaken a thorough Landscape and Visual Impact Assessment (LVIA) and has had regard to best practice and relevant legislation, policy and guidance. This assessment also addresses cumulative landscape and visual effects. Computer-generated Zones of Theoretical Visibility (ZTV) mapping and wireframes have been produced within a 20km radius. These are based on bare ground conditions and as such represent the worst case scenario; they exclude any localised screening or intervening structures that may screen views towards the turbine. ZTV mapping subsequently tends to overestimate the extent of visibility and as such the applicant has also provided a series of visualisations (or photomontages) representing some of the closest viewpoints to the site (within 10km). These help illustrate a more representative view

although it is acknowledged that such visualisations do not provide the perfect view/experience of the development as they cannot illustrate the motion of the turning blades, nor the visual context against changing weather condition backdrops.

7.3.2 Notwithstanding this, a series of photomontages and wireframes from representative viewpoints have been provided. The principal categories of visual receptors are residential visual receptors, recreational visual receptors (public right of ways; cycle routes, tourist attractions, etc) and transient visual receptors (those travelling in vehicles on along key routes in the study area).

7.3.3 The LVIA aims to define the existing landscape and baseline conditions, assess their sensitivity to change, describe the nature of the anticipated change, and assess the magnitude and significance of the changes through all stages of the development. Whilst the assessment has thoroughly considered landscape and visual effects in relation to the construction/decommissioning phases, given the temporary nature of these phases it is concluded that the main effects will arise from the operational phase – this is the main focus of our consideration.

7.3.4 **Landscape Effects**

The site is entirely within the Morecambe Coast and Lune Estuary National Character Area (NCA) of which the key characteristics include the panoramic vistas across the bay; a range of coastal landscape features; intensively managed pastoral land; low woodland and the presence of the power station which forms a dominant feature on the visual profile of the coastal strip which is widely visible from adjacent NCAs (Bowland Fringe and Pendle Hill, Morecambe Bay Limestones, West Cumbrian Coastal Plan). Given that NCA's are designated at a national scale and provide a general context, local landscape character areas are considered more pertinent in assessing landscape impacts for proposals such as this. The Lancashire County Council 'Landscape Strategy for Lancashire' (2000) provides a breakdown of the area. In this case, the application site lies within an urban landscape, specifically within the 'Suburban' Landscape Character Type. The site is clearly not typical of a suburban landscape and is instead dominated by the Port of Heysham, the Heysham Power Station and adjoining industrial development. Landscape susceptibility refers to the ability of the defined landscape to accommodate the proposed development. In 2005, Lancashire County Council published a report titled '*Landscape Sensitivity to Wind Energy Development*'. This report did not include the urban areas within its study; however, this clearly does not rule out the prospects of such development within an urban landscape character area. Surrounding local landscape character areas are considered to have low and moderate-high sensitivity to wind energy proposals. Recent planning decisions for other wind energy proposals in the Heysham Area have obviously been mindful that the adjacent landscapes could accommodate some wind energy development. In urban areas, technical constraints may be more difficult, however in the case of the Port of Heysham, it is a heavily industrial area where the landscape is dominated by infrastructure (roads, pylons, cranes) and large industrial scale buildings. Provided that the proposal is deemed safe, the site is surprisingly not that heavily constrained and where it is it is capable of being managed.

7.3.5 Whilst the turbine would inevitably become a prominent feature within the site, due to its height, position and the motion of the turning blades (and therefore the magnitude of change would be regarded high), the landscape effects would be *moderate* and therefore not significant in EIA terms. This is a reasonable conclusion given the industrial character of the immediate site and surrounding area. Despite the height of the turbine, given the nature of surrounding uses and the scale of surrounding buildings, it is not such that would over dominate the port, power station and adjacent industrial development. This is clearly illustrated in the visuals provided (figures 6.12, 6.16, 6.18). The submitted environmental statement at paragraph 6.7.11 summarises this conclusion well by stating that the '*proposed turbine would represent and incremental increase in the landscape role of some of the existing characteristics as opposed to the introduction of a completely new characteristic*'.

7.3.6 In terms of the landscape effects on the local townscape character areas, in the whole due to the contrasting scale, form and movement of the turbine with the predominately residential development in Heysham and Morecambe, the effects are considered to be adverse. However, given the magnitude of change brought about by the proposal to those areas the level of landscape effect would, based on the worst case scenario, be slight/moderate, and therefore still not significant in EIA terms. The assessment and conclusions drawn are accepted.

7.3.7 In terms of wider landscape effects, the assessment has considered the impacts of the proposal

on adjacent designated landscapes (AONBs and Lake District National Park), which are afforded the greatest level of protection. These sites are considered to have high landscape sensitivity. The assessment concludes that due to the separation distances, intervening topography, built form and vegetation and limited availability of locations from where the turbine would be discernible, the level of landscape effect would be *slight* and therefore not significant in EIA terms. Any effect would generally be intermittent, long term but reversible. These conclusions are accepted.

7.3.8 Visual Effects

A viewpoint assessment has been undertaken to provide an impression of the type of visual change (including views from settlements) within the study area. The visuals indicate the effects likely to be experienced at a particular viewpoint location, and take account of the worst case scenario that at these specific viewpoints the turbine is 'face-on' as in reality the turbine will face into the prevailing wind. The greatest level of visual effect will potentially be sustained at locations within 3km of the turbine. It is noted that the level of visual effect during operation will be *moderate* for Higher Heysham, Lower Heysham and Middleton. However, due to the fact the turbine will, in the majority of cases, share views with the adjoining Port and Power Station from these settlements, the magnitude of change is considered *low* and therefore not significant in EIA terms. The assessment also evaluates visual effects to a number of recreational routes/sites, including national cycling routes, public rights of way (PROW), caravan sites, tourism attractions and travel routes (including road and ferry routes). The most notable visual effects would be at the nearby caravan parks (Ocean Edge, Greendales Farm and Hawthorn Caravan Park) and people using Public Footpath FP41, which runs around the headland. The assessment concludes that the predicted visual effects would be long-term, albeit reversible, but would not in any case lead to significant effects in EIA terms. There are no grounds to dispute the findings of the assessment.

7.3.9 Cumulative Effects

The LVIA has considered other wind energy projects to assess the cumulative landscape and visual effects of the development. The viewpoints most affected are those from Middleton and Overton. The visual effects from these locations excluding the proposed Port of Heysham turbine are already considered significant and most notably affected by the BT and Banks Renewables (South Heysham) wind energy schemes. This assessment concludes that the inclusion of the proposed turbine would not lead to a significant incremental cumulative visual effect above what would exist with the consented schemes. Officers are satisfied with this conclusion. A similar assessment has been made for cumulative landscape effects. This concludes that a combination of separation distances and the low magnitude of landscape change that could be generated by a single turbine in a location already characterised by the power station, overhead power lines and pylons would ensure no national landscape designation would sustain significant cumulative landscape effects. As for the townscape character areas, the assessment concludes that there is little potential for significant cumulative landscape effects to occur on a large scale, with the exception of landscape character area 12c (Heysham-Overton Low Coastal Drumlins). The exception here is that this character area could potentially be sub-divided with its western part becoming a separate character area where energy infrastructure becomes the defining element due to the presence of five turbines (this proposal, Heysham South and the BT scheme) as well as the power station and associated infrastructure. As already noted above, the inclusion of the proposed scheme would not lead to a significant incremental cumulative effect to warrant a refusal on the grounds of the potential change to part of this affected landscape character area.

7.3.10 Overall, the LVIA concludes that the landscape and visual effects, including cumulative effects, would not lead to significant adverse effects and would be acceptable in planning terms. The proposed single turbine would be in an area already characterised by extensive industrial development including the large nuclear reactors, pylons and overhead lines. This landscape character is predominately defined by the existing development and whilst the proposed turbine will be a moving feature in that landscape, it would not appear overbearing or incongruous. Equally, the recent planning permission for turbines at Heysham South and the BT turbine in Heysham, all of which are considerably greater in height than the proposal, indicate a landscape which has the capacity to accommodate the development. This is consistent with development plan policy (Core Strategy policies ER2 and ER7) which identify South Heysham as an area suitable for renewable energy development. The landscape and visual effects have been appropriately addressed and the conclusions drawn are considered reasonable and acceptable. On this basis the proposal is considered compliant with local policies DM17, DM18 and DM28 in relation to landscape protection and wind energy development.

7.4.1 **Historic Environment Considerations**

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to state the more important the asset, the greater the weight should be. In this case, there are no designated or non-designated assets within the application site. Subsequently, the principal consideration is the effect of the development on the setting of surrounding heritage assets.

7.4.2 Similarly, the local planning authority has regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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"*. Section 72 of the same Act invokes a similar duty concerning conservation areas. Paragraph 132 of the NPPF seeks to express the statutory presumption set out in the Act. The presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give special weight to the desirability to preserve the heritage asset. This is also echoed in the relevant development plan policies.

7.4.3 The setting of a heritage asset is defined in the NPPF as *"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.

The submitted Environmental Statement provides a comprehensive assessment of the impact of the proposal on the setting of nearby heritage assets and identifies some key viewpoints where the intervisibility of the development and nearby assets can be appreciated. The submitted assessment considers a number of heritage assets within a 5km radius but specifically concentrates on the heritage assets and the indirect effects of the development on those assets identified by key consultees in relation to the larger, withdrawn scheme. Specifically, English Heritage, the National Trust and the Council's Conservation Officer raised no concerns in relation to heritage assets outside the area of Heysham and Heysham Head.

7.4.4 The heritage assets of particular interest are those located on Heysham Head, including the Grade I listed St Patrick's Chapel and rock-cut tombs, which are also scheduled monuments; the Grade I listed Parish Church of St Peter; and the Scheduled High Cross in St Peter's church yard. These assets all fall within Heysham Conservation Area. The earliest parts of St Patrick's Chapel and its cemetery appear to date from the 8th century and are of high importance, described in the listing description as *"one of the best examples in the north west of an early Christian chapel and cemetery"*. The contribution to its setting derives mostly from its situation on the headland which retains a rugged, undeveloped character. The headland is a tourist attraction and is enjoyed by locals and visitors alike. A public footpath provides access around the headland and to the heritage assets. The setting of the chapel and rock-cut graves contributes greatly to its significance as a heritage asset. The submitted assessment provides two photomontages to represent the effects in the locality. One viewpoint is taken from Chapel Hill at one of the highest areas within the scheduled site. This illustrates that the turbine will be visible from hub height with most of the tower screened by the intervening headland. The hub and blades will be visible at this viewpoint at a distance of 1.8km from the turbine. At this distance, the scale of the turbine will not be such that would lead to an overbearing effect on the scheduled monument and Headland itself. At the highest point on the headland, the view southwards is not the most significant viewpoint (almost turning your back to the listed buildings and scheduled site and viewing the turbine with a backdrop of the power station/port), though it is accepted that the undisturbed and undeveloped headland contributes to the setting and the turbine will affect this character. The applicant argues that the southerly view makes little contribution to the heritage significance if the asset and will only affect a small part of the experience of the receptor (visitor/local).

7.4.5 Limited views of the scheduled site and the proposed development will be experienced from the coastal path to the north. The assessment provides a useful photomontage taken from the coastal path off Whinnysty Lane, 2.7km from the turbine. This viewpoint illustrates the undeveloped character of the headland itself but also that the headland is surrounded by relatively dense residential development to the east, historic development at the foot of the headland (Heysham Village and the Conservation Area) and just behind the headland one of the reactors of the power

station is visible. The tree coverage and headland itself help screen the port and power station to the south of heritage asset. From this viewpoint, the turbine will be clearly seen beyond the headland with St Patrick's Chapel a discernible feature within the landscape at this distance. The intimate setting of the heritage asset when viewed in a wider developed context cannot really be appreciated at this distance. The further north the viewer travels, increasingly, the heritage asset is seen in context with the port and the power station. Subsequently, the conclusions drawn in the Environment Statement are that the heritage significance of the asset will not be materially harmed as the heritage significance of the asset does not solely depend on pristine views in this direction. This conclusion is a robust one.

- 7.4.6 The assessment also indicates that when approaching from the south, the turbine will be behind the viewer; when approaching from the north (from Morecambe) the viewer travels along the seafront promenade and the turbine will be visible, although the intervisibility of the headland and scheduled monument with the turbine will vary. Further north of the site (beyond Whinnysty Lane) it is more likely that the turbine would be visible with the backdrop of the port and power station. Closer towards the headland the turbine will become less visible; from St Peter's Church the turbine will not be visible because of the intervening headland. As the viewer rounds the headland and the scheduled site comes into view, the extensive suburban development forms the backdrop to that view of the asset. This simply helps explain that whilst in certain viewpoints the setting of the asset will be affected, in the whole the overall experience of the asset from various viewpoints would not be significantly affected by the development. Subsequently, the assessment concludes the overall effect of the development on the heritage significance of the asset (focusing on its setting) will be of a low magnitude of change and not significant in EIA terms. This conclusion is disputed by the National Trust who have indicated that the submitted environmental assessment has under-assessed the magnitude of the impacts of the development and that from their own assessment the development would lead to a medium magnitude of change which is significant in EIA terms. The Council's Conservation Officer has not objected to the revised proposal and is satisfied with the assessment undertaken. English Heritage have indicated that whilst there is still a visual impact on the heritage assets centring on St Patrick's Chapel they do not believe the development would cause substantial harm and that paragraph 134 of the NPPF should apply. It should be noted that English Heritage do not appear to share the same view as the National Trust who conclude that the development would lead to significant adverse impacts, which from their own assessment, is interpreted to mean substantial harm in NPPF terms. The submitted assessment is considered acceptable and robust and contrary to the view of the National Trust, Officers agree with the view of the Council's Conservation Officer and English Heritage that the development would not lead to substantial harm.
- 7.4.7 NPPF Paragraph 134 states that where a development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposed. Both English Heritage and the National Trust comment that the proposed scheme is a marked improvement on the earlier three-turbine proposal along the harbour wall but continue to make reference to additional mitigation, such as relocating the turbine further inland (eastwards) to reduce the harm to the significance of the heritage asset. The prospects for relocating the turbine eastwards are extremely slim given the nature of surrounding uses and the proximity of the development to the power station. Such constraints have already led to significant reductions to the scale of wind energy development proposed at Heysham Port (following the withdrawn scheme) and as such officers accept that given other constraints, namely ecology and safety constraints, the local planning authority must assess the scheme as it stands and whether the benefits of the proposal would outweigh the harm to the significance of the setting of St Patrick's Chapel and associated graves. DM DPD Policy DM18 is supportive of wind energy proposals subject to the satisfaction of a number of criteria pertaining to harm and significance of heritage assets. Officers are of the view that the proposal would not conflict with this policy, nor the strategic local policy relating to renewable energy development (Core Strategy SC1, ER2 and ER7). In terms of local heritage the principal policy is DM32 which states that proposals that fail to preserve or enhance the setting of the designated heritage asset will not be supported. The policy does continue to state that where negative impacts are identified, the greater the benefits would be required to justify support for the proposal. This would be consistent with the authority's duty under s66 of the Act 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 planning balance in this regard will be discussed at the end of the report.

7.5.1 **Ecological Impacts**

The NPPF advises local planning authorities to aim to conserve and enhance biodiversity. It also makes it clear that the presumption in favour of sustainable development does not apply where development requirement appropriate assessment under the Birds or Habitats Directives is being considered, planning or determined. Policy DM27 requires proposals to demonstrate how the impacts on biodiversity will be minimised and how net biodiversity gains can be provided where possible. Policy DM18 clearly states that wind energy proposals should not result in unacceptable significant effects on areas of ecological value, especially on protected species and habitats.

7.5.2 The application site lies adjacent to Morecambe Bay SPA and Ramsar Site and its component SSSI. Given the nature conservation status of the Bay and the proximity of the development to it, a detailed and robust assessment of the impacts of the proposal on the integrity of these protected sites has had to accompany the Environmental Statement. The main area of interest relates to ornithology. Based on the information provided, the local planning authority have undertaken an Appropriate Assessment (part of the Habitats Regulations Assessment pursuant to Regulation 61 of the Conservation of Habitats and Species Regulations 2010). The Appropriate Assessment states that wind farm developments are widely accepted to potentially affect birds by habitat loss or change; disturbance or displacement; barrier effect; and/or; collision risk. Given the site is not within the SPA itself, the development will not lead to direct effects on habitats within it. However, it is possible that it will affect the distribution or birds and their movements to adjoining land. The qualifying species are restricted to waders associated with inter-tidal habitats with the potential likely significant effects relating principally to the operational phase of development rather than construction and decommissioning.

7.5.3 There is growing evidence that some estuarine waders are tolerant of the operational effects of wind turbines, but there remains little compelling evidence that the Knot species (in particular) is tolerant of operational turbines. In the absence of such evidence displacement could occur and could represent a significant effect on the SPA. In such instances a precautionary approach should be adopted in accordance with the Habitat Regulations. This part of the SPA (close to the development site) is an important foraging area for Knot. Subsequently, the proposal has the potential to displace some birds from foraging sites within the SPA. The Appropriate Assessment indicates that the reduction to a single turbine, reduction in height and relocation westwards substantially reduces the likelihood of significant effects. However, the precautionary approach still applies to the Knot. The assessment then assesses and appraises the impacts of the development and the significant effects identified (displacement of the Knot) to ascertain that the whether the development would adversely affect the integrity of the SPA or not. Upon submission of the initial application and supporting documentation, Natural England and the RSPB objected to the proposal. Equally the Appropriate Assessment could not be certain the project would not affect the integrity of the SPA. Subsequent to this, the applicant then proposed mitigation comprising the timing of works during the winter months and mitigation to secure the nearby helipad roosting site. These mitigation measures are now considered sufficient to preclude adverse effects on the populations and distributions of the qualifying features within the SPA and on this basis, it is accepted that the proposal would not affect the integrity of the SPA. Natural England and the RSPB have now removed their objections subject to the mitigation measures being appropriately secured by condition. The land is outside the application site boundary, but the applicant can implement the mitigation measures required and this would be secured by a 'Grampian' condition. Overall, the Environmental Assessment and additional supporting information has adequately addressed the impacts on biodiversity and the development is compliant with the relevant national and local planning policy listed in section 6.0 above.

7.6.1 **Residential Amenity**

One of the core planning principles set out in paragraph 17 of the NPPF is to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM18 equally seeks to ensure wind energy proposals do not lead to unacceptable significant effects by virtue of visual, noise or shadow flicker impacts on local residents and sensitive users. The Environmental Assessment has considered the impact of the proposal on the residential amenity through their landscape and visual impact assessment, a noise assessment and shadow flicker assessment.

7.6.2 **Visual Amenity**

There are no statutory limits or policy dictating a standard separation distances for wind turbines in

relation to dwellings in England. Objectors to the proposal have talked about a 2km separation distance in terms of health and safety, however, there is no such figure set out in national planning policy or practice guidance. In fact, national guidance states that local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances (NPPG, Paragraph 008). The turbine is located just over 1000m from properties on Moneyclose Lane, approximately 1300m to properties on Moon Bay Wharf and approximately 1380m to Heysham Head off Barrows Lane. The submitted LVIA concludes no residents would sustain significant visual effects. This is mainly because of the separation distances, the scale of the turbine and its position within a highly industrial area principally defined by two large nuclear reactor buildings, pylons and overhead lines. It is accepted that the turbine is a moving feature in the landscape and therefore the eye could be drawn to that feature over surrounding features. However, it is not contended that this alone would lead to the turbine to be '*unpleasantly overwhelming and an unavoidable presence*' (part of the 'Lavender Test') in the views from nearby homes.

7.6.3 Whilst a number of local residents have objected to the proposal and question the impact of the proposal on their living conditions, the properties closest to the proposal and those likely to experience a change in their view are those on Moneyclose Lane, Moon Bay Wharf and the first couple of properties on Heysham Head accessed off Barrows Lane. In all these cases, the turbine is situated over 1km from the turbine. The views will change from these properties but the scale of change is not considered significant given the degree of separation and that in almost all instances the turbine will be viewed against the backdrop of the power station and industrialised port. Moneyclose Lane is the closest residential road to the development. It is a small residential cul-de-sac (with one property used as a guest house) located immediately behind existing employment development (currently Althams). The principal windows of all the properties are orientated north-west facing towards Morecambe Bay. Their outlook is not such that they have open vistas of the Bay. The industrial development surrounding the street, the port and some limited landscaping interrupts Bay views. It is also important to remember that there is no right to a view in planning terms. Whilst the turbine will be visible from the windows of these properties, (predominately first floor windows), given the position of the turbine at the end of the harbour wall, the separation distances involved, the scale of the development and the peripheral view of the turbine from most habitable room windows, the development would not create an overbearing outlook. With regards to the properties further away (Moon Bay Wharf/Heysham Head), it is accepted that their views are more open than those from Moneyclose Lane and in the case of Heysham Head the dwellings are elevated above the application site. However, the separation distances are such that the proposal would not lead to an overbearing presence or outlook from these properties. On this basis, the proposal would not lead to unacceptable visual impacts from nearby residential properties and is therefore compliant with policies DM18 and DM35 which seek to protect residential amenity.

7.6.4 **Noise**

The NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts. The use of conditions to mitigate and control noise is accepted (Paragraph 123). Policy DM18 equally seeks to protect residential amenity. The application includes a noise impact assessment that has regard to the methodology and guidance in ETSU-R-97 (*The Assessment and Rating of Noise from Wind Farms*) and good practice guidance prepared by the Institute Of Acoustics. This provides a robust basis for determining noise limits for wind farm developments. In this case, because the location being situated in a coastal industrial environment, the background noise levels are likely to be higher than those usually found in typical rural locations and not so strongly correlated with wind speed. For this reason baseline noise measurements are not required for the assessment. The Council's Environmental Health Service (who appointed an independent noise consultant) have not questioned the methodology of the assessment.

7.6.5 The principle sources of noise are from the blades rotating in the air and from internal machinery (the gearbox) or mechanical noise (the generator). The focus of the assessment is predominately in relation to the operational phase of the development. ETSU-R-97 recommends that wind farm noise for the daytime period should be limited to 5dB(A) above the prevailing background noise level or a fixed minimum level within the range of 35-40dB $L_{LA90\ 10min}$, whichever is higher. For night time periods the recommended limits are 5dB(A) above prevailing background noise levels or a fixed minimum level of 45dB $L_{LA90\ 10min}$, whichever is the highest. The assessment provides noise contours plotted out from the turbine to demonstrate the predicted noise levels of the turbine. This assessment demonstrates that no properties fall within the predicted 35dB L_{A90} which indicates the

proposed turbine should comply with the ETSU-R-97 guidance and therefore be acceptable. A suitably-worded condition would be imposed to ensure noise from the turbine would remain compliant with this guidance and in the event of complaints, a procedure is in place (via the condition) for the developer to investigate and mitigate where reasonably necessary to do so. That said, given the degree of separation from residential properties, noise complaints associated with the turbine are considered unlikely. The Council's Environmental Health Officer has not raised objections to the development but has questioned the use of predicted noise levels for the purposes of the condition. Officers are still negotiating the wording of the condition, but in any event, should Members support the development, the condition would need to ensure ETSU-R-97 noise limits were not exceeded at nearby residential properties.

7.6.6 In terms of noise impacts in relation to nearby commercial development, the assessment demonstrates that the predicted noise levels would not exceed the accepted noise levels (45-50 dB L_{Aeq,T}) in relation to internal noise levels for open plan offices contained in the relevant guidance (BS8233:2014). Environmental Health Officers have raised no objections and do not dispute the findings of the assessment. Again, this is a matter that can be controlled by condition. Overall, the submitted assessment demonstrates that the development would not lead to significant adverse noise impacts on nearby residential and commercial development, despite comments to the contrary. Controls over working hours during construction and decommissioning of the turbine will be imposed by condition in order to minimise disturbance to nearby residents/workers.

7.6.7 **Shadow flicker**

Shadow flicker the effect of the sun shining behind rotating blades and creating an intermittent shadow inside nearby buildings. Guidance indicates that it will only occur when certain meteorological, seasonal and geographical conditions prevail and as such the effect is not constant. For the effects of shadow flicker to occur there would have to be uninterrupted bright sunshine for shadows to be cast. Subsequently, buildings, trees and other topographical features can help reduce the potential effect. Incidences of shadow flicker are generally held to occur to a distance of 10×rotor diameter of the turbine and within 130° either side of north of the turbine location. In the case of the proposed turbine this would equate to 10×54m = 540m. There are no residential receptors within this area. Even if the higher threshold of 10×turbine height were proposed (770m) there would still be no residential receptors within this area.

7.6.7 The assessment has considered the potential 'worst scenario' effects of shadow flicker on nearby business premises that could be affected by the phenomenon. Five main buildings located on the north quay and the railway station complex on the south quay are acknowledged to be potentially affected. The potential shadow flicker events would be associated with sunsets during periods either side of the spring and autumnal equinoxes. Each building/window would be affected differently, but those closest to the turbine are most likely to be affected. The theoretical occurrence of shadow flicker is expected to be much higher than the actual occurrence. A recent appeal quoted by the applicant suggests that actual events are likely to be only 20-25% of the theoretical maximum. It should also be noted that flicker only tends to occur through narrow window openings, so a number of the commercial buildings on the quay will not be affected.

7.6.8 Concerns have been received about the effects of shadow flicker on workers occupying nearby business premises. Given the proximity of these premises to the turbine, the applicant proposes mitigation which could include the installation of blinds to windows affected or in the case this is not satisfactory, that the turbine is shut down to avoid the effects from occurring. The local planning authority tend to support the latter form of mitigation. It is widely accepted that the effects of shadow flicker can be controlled by condition. In the event Members support this proposal, a condition to secure a scheme of mitigation is recommended.

7.7.1 **Safety & Telecommunications**

The site is located close to a nationally significant nuclear power station. The safe operation of the power station is of paramount importance. The previous scheme for three turbines was considered a risk. The removal of two turbines and a reduction of the height of the turbine is a significant improvement. EDF Energy have co-operated with the applicant (and *vice versa*) to ensure the turbine would not present a safety risk. Risk Assessments have been undertaken by EDF Energy themselves to inform their decision and response back to the local planning authority. Understandably due to national security measures such documents cannot form part of their response. They have raised no objection to the development. It appears that EDF Energy in undertaking the risk assessment did not account for the proposed 10m micro-siting and as such

Officers have sought confirmation that the micro-siting is acceptable. Comments are still pending. In the event they do not comment before the Planning Committee, a condition could be imposed requiring the precise location of the turbine to be agreed. EDF Energy would then be consulted on the details. On the basis of EDF Energy's comments, the Office of Nuclear Regulation have equally raised no objection to the proposal.

- 7.7.2 With regards to aviation considerations, the development is located wholly inside the restricted airspace surrounding Heysham Power Station so civil and military aircraft movements are prohibited. The MoD and the CAA do not object to the development. Blackpool Airport have indicated (via the applicant) that they do have no objection. This would be consistent with the consultation comments received in relation to the three-turbine proposal.
- 7.7.3 With regards to effects on navigation, the previous scheme demonstrated that the three 125m turbines did not pose a distracting navigation hazard to Port vessels. A single smaller turbine will also not pose an unacceptable distraction risk. No objections have been received to this effect.
- 7.7.4 With regards to icing, ice throw is the consequence of ice forming on the rotor blades under very cold climatic conditions. When temperatures rise and the ice melts there is the potential for the phenomenon to occur. The prevalence of suitably low climatic conditions is relatively low in the UK. Despite this, the turbine can be fitted with vibration sensors which detect any imbalance such as that caused by icing. In these instances the turbine would automatically shut down and go into safety mode. The same applies to wind speeds, the turbines will only operate within optimum wind speeds. The turbine would detect excessive wind speeds and shut down.
- 7.7.5 The issue of structural failure and safety could apply to any form of development, although it is an issue often raised in relation to wind turbines, in particular blade failure. Construction and maintenance matters have to adhere to the relevant industry Health & Safety legislation and practice in this regard. The applicant has indicated in the submitted environmental statement that the turbine would also be fitted with a Supervisory Control and Data Acquisition System and vibration monitors to ensure the turbine is shut down under certain circumstances (such as excessive wind speeds, loss of grid connection) or where there is a risk of blade failure.
- 7.7.6 In terms of telecommunications, the assessment indicates that there is unlikely to be any significant adverse impact on telecommunications. In terms of TV interference, the assessment indicates that using the BBC's online assessment, no properties would be affected by the proposal. That said, it is acknowledged by the applicant that viewing quality can be improved (if it is affected as a consequence of the turbine) by relatively simple solutions. Experience from other turbines suggests that viewing quality can be affected perhaps further than anticipated but with an appropriate complaint and mitigation protocol can be easily resolved. The applicant agrees that the use of a condition is an appropriate way to deal with any required mitigation.
- 7.7.7 On balance and having regard to the key consultation responses received, there is no significant safety concern associated with the installation of a single wind turbine in the location proposed.

7.8.1 **Contribution to Renewable Energy Generation**

- 7.8.2 The Climate Change Act 2008 was put in place to set legally binding targets for the UK to reduce greenhouse gas emissions by 80% by 2050. The UK Government has also set a target of 10% electricity to be generated by renewable energy sources by 2010, rising to 15% by 2015 and 20% by 2020. The EU Renewable Energy Directive has also set the UK with a legally binding target of achieving 15% of all energy from renewable sources by 2020. The submitted assessment indicates that for the UK by the end of 2010 only 5334 MW has been provided by on and off shore wind power. To reach the 2020 targets, the Renewable Energy Strategy estimates 14,000MW of on-shore wind power will be needed. More recently the Renewable Energy Road Map (2013) has evidenced that the UK is making good progress though there remains a shortfall. The deployment of the use and installation of renewable technologies is therefore deeply embedded in government legislation and policy, including planning policy.
- 7.8.3 As set out within the NPPF, the government seeks to support the transition to a low carbon future by, amongst other things, encouraging the use of renewable resources through the development of renewable energy. It indicates that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to

contribute to energy generation from renewable or low carbon sources. It also states that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. It is abundantly clear in current planning policy and guidance of the scale and urgency to tackle climate change. It is equally clear that the benefits of renewable energy proposals should be given significant weight in the determination of planning applications.

7.8.4 Although some objections question the predicted efficiency of the turbine and lack of justification, opposition on the grounds of the efficiency, validity and viability of wind energy technology is not a material consideration. The application indicates that the proposed development is anticipated to generate 2.106GWh per year (equivalent to powering up to 516 domestic properties) with a net capacity factor of 48%, which is above the accepted 30% (as standard practice). The proposal would, over 25 years, offset 22,625 tonnes of carbon dioxide. Planning policy does not require applicants to demonstrate the overall need for renewable energy or low carbon energy proposals. Whilst this proposal may only contribute a small amount to cutting greenhouse gas emissions, it is a valuable contribution which in the wider context of the UK's commitment to tackling climate change, and thus it provides significant public benefit. This proposal complies with strategic Core Strategy policies SC1, ER2 and ER7 which encourage renewable energy development, particularly in the South Heysham area.

7.9.1 **Other Matters**

Matters in relation to highway considerations, air quality, flood risk and contamination have been sufficiently addressed by the applicant in their Environmental Statement and where appropriate will be controlled by condition. This will include a Construction & Traffic Management Plan to be agreed with the local planning authority in consultation with the Police and Highway Authority. This is to ensure during commissioning and decommissioning stages of development that vehicle movements are carefully managed to ensure the safe operation of the highway network. With regards to flood risk, the development will need to comply with the flood risk assessment which requires a flood response plan to be produced and agreed with the Environment Agency.

8.0 Planning Obligations

8.1 None.

9.0 Planning Balance and Conclusions

9.1 National and Development Plan policies seek to promote and encourage proposals of renewable energy development, and this carries significant weight in the determination of applications. However, all other material considerations must be considered and balanced against the benefits of the proposal.

9.2 Despite opposition to the contrary, there is no doubt that the proposal offers significant benefits and would wholly comply with national and local policy with regards to its contribution towards meeting the UK's government targets to tackle climate change. Having regard to the Environmental Statement, planning policy and the consultation responses from statutory bodies, non-statutory bodies and local residents, the main issue to be weighed against the proposal is the impact of the proposal on the setting of the nearby designated heritage asset. All other considerations have been adequately assessed and where necessary appropriate mitigation can be delivered to ensure the development has no significant adverse effects and therefore is acceptable in planning terms.

9.3 In accordance with English Heritage advice, the local planning authority must apply the test set out in paragraph 134 of the NPPF. This states that where a *“development proposal will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”*. This is consistent with the statutory test set out in s66 of the Act which requires the *“local planning authority to have special regard to the **desirability** [our emphasis] of preserving the building or its setting or any features of special architectural or historic interest which it possesses”* (effectively trying to avoid harm). Section 7.4 of this report summarises the key findings and conclusions of the impacts on the nearby heritage asset, and whilst the asset is regarded as significantly important, given the separation between the turbine and the asset; the scale of the turbine; and the fact that only in some viewpoints (not all viewpoints and orientations) will the turbine adversely affect the significance of its setting; the harm is not considered substantial. It should also be noted that whilst the turbine is a long-term feature

in the landscape, it is temporary and reversible and is seen in many of the viewpoints in the context of an industrial landscape. Overall, and on balance, the benefits of the proposal would outweigh the 'less than substantial harm' to the significance of the setting of the nearby scheduled and grade I listed heritage asset. On this basis the proposal is considered compliant with national and local planning policy and that in the context of paragraph 7 of the NPPF, the proposal is considered sustainable development. Members are recommended to support the proposal subject to the conditions listed below.

Recommendation

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

1. Standard Time Limit
2. Plans and details approval list
3. Turbine and associated infrastructure shall be removed from site and land reinstated in accordance with a scheme to be agreed with the local planning authority before the expiry of 25 years from the turbine being operational.
4. The wind farm operator shall notify the local planning authority within 1 month of the wind farm being operational
5. If the turbine fails to produce electricity to the grid for a continuous period of 6 months, it and associated infrastructure shall be removed and the land reinstated in accordance with a scheme to be agreed with the local planning authority
6. Subject to EDF comments micro-siting condition to allow 10m or precise location of turbine to be agreed (TBC)
7. Operations and maintenance programme to be agreed (given sensitive site location) this shall include confirmation that the turbine shall be fitted with vibration sensors/control system.
8. Details of the design and external appearance of proposed turbine and substation to be agreed. No adverts on the turbine towers or blades.
9. Details of control building to be submitted including, siting, design and use of materials and any associated enclosures.
10. No development shall commence until a Construction and Environment Management Plan has been submitted and agreed (this would include for example, a programme of phasing of construction works, noise and dust control, details of pile driving, health and safety measures, details of temporary site compounds, wheel washing facilities, drainage, temporary lighting, cable trenches, post-construction restoration of the site)
11. Construction hours – standard restrictions with ability to work later with prior written agreement of the local planning authority (Mon-Fri 0800 -1800, Sat 0800-1400, no work Sundays or Bank Holidays)
12. Details of a Construction Traffic Management Method Statement and its implementation, including pre-condition highway survey to be undertaken before delivery of abnormal loads (if abnormal loads are due by road) following delivery, a post highway condition to be undertaken. Any defects arising from the number/type of abnormal loads would require the developer to reinstate the highway within a prescribed period with the local planning authority.
13. Habitat Mitigation to be secured and implemented before commencement of development and maintained for the lifetime of the development
14. Shadow flicker – scheme for the avoidance and mitigation of shadow flicker to be agreed and implemented
15. All cabling on the site shall be installed underground
16. Aviation lighting – scheme to be agreed
17. Noise condition to ensure ETSU-R-97 limits are not exceeded
18. In the event of any complaint of noise being received, within 28 days of the local planning authority receiving a complaint, the wind farm operator will appoint a consultant (approved by the local planning authority) to assess noise levels and provide the results of that assessment to the local planning authority. Where the noise limits reported exceed the limits, mitigation will be required to reduce the noise levels to the limits set out in the above condition.
19. The wind turbine shall not be brought into use until a scheme to secure the investigation, alleviation and mitigation of any electro- magnetic interference to terrestrial and digital TV caused by the operation of the turbine.
20. Development to be carried out in accordance with submitted FRA
21. Contaminated land assessment
22. Before commencement of development, the wind farm operator should notify the local planning authority of a nominated representative to act as point of contact for local residents with the local planning authority in relation to complaints.

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The local planning authority has provided advice during the pre-application stage of the process in accordance with Paragraph 189 of the National Planning Policy Framework, and the applicant's subsequent proposal has taken that advice into account. The local planning authority has further proactively worked with the applicant/agent in negotiating further amendments which have now positively influenced the proposal and have secured a development that now accords with the Development Plan and the National Planning Policy Framework.

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 2 February 2015	Application Number 14/01236/FUL
Application Site Anchor Building 1 Penrod Way Heysham Morecambe	Proposal Resubmission of planning application 13/01048/FUL for the erection of a two storey extension and extension to parking area and erection of security fencing (part-retrospective)	
Name of Applicant Mrs Jane Watson	Name of Agent JMP Architects Ltd	
Decision Target Date 9 January 2015	Reason For Delay Committee Cycle	
Case Officer	Mrs Eleanor Fawcett	
Departure	None	
Summary of Recommendation	Approval	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Sowden for the application to be determined by the Planning Committee. The reason for the request relates to concerns regarding impact on residential properties due to the enlargement of the working area, a history of anti-social activities in the area by truck drivers and impacts from diesel fumes and also concerns regarding contaminated land.

1.0 The Site and its Surroundings

- 1.1 This application relates to an industrial unit accessed off Penrod Way, close to Heysham Port. The site is currently occupied by a warehouse with associated yards and car parking. The existing development is focused towards the north of the site with a large open area to the south consisting of low level vegetation. Part of this area has now been surfaced following a recent consent for an extension to the parking area and the creation of a lorry park. There is a row of residential properties to the east on Moneyclose Lane. One of these is used as a guest house and one is divided into flats. To the north, west and east of the building on the site are other industrial units. The site is identified on the proposals map as being within the Port of Heysham Industrial Estate. Approximately 340m to the north west is Morecambe Bay which is designated as a Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site.

2.0 The Proposal

- 2.1 This application is a resubmission of a previously-approved scheme for the erection of a two-storey extension to the building, an extension to the car parking area, the creation of an additional lorry parking area and the erection of security fencing and gates. The extension to the building is to provide additional warehousing and office space with a new covered canopy to the main entrance. The extended car park will allow for 20 spaces in total and the lorry park will provide space for 6 lorries.

3.0 Site History

3.1 The relevant planning history is set out below:

Application Number	Proposal	Decision
13/01048/FUL	Erection of a two storey extension and extension to parking area	Approved
11/01036/FUL	Installation of solar photovoltaic panels to roof	Approved
07/00103/FUL	Erection of 15 m flexicell macro column with antennas and 3 equipment cabinets along with ancillary development	Approved
01/01303/FUL	Modification of condition 19 on permission 01/00751/FUL relating to hours of operation	Approved
01/00751/FUL	Erection of a warehouse building with associated parking and delivery bays and landscaping	Approved

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No comments received within statutory consultation period.
Environmental Health	Hours of construction condition required. Confirmed that the comments made on the previous application, requiring an unforeseen contamination condition, still apply and advise the developer that the proposed radon membrane is well installed, well detailed and validated and furthermore is jointed to the existing 1200g membrane in order that there is a continuous gas membrane across the entire building.
Tree Protection Officer	No objection subject to conditions requiring: no tree within the site or on any immediately adjacent property to be cut-down, up-rooted etc without consent; and submitted landscape scheme and 10 year maintenance regime to be implemented in full.
County Highways	No objection.
County Council Minerals Planning	No comments received within statutory consultation period.

5.0 Neighbour Representations

5.1 6 pieces of correspondence have been received which raise the following concerns:

- Increase in vehicle noise due to running engines, reversing alarms and refrigeration units
- Loss of privacy from trucks parked on hard standing
- Loss of visual amenity and outlook from neighbouring properties due to height of hard standing
- Impact on amenity of area as a result of drivers remaining in or congregating near vehicles over night
- Unlikely that any proposed screening would mitigate the negative impact on the residential properties
- Loss of green space
- Likely that the additional parking area would be used for commercial vehicles
- Increase of additional 18 car parking spaces and cannot be justified given that staff numbers are not expected to rise by more than four additional staff.
- Existing contamination on the site has not been fully considered
- Impact on wildlife
- Impact on adjacent guest house
- Increase in out of hours activity
- Increase in air pollution detrimental to health
- Increase in pollution from rubbish left by lorry drivers
- Inaccuracies in the application form
- Restrictions in relation to operating hours imposed on the original consent for the site are often breached

- Impact on safety for children

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
Paragraph 19 – Supporting Economic Growth
Paragraph 32 – Access and Transport
Paragraphs 56, 58 and 60 – Requiring Good Design
Paragraphs 120 -123 – Pollution including noise and land contamination
Paragraph 118 - Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
ER3 – Employment Land Allocations

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

EC5 – Employment Areas
EC10 – Port of Heysham

6.4 Development Management Development Plan Document

DM15 – Employment Premises
DM22 – Vehicle Parking Provision
DM27 – Protection and Enhancement of Biodiversity
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles

7.0 Comment and Analysis

7.1 The main issues are:

- Design, appearance and impact on character of the area
- Impact on residential amenity
- Highways Impacts
- Contaminated land
- Ecology

7.2 Design, appearance and impact on character of the area

7.2.1 The proposed extension to the building will be on the northern elevation, infilling a gap on the north west corner. It will be 18.4m wide, 11.7m deep and have a ridge height slightly lower than that of the existing building. The building will be clad in composite panels with the walls finished in merlin grey and the roof in a lighter, goosewing grey to replicate the colour of the existing roof. The walls of the existing building are finished in a cream colour. The extension will be distinct from the existing building, however, the chosen colour will be quite dark and is considered to be appropriate in this location. It is of an appropriate scale and design and will not have an adverse impact on the appearance of the building or the character of the area. A small canopy/screen is proposed at the entrance on the west elevation which is acceptable in terms of scale and design.

7.2.2 An extension to the south of the existing car park proposes an additional 10 spaces. Before the works commenced on site, there were 10 spaces in this location with a further 5 adjacent to the building on the site. The proposed increase is 3 less than previously approved (2013). To the west of this, separated by a band of proposed planting, lorry parking for 6 vehicles is proposed. These works have been commenced with both areas substantially created. However a new application was required as there was some alterations to the site levels and the positioning and size of the hard standing. The lorry parking area is 19.7m at its widest, 0.6m wider than approved and 50m long. It is also approximately 0.8m closer to Penrod Way than approved, but the extended parking area is approximately 1.4m further from Moneyclose Lane. The finished levels are proposed to be 0.45m

higher along approximately half of the western side of the lorry parking area, and 0.13m higher at the south west corner than previously approved.

- 7.2.3 The creation of the areas of hardstanding has required adjustments to the original levels of the site with the removed material used adjacent to these areas to form small bankings. The parking areas have been surfaced with permeable paving, with the top level of the lorry parking still to be finished with dust-compacted limestone. This part of the development removes an area of existing low-level landscaping. There will be an area of this retained and this partly-retrospective application provides an opportunity to enhance and develop the greening and screening elements. Given the changes in levels and the slight increase in size of the hardstanding area, additional planting has been proposed as part of this application. The banking to the east of the lorry parking area and the south of the car park will have a level approximately 0.8m higher than the lorry parking area with tree planting that was not previously proposed. Shrub planting is also proposed adjacent to this to soften the banking adjacent to Moneyclose Lane and some additional tree planting is also proposed adjacent to Penrod Way and the southern boundary of the site.
- 7.2.4 Notwithstanding the residential properties to the east, the majority of the remaining surrounding area is industrial in nature and the industrial land -allocation includes the application site. Although there is a slight increase in the size of the lorry parking area and some difference in levels that were previously approved, the increase in tree planting will represent an improvement to the visual amenity when compared to the current consented scheme, and it is considered that this will mitigate against the changes to the scheme.
- 7.2.5 On the previous application, a perimeter fence was proposed from the building towards the south of the site, set back from the boundary with Penrod Way, around the areas of hardstanding and back to the service yard. The current scheme seeks to amend the position of this to be approximately 2.5 metres closer to Moneyclose Lane, adjacent to the car parking area, and extend around most of the landscaped banking to east of the lorry park and a further 5 metres to the south. It will be mesh type fencing, 2.2 to 2.4m in height finished in a moss green colour. The fencing is considered to be acceptable in this location.
- 7.3 Impact on residential amenity
- 7.3.1 The extension will be located on an elevation away from the residential properties; as such there will be no adverse impacts on the amenity of these dwellings as a result of this element of the proposal. No objections have been raised from the neighbouring properties in respect of this aspect of the scheme.
- 7.3.2 Permission was granted for the original development in 2001 with a subsequent amendment to the hours of operation to provide some flexibility for the business. The southern part of the site was left as a landscaped area, however all of the site was included in the red line boundary for the application. It therefore benefits from permitted development rights which do allow the creation of hardstanding. As such, it would be difficult to resist this form of development. However, conditions can be put in place to help improve the amenity of the area for the residents on Moneyclose Lane by way of additional landscaping. The agent also confirmed, during the previous application, that the extension to the car parking area will only be used by cars, and the agent has agreed to a condition regarding this. As such this area is only likely to be used during the main office hours and will prevent larger commercial vehicles parking close to the residential properties during unsociable hours. This area is also further from Moneyclose Lane than previously approved. The proposed lorry parking area is approximately 34.5m from the nearest property and approximately 42m from the front wall of the nearest dwelling. This is a sufficient distance to prevent any overlooking from parked vehicles. Additional screening is proposed adjacent to this which has increased from the previous proposal in order to provide a greater green buffer. As set out above, there have been some increases in height of this area from the previous consent. The highest increase of 0.45m is at the side of the parking area furthest from the residential dwellings. The point closest to the dwellings is proposed to be increased by 0.13m from the approved levels. As such it is not considered that the alterations to the approved levels will result in a detrimental impact on the amenities of the neighbouring properties.
- 7.3.3 The agent agreed during the previous application to a condition requiring vehicle engines to be turned off and no refrigeration units operated over night or on Sundays or Bank Holidays. Although the proposal does involve the removal of some green space, it is considered that sufficient controls

can be put in place to protect residential amenity. The site already benefits from specific restrictions in relation to vehicle movements. The condition sets out that: there shall be no inward or outward movements of vehicles above 7.5 tonnes weight or refrigerated vehicles except between the hours of 0700-1800 Monday to Friday; on Saturdays and Sundays and recognised public holidays the inward and outward movement of vehicles shall be limited to the hours of 0800-1300 and no vehicles shall exceed 7.5 tonnes; and notwithstanding these requirements, the company's own vehicles below 7.5 tonnes weight shall be permitted to operate on a 24 hour basis provided that after 2200 and before 0700 the loading and unloading of any vehicle shall take place within the building and the doors shall remain closed during the loading/unloading operation. Furthermore, during these late hours any reversing alarms operated by these vehicles shall be switched off. As the entire site was included in the red line for the previous proposals, the new hardstanding would be covered by this condition. However, for the avoidance of doubt, this condition can be added if consent is granted for the current application. Various concerns have been raised with regards to increased noise and vehicle emissions, however, Environmental Health has raised no specific concerns regarding these issues.

7.4 Highways Impacts

7.4.1 In respect of the original application, the Highways Officer raised some concerns regarding the position of the proposed gate, indicating that it would cause an obstruction to Penrod Way should an articulated vehicle wish to gain entry when the gate is closed. The proposed gate is set back 8m from the highway. The agent confirmed during the original application that it would remain open during the main working hours and only be closed outside these times. The purpose of the gate is to secure the site when the offices are closed. There will be someone operating the gate if access is required. A condition can be included to ensure that the gates are open during the main opening hours of the site (and was added to the previous consent). As such, it is not considered that the proposal will have an adverse impact on highway safety and it will ensure that vehicles not associated with the business are parked on the site.

7.5 Contaminated land

7.5.1 Following discussion with the applicant during the previous application, the Environmental Health Officer is satisfied with the measures proposed and has just requested that the standard unforeseen contamination condition is added if consent is granted. It has also been advised that the proposed radon membrane is well installed, well detailed and validated and is jointed to the existing 1200g membrane in order that there is a continuous gas membrane across the entire building. Advice to this effect was added to the previous consent and can be added if this application is approved.

7.6 Ecology

7.6.1 The submitted ecology report concludes that there was no evidence of protected species on the site which would be negatively affected by the development and the vegetation to be cleared has a low ecological significance in the local area. The new proposed landscaping will promote structural diversity in both the canopy and at ground level and encourage a wider variety of wildlife than already occurs. The amount of landscaping has increased from the original proposal, with a total of 55 new standard trees, including Italian alder, whitebeam, rowan and field maple. There is also a section of new hawthorn hedging and a variety of woody shrubs, well suited to a maritime climate.

7.6.2 Approximately 340 metres to the north west is Morecambe Bay, which enjoys the designations listed in paragraph 1.1. The site is separated from the designated areas by existing industrial development and is also located adjacent to Heysham Port. As such, it is highly unlikely that there would be any direct or indirect impacts on these areas.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The proposed extensions, areas of hardstanding and fencing are considered to be acceptable in terms of size, siting and design and are not considered to have a significant adverse impact on the character or appearance of the area, residential amenity, highway safety or ecology. As such, the proposal is considered to be acceptable in this location which is an allocated employment site.

Recommendation

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

1. In accordance with plans
2. Landscape scheme and 10 year maintenance regime must be implemented in full, as detailed on drawing no. L3133/04/Rev F, dated 30/08/14 and drawing no.297/01/Rev.A, dated October 2014.
3. No tree within the site or on any immediately adjacent property or land shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut-down or grubbed out, other than those identified within the approved application, without the prior written approval of the local planning authority and before any site activity is commenced in association with the development.
4. Surfacing materials in accordance with submitted details.
5. The security fencing hereby approved shall be multiplus profiled panel fencing finished in green (RAL 6005) or a suitable alternative, as may be agreed in writing with the Local Planning Authority.
6. The walls of the extension hereby approved shall be finished in merlin grey, and the roof in goosewing grey, unless alternative appropriate colours are agreed in writing with the Local Planning Authority.
7. The gates hereby approved shall remain open at all times during the main hours of operation at the site.
8. Hours of construction – 0800-1800 Mon-Fri, 0800-1400 Sat
9. Reporting of Unforeseen contamination
10. All vehicles parked on the hardstanding hereby approved between the hours of 18:00 and 7:00 Monday to Saturday, after 13:00 on Saturdays and any time on Sundays and public holidays shall have their engines switched off at all times unless entering or leaving the site. For the avoidance of doubt, no refrigeration units within these vehicles shall be in operation during these times.
11. The extended car parking area hereby approved shall be used for the parking of cars only.
12. Vehicle movements in and out of the site shall accord with the following requirements:
 - i) There shall be no inward or outward movements of vehicles above 7.5 tonnes weight or refrigerated vehicles except between the hours of 0700-1800 Monday to Friday
 - ii) On Saturdays and Sundays and recognised public holidays the inward and outward movement of vehicles shall be limited to the hours of 0800-1300 and no vehicles shall exceed 7.5 tonnes
 - iii) Notwithstanding the requirements of i) and ii), the company's own vehicles below 7.5 tonnes weight shall be permitted to operate on a 24 hour basis provided that after 2200 and before 0700 the loading and unloading of any vehicle shall take place within the building and the doors shall remain closed during the loading/unloading operation. Furthermore, during these late hours any reversing alarms operated by these vehicles shall be switched off.

Advice

- 1 It is advised that the proposed radon membrane is well installed, well detailed and validated and furthermore is jointed to the existing 1200g membrane in order that there is a continuous gas membrane across the entire building.

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings.

The local planning authority has proactively worked with the agent in negotiating amendments, prior to the submission, which have now positively influenced the proposal and have secured a development that now accords with the Development Plan and the National Planning Policy Framework.

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 2 February 2015</p>	<p>Application Number 14/00366/OUT</p>
<p>Application Site 19 Church Grove Overton Morecambe Lancashire</p>	<p>Proposal Outline application for the demolition of an existing dwelling and erection of three detached dwellings</p>	
<p>Name of Applicant Mr James Hutton</p>	<p>Name of Agent Mr Ian Whitworth</p>	
<p>Decision Target Date 18 November 2014</p>	<p>Reason For Delay Awaiting further information</p>	
<p>Case Officer</p>	<p>Mrs Eleanor Fawcett</p>	
<p>Departure</p>	<p>None</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Keith Sowden for the application to be determined by the Planning Committee. The reason for the request relates to concerns regarding the suitability of the access and that the plans indicate a number of trees and a large amount of hedge would be lost, having an adverse effect on the landscape.

1.0 The Site and its Surroundings

1.1 The site is located on the south-eastern edge of the village of Overton. It is accessed off Church Grove, which is privately maintained where it passes the site. The site comprises a detached dormer bungalow, a large detached outbuilding and a long linear garden to the north west of the dwelling. There are hedgerows along the north east and south west boundaries and groups of trees along the north west boundary. The site has a narrow frontage with the highway as the dwelling is located adjacent to a 90 degree bend in the road. To the south east is a detached bungalow, no. 21, the rear boundary of which is in line with the north east boundary of the application site. To the west is a detached bungalow, no. 17, which appears to have the same length of garden as no. 19, however it is understood that the rear part of this is owned by a neighbouring property. To the north east and north west of the site are fields.

1.2 The site is located within the Countryside Area, as set out on the Local Plan Proposals Map. Approximately 170 metres to the south east is the Lune Estuary Site of Special Scientific Interest (SSSI), which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. There is a disused quarry approximately 80 metres to the south east of the site which contains ponds. Approximately 60 metres to the south west of the site is St Helen's Church which is Grade II* Listed.

2.0 The Proposal

2.1 Outline planning permission is sought for the demolition of the dwelling and other buildings on the site and the erection of three detached dwellings. All matters are reserved.

3.0 Site History

3.1 The planning history is detailed below.

Application Number	Proposal	Decision
03/01132/FUL	Erection of railings and fence on existing flat roof	Approved

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Object. Would cause an increase in traffic in Chapel Lane and Church Grove and would be detrimental to road safety. Chapel Lane has hazardous bends and sections where there are no pedestrian footways and Church Grove is unmade and narrow.
County Highways	No objection - subject to conditions requiring: provisions to enable vehicles to enter and leave the highway in a forward gear; the developer to make good any damage to Church grove caused during construction; and submission of a construction method statement.
Environmental Health	Recommend rejection as no Desk Study in relation to Contaminated Land has been submitted. Request hours of construction condition.
Tree Protection Officer	No objection - Following confirmation of the retention of the hedgerow along north west boundary, no objection subject to conditions requiring: Tree Protection Plan; no tree within the site or on any immediately adjacent property or land to be cut-down, up-rooted, topped, lopped or destroyed: Landscaping scheme; Tree Works Schedule and Arboricultural Method Statement.
Conservation	No objection - The area around the church has been developed and the proposed location for the three dwellings will be part of the existing surrounding development. Therefore it is considered that development in this location will not adversely alter the setting of the church.
Lancashire Fire and Rescue	It should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations.
Natural England	The proposal is not directly connected with or necessary to the management of the designated sites. Therefore, in order for the Authority to proceed through the Habitats Regulations Assessment process, the following information is required: <ul style="list-style-type: none"> • Full details of the drainage proposed for the dwellings – both surface water and foul drainage to ensure that no contaminated water enters the designated site. • Details of the mitigation that will be implemented during construction to ensure no polluting run off enters the designated site

5.0 Neighbour Representations

5.1 17 items of correspondence from have been received which raise the following concerns:

- Access is via an unsuitable, narrow, unmade road with no footways or passing places
- Impact on highway safety for vehicles and pedestrians
- Maintenance of private road
- Access for emergency vehicles
- Loss of privacy and daylight
- Loss of views
- Two storey dwellings are out of character with the area - majority of properties in the locality are bungalows/dormer bungalows
- Limited services available in the village
- Impact on and loss of hedgerows
- Surface water drainage
- Capacity of sewerage system and other services
- Noise and vehicle movements during construction

- Overdevelopment
- Harmful Impact to setting of the Listed Church
- Better alternative sites within the village
- Impact on wildlife

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
Paragraph 32 – Access and Transport
Paragraphs 49 and 50 – Delivering Housing
Paragraph 53 – Development of Residential Gardens
Paragraphs 56, 58 and 60 – Requiring Good Design
Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development

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

E4 – Countryside Area

6.4 Development Management Development Plan Document

DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth

6.5 Other Material Considerations

Supplementary Planning Guidance 12 – Residential Design Code

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Principle of development
- Impact on residential amenity
- Access and highway impacts
- Impact on trees and hedgerows
- Ecological Impacts
- Contaminated land

7.2 Principle of development

7.2.1

Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport between the site and homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 sets out settlements where new housing will be supported and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits. Overton is listed as one of the settlements where new housing will be supported.

7.2.2 Overton has a primary school, pub, park, hall, church and is on a bus route. As such, it is considered to be a sustainable location where small-scale residential development would be supported. Although located on the edge of the village, the site is relatively well-related to the existing built-up development and will be fully contained within an existing garden area. Paragraph 53 of the NPPF sets out that planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the area. The Local Authority has no specific policy in relation to this type of the development, however policies do consider impacts on the character and appearance of the area and amenities of neighbouring properties. The application seeks outline consent and as such the layout, scale and design of the dwellings would be assessed at reserved matters stage. The other issues are considered below. On the basis of the above, the small scale of the proposal and the need for houses within the District, including the rural area, the development is considered to be acceptable in principle.

7.3 Impact on residential amenity

7.3.1 The application site consists of a detached bungalow with a long and relatively narrow rear garden. An indicative layout has been submitted to show how the buildings could be positioned. There was concern raised regarding two-storey buildings, given the surrounding development, and indicative elevations have been provided to show a lower building with dormer windows, although the precise details would be agreed at the reserved matters stage if outline consent is granted. The indicative plans show the buildings in a row with the main outlook towards each other rather than over the adjacent garden areas. 21 metres has been shown between the buildings which is considered an acceptable separation distance to prevent overlooking. Windows can be controlled in the side elevation to prevent overlooking on existing garden areas. There is only 13 metres between the nearest dwelling and the boundary with the property to the south east, no.21, however it is unlikely that there will be any impact on privacy to the dwelling. It may be with this plot that upper floor windows need to more sensitively considered. However, it is considered that three dwellings could be adequately sited on the plot without having a detrimental impact on residential amenity.

7.4 Access and highway impacts

7.4.1 Many concerns have been raised in relation to the suitability of the road network to serve the increase in vehicle movement associated with the development, during and post construction. The property is accessed via a narrow unmade track, which is privately maintained and serves a number of other properties. The development would result in a net gain of two dwellings, as the existing one is proposed to be demolished. County Highways has confirmed that, having visited the site, it is not considered that the access is unacceptable to serve the additional development. The road is narrow and un-made however these features provide ideal traffic calming features which would serve to maintain low vehicle speeds. This coupled with the fact that it is a cul-de-sac which would be frequented by local residential traffic and that there have been no recorded injury accidents in the last 5 years would suggest that an objection on highway safety grounds would be unsustainable if taken to appeal.

7.4.2 The highways response acknowledges that the proposal would lead to the access road being used by construction traffic, which would be detrimental to the integrity of the carriageway surface and lead to further deterioration. It has therefore been suggested that an appropriate condition is attached, if consent is granted, requiring the applicant to make good any damage caused to the access during construction. Conditions requiring the provision of vehicles to enter and leave the highway in a forward gear and the submission of a construction method statement have also been requested. Although the application is in outline, an indicative layout plan has been submitted which demonstrates the vehicles would be able to manoeuvre within the site to enable them to enter the highway in a forward gear. The construction method statement would include details of: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding; wheel washing facilities; measures to control the emission of dirt and dust during construction; details of working hours; and contact details of the site manager. Given the above, it is not considered that the development will have a detrimental impact on highway safety.

7.5 Impact on trees and hedgerows

7.5.1 There are a relatively high number of trees and hedges within the site and a Pre-development Arboriculture Report has been submitted. Collectively, trees and hedges within the site make a positive impact on the site and immediate neighbourhood. Boundary hedges and trees provide important greening, wildlife benefits and also screening between neighbouring properties. With the exception of 3 trees, trees and hedges within the site are in a good overall condition with medium to long term periods of useful remaining life potential. 4 additional trees have been proposed for removal to accommodate the development. It has been confirmed that the hedgerows on either of the site will be retained as part of the development. The distance between the dwellings and the boundary hedge to the adjacent field would need to be increased slightly from that shown on the indicative layout in order for the hedgerow to be adequately protected. There is sufficient space on the site for this to be achieved and the precise siting of the dwellings would be agreed at the reserved matters stage. The proposal is therefore considered to not have a significant detrimental impact on hedgerows and trees within the site, providing that they are afforded adequate protection during construction. Additional planting will also be required in order to compensate for the trees to be removed.

7.6 Ecological Implications

7.6.1 The Lune Estuary SSSI is located approximately 170 metres to the south east of the site. This is also designations listed in paragraph 1.2 of this report. These are European designations afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). Natural England have advised that the proposal is not directly connected with or necessary to the management of the designated sites. Therefore, in order for the Authority to proceed through the Habitats Regulations Assessment process, the following information is required:

- Full details of the drainage proposed for the dwellings – both surface water and foul drainage to ensure that no contaminated water enters the designated site.
- Details of the mitigation that will be implemented during construction to ensure no polluting run off enters the designated site

7.6.2 Further information has now been received with regards to drainage and mitigation during construction. Foul drainage will be through the existing mains sewer network which is available at the site. Surface water drainage will be dealt with through soakaways in the gardens. There is sufficient space within the site for this to be achieved and precise details can be requested by way of condition as this is an outline application. During construction, site drainage, including surface runoff, will be discharged to sewers, after any required treatment, and relevant permissions will be obtained from the statutory undertaker. Site drainage will meet the effluent standards required by the sewerage undertaker or Environment Agency (EA) as appropriate, and holding or settling tanks, separators and other measures will be provided as may be required. Protection measures to control the risk of pollution to surface water will be adopted and will include, where appropriate and reasonably practicable:

- Any containers of contaminating substances on site will be leakproof and kept in a safe and secure building or compound;
- All refuelling, oiling and greasing will take place above drip trays or on an impermeable surface;
- Only construction equipment and vehicles free of all oil/fuel leaks will be permitted on site. Drip trays will be placed below static mechanical plant;
- All wash down of vehicles and equipment will take place in designated areas and washwater will be prevented from passing untreated into watercourses.

7.6.3 The site is not within Flood Zone 2 or 3, there are no drains or channels linking the application site to the designated areas and there is existing intervening residential development to the south. There is also an existing residential property on the site. From the information provided, it is considered that the foul and surface water can adequately be dealt with within the site, and the mitigation measures proposed are sufficient to prevent runoff into the designated areas. As such, it is not considered that there will be a likely significant effect on the ecologically designated sites.

7.6.4 The proposal involves the demolition of a bungalow. There are mature hedgerows bounding the site and it is in close proximity to ponds associated with former quarry, in addition to the designated areas. As such, there is potential for the proposal to impact on protected species, in particular bats

and newts, and as such an ecology survey has been requested.

- 7.6.5 Both the dwelling and the garden buildings were inspected internally and externally for evidence of bats. No evidence of bats or bat activity was found and as such the report concludes that there is no reasonably foreseeable likelihood that bats could be roosting in any of the areas that will be affected by the works. In addition none of the trees on the site were found to have potential for bats. The Phase 1 survey indicates that the hedgerows along the site could provide habitat for bat foraging and commuting. These habitats are to be retained within the development and therefore it is considered that the development will have very limited impact upon bat foraging or commuting. Some precautionary mitigation has been proposed in relation to bats to ensure that they are not harmed during works.
- 7.6.6 The report sets out that a few common garden species of bird were observed during the survey including Robin and House Sparrow. It is anticipated that the mature hedgerow and trees on site will provide nesting opportunities for a number of bird species. As the proposals are to retain the majority of the hedgerows, only a very marginal loss of foraging, shelter and nesting habitat is likely. The overall assessment is that for tree and hedgerow nesting species there will be a 'not significant minor impact'. Precautionary mitigation has also been proposed in relation to nesting birds.
- 7.6.7 Desk study records indicate the presence of great crested newts (GCN) within the 2km radius of the site during desk study. The known population is from a pond located approximately 1.73 km north of the site. This distance is outside the typical distance that amphibians use as their 'core' areas in terrestrial habitat and a number of roads and residential properties lie in between the site and the GCN pond location. The only pond within 500m is the former Overton Quarry which is located 150m to the south of the site. The report sets out that this quarry has a 10m sheer vertical side acting as a barrier between it and the properties at Overton. This would act as a significant barrier to any amphibian movement, if they were present. However, the quarry is connected to the River Lune, which is at the mouth of the estuary at this pond. It is likely that the pond is periodically inundated with brackish water which is not suitable for breeding amphibians. The report concludes that overall, the combination of physical isolation, low pond density and poor suitability of the only nearby pond means that there is no likely impact upon any GCN.

7.7 Contaminated land

- 7.7.1 The Contaminated Land Officer has requested that the application is rejected as no Desk Study has been provided to assess the potential for contamination. The site comprises an existing dwelling and its associated garden. There is no evidence to suggest that the site has been subjected to levels of contamination and therefore there would be unlikely to be any risk to future occupants from contaminated land. As such it is unreasonable to request a contaminated land survey. A condition can be added, if consent is granted, to ensure that any unforeseen contamination found during the course of the development is investigated and adequately remediated.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 The site is considered to be in a sustainable location and is of a sufficient size to accommodate three dwellings without having a significant adverse impact on the character and appearance of the area, highway safety, residential amenity and ecology. As such, it is not considered that the proposal represents inappropriate development of a residential garden. The proposal is therefore considered to be acceptable and will provide a contribution to housing within the District.

Recommendation

Subject to an acceptable outcome of the ecological survey and Natural England response, Outline Planning Permission **BE GRANTED** subject to the following conditions and signing of a Unilateral Undertaking to secure a financial contribution towards affordable housing:

1. Standard outline condition – all matters reserved.
2. The details of the scale and design of the dwellings indicated on the drawings submitted shall be

regarded as illustrative only and are not approved as part of the application.

3. Prior to the start of the development, a joint survey shall be carried out between the developer and the planning authority (in conjunction with the highway authority) to determine the condition of Church Grove (between St Helens Road and the development site). A similar survey shall be carried out within six months of the completion of the development , and the developer shall make good any damage to this section of Church Grove to return it to the pre-construction situation
4. Construction Method Statement
5. Details of parking and turning facilities
6. Tree Protection Plan
7. No tree within the site or on any immediately adjacent property or land shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut-down or grubbed out, other than those identified within the approved application, without the prior written approval of the local planning authority and before any site activity is commenced in association with the development
8. Landscaping scheme with 10 year maintenance
9. Tree Works Schedule and Arboricultural Method Statement
10. Lighting scheme
11. Ecological mitigation set out in 6.3 and 6.4 of the submitted ecology report.
12. Surfacing materials
13. Scheme for surface water drainage
14. Finished floor levels
15. Hours of construction
16. Unforeseen soil contamination
17. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no window or door openings shall be created at upper floor level in the west elevations of the dwellings hereby approved without the express permission of the local planning authority.

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings.

The local planning authority has proactively worked with the agent in requesting further supporting information which has now positively influenced the proposal and has secured a development that now accords with the Development Plan and the National Planning Policy Framework.

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 A8	Committee Date 2 February 2015	Application Number 14/00629/OUT
Application Site Land At Carnforth Brow Carnforth Lancashire	Proposal Outline application for the development of up to 6 residential dwellings	
Name of Applicant Mrs Sandra Barron	Name of Agent Mr Richard Riall	
Decision Target Date 15 October 2014	Reason For Delay Referral back to committee following a change in national planning policy	
Case Officer	Mr Andrew Holden	
Departure	No	
Summary of Recommendation	Approval subject to conditions	

(i) **Procedural Matters**

On 28 November 2014 Government made changes to Paragraph 12 of the National Planning Practice Guidance (NPPG) where contributions for affordable housing and tariff style planning obligations should not be sought from small-scale and self-build development. These changes relate to developments of 10 residential units or less, and which have a maximum combined gross floorspace of no more than 1000 sq.m. The only exception is for developments of between 6 and 10 units in Areas of Outstanding Natural Beauty or National Parks (where affordable housing and tariff style contributions should be sought in the form of payments which are commuted until after completion of the units within the development). These changes took immediate effect.

The change in legislation affects this application, which Planning Committee resolved to approve on 10 November 2014 subject to a Section 106 Agreement to deliver upto 40% affordable housing (details to be agreed at the Reserved Matters stage). However, as the required legal agreement has yet be signed and completed, and the change in legislation is now effective, the application remains 'pending'. It therefore needs to be reconsidered under the aforementioned changes to national guidance and the offer made by the applicant (see Section 7.6 of this report). The report is predominantly unchanged from the one previously reported to Planning Committee with the expectation of the recommendation that now modifies the requirements of the planning obligation to reflect the offer form the applicant to provide a financial contribution.

This form/scale of development would normally be dealt with under the Scheme of Delegation. The application was originally referred to Planning Committee by Councillor Gardner. The reason for the request is because it is considered the application warrants examination as to the effect of the development on the local area and its access.

1.0 The Site and its Surroundings

1.1 The application site comprises a triangular field approximately 0.4 ha in area located on the north-eastern edge of Carnforth fronting North road (Carnforth Brow). The field lies to the north of North Road within land designated as Countryside Are in the Lancaster District Local Plan. A local rail-line

runs along the northern boundary of the site and a small open field to the west. Residential housing is located directly opposite part of the site frontage and to the west of the site. Open agricultural land lies to the north beyond the rail line.

- 1.2 The site is located on the eastern side of rising land and falls both to the east and to the north. The rail-line reflects this change in ground levels along the northern boundary with the rail line crossing from shallow cutting to embankment as it travel west to east. A public footpath accesses the western boundary of the site form North Road follows the western edge of the field (site0 and connects to a rail crossing point. The footpath continues having crossed the rail cutting into fields finally emerging onto Scotland Road north of the bridged rail crossing.
- 1.3 The current field boundaries comprise of mature mixed thorn hedges to the North road frontage and the western boundary. The northern boundary is a little less dense with hedgerow and small trees along following the rail cutting turning to sparse vegetation along the rail embankment section of the boundary. A narrow field gate is present on the North Rood frontage of the site opposite Browfoot Close a cul-de-sac of residential properties.

2.0 The Proposal

- 2.1 The application is an outline application for up to six dwellings with all matters reserved. The proposal is simply seeking to explore the principle of developing the land for residential purposes. Subject to approval, all details relating to the development of the site would be the subject of a further 'Reserved Matters' application. The proposal does not indicate the scale of the dwellings but has recognised the need to provide an element of affordable dwellings. The offer is up to two dwellings or provision of a financial contribution. The precise details of the affordable housing or contribution would be developed as part of the detailed planning application.
- 2.2 The presence of public right of way No. 13 FP 26 crossing north-south on the western edge of the site has been acknowledged with a suggestion that the line of the footpath would be maintained, enclosed by fencing.

3.0 Site History

- 3.1 The site has been and is still being used for agriculture. It also has a limited planning history, specifically, a planning application in 1990 under 01/90/1165, an outline application for residential development (12 maximum). The application was refused on the following grounds:
- Contrary to Carnforth Town Plan
 - Contrary to Lancashire Structure Plan – Area of Special Landscape
 - Visual amenity, hilltop location viable o the north of Carnforth
 - Highway safety
- 3.2 The decision was subsequently considered and dismissed at appeal by the Planning Inspectorate. The planning inspector in considering the appeal agreed that the development would be contrary to the restrictive policy of the Carnforth local plan and the Lancashire Structure Plan. The site lay outside the defined urban area within an Area of Special Landscape where development would normally be resisted. The development was considered to be detrimental to the area with a significant and harmful alteration in the predominantly rural character of the area. There appeared to be no special circumstances which would allow the overriding of the policy restriction.
- 3.3 In considering the highway safety concerns of the development the Inspector noted the road width and standard of North Road. It was acknowledged that the road has limited width, the effected by on-street parking and suffers from congestion and section with no footways. The Inspector also recognised the scale of development already served by North Road including the modern estates to the south-east. The Inspector concluded that whilst there would be some increase in traffic, the scheme was for a small number of dwelling (up to 12 houses) which when taken with the much larger housing areas would not generate sufficient additional traffic to justify dismissing the appeal on highway grounds.
- 3.4 The appeal was subsequently dismissed on the grounds that housing development would undermine established polices designed to protect the Area of Special Landscape from inappropriate development.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objections. County Highways acknowledged the earlier appeal for 12 houses at the site. Whilst the appeal was dismissed the Inspector concluded that the development would not be detrimental to highway safety. Since the appeal (1990) there will have been an increase in traffic and car ownership, but as the scheme proposes a lesser number of dwellings, then a highway refusal cannot be warranted. County note that cars do appear to travel above the 20mph speed limit present at the site. It is recommended that a speed survey should be undertaken to determine the precise speed of traffic which will then inform the size of the visibility splays necessary to ensure safe access/egress. The maximum is considered to be 2.4m x 43m (based on a 30mph travel speed rather than 2.4m x 25m based on the 20mph limit). Suggested conditions: (i) highway design, including access design and construction details to be agreed; visibility splays (including conditioning the speed survey); a condition controlling the completion of the access arrangements and a condition requiring a Construction Method Statement.
Environmental Health	No objections regarding noise – an acoustic report has been submitted and subject to the adoption of mitigation measures (Including glazing systems in the dwellings to protect from rail noise). In addition, the layout and orientation of the dwellings will need to be considered at the design stage. Objection regarding contaminated land as no desk study (contaminated land) has been provided for a sensitive end use.
Network Rail	Initially raised comments over the designed scheme and subsequently sought to withdraw the comments following a later understanding and acknowledgement of a level crossing adjacent to the site. Further assessment of the development and its potential impact upon usage of the crossing is being undertaken and formal comments are still awaited and will reported directly to Committee.
Public Rights of Way officer	Objections to the approach indicated in enclosing the line of the public right of way which currently crosses an open field. The enclosure of the path will create an unattractive and narrow footpath in comparison to the arrangement currently enjoyed. In addition the right of way should not be obstructed during development and should be legally diverted should this be required.
Strategic Housing	Support for the provision of a contribution towards affordable housing in the District.
Fire Safety Officer	No direct comments in respect of the planning application but informs the applicant of the need to fully meet the requirements of the Building Regulations.
Carnforth Town Council	Concerns over the development (the letter does not indicate what the concerns are) and they would like the application to be determined before the Planning Committee.
United Utilities	No comments received within the consultation period
County Planning	No comments received within the consultation period
Ramblers	No comments received within the consultation period

5.0 Neighbour Representations

5.1 To date 12 letters have been received from neighbouring local residents. The letters all raise concerns over the development. The main grounds include: -

- Impact upon the landscape and development of a greenfield site;
- Over-intensive form of development;
- Impact upon highway network and traffic, including poor site access, alignment, width and travel speeds – North Road has capacity issues (additional dwellings, car ownership, caravan sites, etc.) and there may also be an impact on emergency vehicles.
- Noise caused by railway traffic;
- Loss of view;
- Limited footpaths in the area and impact upon the existing footpath;
- Historical refusal for development on the site under 01/90/1165 - all the refusal reasons are

considered to be still relevant;

- Limited drainage capacity and increased pressure on all services in the area;
- Areas is used by bat population;
- The field is actively used for agriculture (silage and grazing stock) not for a pony as set out in the planning statement.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

- Paragraphs **7, 14 and 17** – Sustainable Development and Core Principles
- Paragraph **32** – Access and Transport
- Paragraphs **49 and 50** – Delivering Housing
- Paragraphs **56, 58 and 60** – Requiring Good Design

Saved policies of the Lancaster District Local Plan

- **H8** – Housing in the Countryside)
- **H12** – Layout, Design and Use of Materials)
- **E4** – Countryside Area
- **H19** – Development on small sites in Carnforth

Lancaster District Core Strategy (adopted July 2008)

- **SC1** – Sustainable Development
- **SC2** – Urban Concentration
- **SC4** – Meeting the District's Housing Requirements
- **SC5** – Good Design
- **E1** – Environmental Capital
- **E2** – Transport Measures

6.2 Development Management DPD

- **DM28** – Development and Landscape Impact
- **DM29** – Protection of Trees, Hedgerows and Woodland
- **DM35** – Key Design Principles
- **DM41** – New Residential dwellings

6.3 Other relevant material considerations:

As outlined in the procedural matters at the head of this report, on 28 November 2014 Government made changes to paragraph 12 of the National Planning Policy Guidance (NPPG) where contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development. These changes specially relate to developments of 10 residential units or less, and which have a maximum combined gross floorspace of no more than 1000 sq.m. The only exception is for developments of between 6 and 10 units in Areas of Outstanding Natural Beauty and National Parks where affordable housing and tariff style contributions should be sought in the form of cash payments which are commuted until after completion of the units within the development. These changes took immediate effect.

Draft Local Plan for Lancaster District 2011-2026 - 2014 Housing Land Supply Statement (July 2014) - This document sets out the current published position in relation to housing land supply in the District related to the NPPF requirement for five years supply of specific deliverable sites.

Joint Lancashire Minerals and Waste Local Plan – Site Allocations and Development Control Policies - Policy M2 – Safeguarding Minerals

7.0 Comment and Analysis

7.1 The key material considerations arising from this application are:

- Principle/Housing supply
- Previous application/appeal decision
- Highway safety
- Landscape impact
- Residential Amenity
- Affordable Housing
- Mineral Safeguarding

7.2. Principle/Housing supply

7.2.1 The site lies on the edge of Carnforth directly opposite existing residential development fronting North Road. Carnforth is identified as one of the main urban areas in the District with a wide range of services available in the town.

7.2.2 In terms of general housing need, the 2014 Housing Land Supply Statement (July 2014) sets out that only 3.2 years of housing supply can be demonstrated, with a persistent undersupply of housing over the last ten years. As such, a 5 year supply of housing land cannot currently be demonstrated. Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Development on the edge of Carnforth alongside existing residential development is considered to be sustainable and would provide an important contribution towards housing supply within the District in a location which can be supported in principle.

7.3 Highway Safety

7.3.1 County Highways has recognised the appeal history that has been raised by some neighbouring residents. However the Planning Inspector in 1990 determined that highway/traffic impact was not an issue that could warrant refusal at the time, and County Highways share this view now. They accept that there will have inevitably been an increase in traffic levels and car ownership since 1990, but the proposal is for a reduced number of dwellings and a highway refusal reason cannot be sustained.

7.3.2 Traffic speeds appear to be generally higher than the prescriptive 20mph limit in force. As the proposal is not seeking means of access to be considered formally, actual traffic speeds (and as a consequence sightlines and the precise access position) would need to be determined as part of any Reserved Matters application should this outline application be granted. It is clear that the site has sufficient roadside frontage to provide for a safe access but will necessitate the removal of a significant length of mature hedgerow to accommodate the sightlines. The extent of the sightlines would need to be determined by a speed survey. All these elements and a detailed construction method statement can be imposed as appropriate planning conditions.

7.4 Landscape Impact

7.4.1 In reaching his decision to dismiss the appeal in 1990, the Planning Inspector concluded that the development lay outside the urban area defined within the policy of the day and development would lead to a significant and harmful alteration in the predominant rural character of the area and no special circumstances were present at the time to override the policy position. Whilst the policies that the Inspector referred to in 1990 have fallen away, consideration must still be given to the landscape impact of any development, particularly one which is within the Countryside Area and can be viewed from open land to the north and north west of the site and (at a distance) from within the Arnside and Silverdale Area of Outstanding natural Beauty (AONB).

7.4.2 The development follows the ridgeline which follows North Road but also pushes further north over the crest of the hill and out to the rail line. This area of land will intrude into undeveloped land when viewed from the north of the site but with a background of housing - namely the older properties along the crest of North Road and more modern estate at the north end of north Road.

7.4.3 Landscape impact could, in part, be mitigated by the limitation of the building height (e.g. no more than two storey in height to reflect adjoining dwellings), and controlling the proposed materials/finishes and ensuring that there is new hedgerow and shrub planting at the site including additional planting along the rail line boundary. These would be conditioned on any grant of outline consent and submitted in detail as part of any future Reserved Matters submission.

7.4.4 The development will lead to some landscape impact; however the development is generally considered to follow the existing pattern of development along the ridge line following North Road. However, planners believe that the overall height of the development should be defined now at outline stage to provide direction for any future detailed application. To reflect the character of existing housing in the area and limit the visual impact of the development it is considered that the properties shall be no more than two storeys in height.

7.4.5 Whilst acknowledging that the development will lead to some impacts on the landscape, which in part can be mitigated against, this impact is not considered sufficient to outweigh the need to address the shortfall in housing supply in the District. Development of the site for housing will provide an opportunity to provide both for new open market and affordable housing.

7.5 Residential Amenity

7.5.1 Neighbour consultation has raised comment over the close relationship of the development site to the railway line serving Morecambe to Leeds (and intervening stops), including the limited use of the line by night time freight traffic.

7.5.2 The presence of the rail line has been considered as part of the application submission, with the applicant providing a Noise and Vibration Statement in the suite of submission documents. The Statement provides details of the methodology to assessing noise levels developed by passing trains along with an approach to mitigation. The use of the rail line is acknowledged as low level with a limited number of trains (approximately 2 per hour) passing the site on a daily basis. Passenger trains stop running at night but limited freight movement occur. This has been recognised along with background noise from the neighbouring road system including the A601(M) and M6. Following assessment of noise level readings taken at the site, the assessment has concluded that due to the type of noise generation (i.e. short intense period) that protection of the internal areas from noise is the most appropriate action as outside interruption will be short lived. The approach to be taken is the use of tailored double glazing units utilising thick glazing and a narrower air gap. This will be alongside the use of trickle ventilation in the window frames.

7.5.3 The rail line changes from a low embankment to a shallow cutting as it follows the site east to west. The acoustic assessment concludes that the measures will not be required for properties facing the cutting and will only apply to windows which directly face the rail line on the embankment. Environmental Health consider that the approach outlined in the mitigation is sound and subject to adherence with the mitigation measures they advise that the amenities of future occupiers can be protected.

7.6 Affordable Housing

7.6.1 As outlined in the Procedural Matters at the head of this report, the recent modification to the guidance set out in the National Planning Policy Framework has resulted in the removal of the demand for the provision of, or contribution towards, the construction of affordable housing for development of this scale and location. However, in this case, notwithstanding the stated planning policy position, the applicant has independently offered a financial contribution of £12,500 payable upon occupancy of the first property on the development. This would be secured by way of a Unilateral Undertaking provided by the applicant.

7.7 Mineral Safeguarding

7.7.1 The site is located within (on the southern edge) a Mineral Safeguarding Area for sand and gravel. In general development will not be supported that is incompatible with mineral safeguarding as set out in Policy M2 of the Joint Lancashire Minerals and Waste Local Plan.

7.7.2 Policy M2 of the Minerals and Waste Local Plan sets out that planning permission will not be

supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals, unless the applicant can demonstrate to the satisfaction of the local planning authority that:

- The mineral concerned is no longer of any value or has been fully extracted.
- The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
- The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
- There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource
- That prior extraction of minerals is not feasible due to the depth of the deposit.
- Extraction would lead to land stability problems.

7.7.3 In addition, The NPPF sets out that local authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes.

7.7.4 There is a considerable area north of the application site (beyond the constraints of the site) which is identified for mineral safeguarding. The application site is on the edge of this allocated safeguarding area within a small triangular area of land divorced from the remaining mineral allocation by the rail line. In addition the site lies adjacent to existing residential development. As such it is unlikely that the development would impact on the likelihood of minerals being extracted in this location.

7.7.5 Having had full regard to the requirements of this policy, it is considered that given the lack of housing land supply, as discussed above, there is an overriding need for the development which outweighs the need to avoid sterilisation of the land for mineral resource. In any case it is not considered that pursuing extraction of the minerals as part of the development would be appropriate in this location given the identified constraints.

7.8 Other Matters

7.8.1 Nature of the application – The application is seeking outline planning permission only with all matters reserved. Points raised by third parties regarding site design and other amenity concerns are not for consideration at this point as matters such as means of access, scale, layout, appearance and landscaping are not being applied for. The current application is only seeking to determine whether the principle of residential development is acceptable in this location. All other matters will be assessed at the Reserved Matters application should Members be minded to grant outline planning permission.

7.8.2 Public Footpath route – The field which forms the application site currently has a public footpath running through it following the line of the eastern boundary hedgerow between its link onto North Road and the rail crossing point on the north boundary. The application acknowledges retains the line of the footpath but suggests a route defined by a fence line along the residential boundary. This approach has raised concerns with the Public Rights of Way Officer as it will lead to a poor experience for users of the footpath. Whilst not a consideration which can be addressed as part of this outline application, it should be noted that the approach to defining the route of the footpath is considered inappropriate and will need to be addressed through the Reserved Matters application.

7.8.3 The Contaminated Land Officer has recommended rejection of the application as it has not been supported by a preliminary assessment for contamination. However, the site is open pasture and no history or evidence has been provided to indicate the potential contamination of the land through historic use. As such it is considered that the request is unreasonable and a simple unforeseen contamination condition should be attached to ensure that suitable investigation is undertaken should it be found necessary during construction.

7.8.4 Network Rail comments – Their initial consultation response raised comments over the relationship of the development to the rail line and the need to protect the line from the development both during construction and following occupation. However, these comments were formally withdrawn to enable further consideration to be undertaken over the presence of the rail pedestrian crossing via the public footpath to the north east corner of the application site and the implications of additional development. At the time of writing the report, no further comment has been made. However, it

must be recognised that the footpath already serves a large residential area to the south and is also part of a wider footpath network. As such the development of a further six dwelling is not considered to unduly affect the usage of the level crossing.

8.0 Planning Obligations

8.1 The applicant has offered to provide a contribution of £12500 towards the provision of affordable housing in the District, this would be secured by the provision of a Unilateral Undertaking.

9.0 Conclusions

9.1 The site is located in a sustainable location, adjacent to existing development within the town. The development will provide a small but important contribution towards housing supply within the District. It is considered that the development could be accommodated on the site without a significant impact on the highway network or the character and appearance of the area and can be served by an appropriate means of access. The principle of residential development on this site is therefore considered to be acceptable.

Recommendation

That subject to the following conditions and the provision of a Unilateral Undertaking from the applicant to cover the following, Outline Planning Permission **BE GRANTED** with the determination being delegated to the Chief Officer to enable the Unilateral Undertaking to be provided by the applicant offering: -

- The provision of a contribution of £12,500 towards the provision of affordable housing in the Lancaster District payable upon occupancy of the first property on the new development.

- 1. Standard outline condition with all matters reserved
- 2. Drawings illustrative only (in particular the delineation of the PROW)
- 3. Height of the dwelling limited to two storeys only
- 4. Design principles of the dwellings as set out in the Noise and Vibration Statement
- 5. Highway design to be agreed
- 6. Visibility splays (including speed survey) to be determined and provided
- 7. Access design and construction to be agreed
- 8. Completion of approved access arrangements
- 9. Provision of a Construction Method Statement and undertaking in accordance with agreed scheme
- 10. Hours of Construction
- 11. No vegetation clearance works, demolition work or other works that may affect nesting birds should take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.
- 12. Scheme for the disposal of foul and surface
- 13. No tree/hedges within the site or on any immediately adjacent property or land shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut-down or grubbed out, other than those identified within the approved application, without the prior written approval of the local planning authority and before any site activity is commenced in association with the development.
- 14. Submission of a tree protection plan
- 15. Site landscaping to be agreed
- 16. No impact pile driving, except in accordance with a scheme for noise control
- 17. Finished floor and site levels

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings

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 A9</p>	<p>Committee Date 2 February 2015</p>	<p>Application Number 14/01204/FUL</p>
<p>Application Site Luneside West Development Site Thetis Road Lune Business Park Lancaster</p>	<p>Proposal Erection of 60 residential units with associated access roads and parking</p>	
<p>Name of Applicant Mr Jermaine Barrett</p>	<p>Name of Agent</p>	
<p>Decision Target Date 13 March 2015</p>	<p>Reason For Delay N/A</p>	
<p>Case Officer</p>	<p>Mr Andrew Drummond</p>	
<p>Departure</p>	<p>Yes</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

1.0 The Site and its Surroundings

1.1 Luneside West is located to the southern bank of the River Lune about 1 mile west of the centre of Lancaster. The site is flat and roughly triangular in shape. It is accessed from New Quay Road, which runs along the north edge of the site. The southern angled boundary abuts the Marsh housing area and Lancaster Cricket Club, though further west it falls adjacent to the existing Lune Industrial Estate. It once formed the central part of the former Lune Mills complex, which stretched from what is now known as the Lune Industrial Estate in the west to Luneside East adjacent to the Carlisle Bridge to the east. The site now is being redeveloped for residential purposes. The application relates to 60 plots within the western part of the site.

1.2 The wider Luneside West site is identified under Policy EC5 of the Lancaster Local Plan as forming part of the existing Luneside Employment Area. The site's north facing frontage borders on the River Lune County Biological Heritage Site and also the Strategic Cycle Network that passes along New Quay Road.

2.0 The Proposal

2.1 The application seeks planning permission for a change to the housing mix within the western section of Luneside West. 60 dwellings are proposed comprising 12 1-bed, 16 2-bed and 32 3-bed residential units. They replace 50 dwellings that were approved under the 10/00660/FUL consent. The previously approved road network within the site would not alter, but some new house types are being proposed as part of the development.

3.0 Site History

3.1 The most recent applications relating to the site and this application are:

Application Number	Proposal	Decision
10/00660/FUL	Residential development comprising 403 units, associated highways works, open space and landscaping	Permitted

14/00587/VCN	Residential development comprising 403 units, associated highways works, open space and landscaping (pursuant to the variation of condition 2 on planning permission 10/00660/FUL to amend house types on plots R105, R106, R108, R109, R110, R111, R113, R114 and R137)	Permitted
14/01084/VCN	Residential development comprising 403 units, associated highways works, open space and landscaping (pursuant to the variation of condition 2 on planning permission 10/00660/FUL to amend house types on plots 124, 125, 126 and 127)	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	No comments received within the statutory consultation period.
County Education	No contributions sought towards school places.
Environmental Health	No objection subject to a condition relating to the hours of construction. Comments previously made on contaminated land.
Environment Agency	No objection subject to conditions relating to the development being implemented in accordance with the Flood Risk Assessment, requirement for a surface water drainage scheme, and remediation of contaminated land.
United Utilities	No comments received within the statutory consultation period.
Police	Consideration should be given to locks for doors and windows, boundary treatments, gates and external lighting.
Civic Society	No objection to the proposed modifications.
Lune River Trust	No specific comments other than that The Trust expects the Environment Agency, United Utilities and Environmental Health will address all issues associated with flood risk management, drainage and sewage thus insuring there are no negative impacts on the River Lune.

5.0 Neighbour Representations

5.1 No comments have been received during the statutory consultation period.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph **17** - 12 core land-use planning principles

Paragraph **49** and **50** - housing

Paragraphs **56, 58 and 60** - good design

Paragraphs **100** and **103** - flood risk

6.2 Core Strategy

SC1 – Sustainable development

E1 – Environmental capital

6.3 Development Management DPD

DM35 – Key design principles

DM38 – Development and flood risk

DM39 – Surface water run-off and sustainable drainage

DM41 – New residential development6.4 Local Plan (saved policies)**EC5 – Existing employment areas****7.0 Comment and Analysis**

7.1 The key material considerations are:

- Principle of residential development on an allocated employment site
- Provision of affordable housing
- Design and layout
- Flood risk
- Contamination

7.2 Principle of residential development on an allocated employment site

The application site falls within Luneside Employment Area as defined by the Local Plan. This application seeks planning permission for residential development, which is clearly a departure from the Development Plan. However, the site already benefits from planning permission for residential purposes, and this application is simply seeking to make some amendments to the approved residential scheme. For these reasons the principle of development is acceptable.

7.3 Provision of affordable housing

The application 10/00660/FUL was approved subject to 20% affordable housing provision across the site – a reflection of the market at the time and the costs associated with remediation (contamination) and raising ground levels (flood risk). However, at the time that consent was granted the Homes and Community Agency were endorsing a form of affordable housing provision that was being applied for by the applicant, but the Council was not comfortable with, yet had no grounds to reject. Through recent discussions and negotiations with the applicant, the current application now proposes a different housing mix, including tenures for the affordable housing units that are acceptable to the Local Planning Authority. Whilst the level of provision across the site remains at 20%, this is considered to be an acceptable compromise given that the applicant is now seeking to provide a more appropriate tenure mix of social rented and shared ownership properties. It should also be noted that the costs of works associated with flood risk and contamination remain on this part of the site, and are not simply dealt with as part of the earlier consent.

7.4 Design and layout

As stated in section 2, there are no changes proposed to the internal road network and therefore the general layout of the site remains as per the 10/00660/FUL consent. However, the applicant is seeking to remove 50 of the approved housing plots and replace them with 60 new dwellings. Some of these new dwellings are the “cottage styled” apartments that externally appear to be designed as houses, but are actually 1-bed flats one above the other but with their own front door at ground level. The applicant to date (with the exception of the properties facing onto New Quay Road) has sought to develop 1930s styled housing (their heritage range), but this application seeks to introduce some contemporary styled house types, more akin to the modern approach adopted on other parts of the site. These house types and their proposed palette of materials are acceptable.

7.5 Flood risk

The 10/00660/FUL application was approved subject to specific requirements from the Environment Agency, including finished floor levels, surface water drainage and flood evacuation procedures. These are still relevant to the current application as this proposal forms part of the wider site. It is therefore important that these requirements are repeated as conditions on any consent granted.

7.6 Contamination

The 10/00660/FUL application was approved subject to specific requirements from the Environment Agency and Environmental Health, including agreeing remediation strategies, checking imported

material, soil and hardcore, and the prevention of new contamination. These requirements are still relevant to the current application as this proposal forms part of the wider site. It is therefore important that these requirements are repeated as conditions on any consent granted.

8.0 Planning Obligations

8.1 Whilst this is a stand-alone planning application in reality it is intrinsically linked to the wider Luneside West site. It is therefore essential that if planning permission is granted for these 60 dwellings that the consent is tied into the legal agreement attached to planning permission 10/00660/FUL. However, as there have been positive changes to the proposed tenure mix of the affordable housing offer since the original application was granted, the affordable housing schedule and descriptions within the existing legal agreement attached to planning permission 10/00660/FUL will need to be updated to allow for 20% provision of social rented and shared ownership dwellings within the Redrow phases.

9.0 Conclusions

9.1 This application only proposes a net increase of 10 dwellings within an existing residential development.

Recommendation

That Planning Permission **BE GRANTED** subject to the signing and completing of a legal agreement covering:

- Tying the planning permission into the legal agreement attached to planning permission 10/00660/FUL
- Updating the affordable housing schedule and descriptions within the legal agreement attached to planning permission 10/00660/FUL to allow for 20% provision of social rented and shared ownership dwellings within the Redrow phases

and the following conditions:

1. Standard 3 year timescale
2. Development in accordance with approved plans - list
3. Materials – as per the approved schedule
4. Access roads
5. Off site highway works
6. Parking facilities – to be provided for associated dwelling prior to first occupation of that dwelling
7. Travel Plan
8. Separate drainage system
9. Surface water management scheme
10. Flood Risk Assessment, including finished floor levels
11. Flood evacuation procedure
12. Use of garages
13. Removal of PD rights
14. Hours of construction (Mon to Fri 0800-1800 and Sat 0800-1400 only)
15. Air quality mitigation
16. Contamination
17. Construction management plan, including dust control, wheel cleaning facilities, pile driving, bunding of tanks
18. Invasive plants - treatment
19. Refuse and cycle storage for flats
20. Archaeology

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

For the reasons stated in the report, this proposal departs from policies within the Development Plan. However, taking into account the other material considerations which are presented in full in the report, it is considered that on this occasion these outweigh the provisions of the Development Plan, and in this instance the proposal can be considered favourably.

In reaching this recommendation the local planning authority and the applicant have positively and proactively addressed the issues to enable permission to be granted.

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 2 February 2015	Application Number 14/01316/CU
Application Site Car Park And Play Area Marine Road Central Morecambe Lancashire	Proposal Change of use of car park (East) to form new play and open space area and change of use of play area (West) to form new car park	
Name of Applicant Mr Julian Inman Lancaster City Council	Name of Agent None	
Decision Target Date 29 January 2015	Reason For Delay Committee cycle	
Case Officer	Catherine Spreckley	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 This application relates to a strip of land between Marine Road and the Promenade stretching from the junction with Northumberland Street to the west of the Clock Tower public toilets. At the centre of the site is the Eric Morecambe Statue surrounded by hard and soft landscaping. Immediately to the west of the statue is a public car park and beyond this is an enclosed children's play area. To the east of the statue is a second public car park.
- 1.2 The site falls within the Informal Recreation Area which runs along the seafront and a Tourism Opportunity Area, as designated under the Local Plan Proposals Map. In addition, the areas surrounding the statue and the play area are identified as Outdoor Play Spaces. Morecambe Bay is designated as a Special Area of Conservation (SAC), a Special Protection Area (SPA), a Ramsar Site and a Site of Special Scientific Interest (SSSI). The site lies opposite the Morecambe Conservation Area.

2.0 The Proposal

- 2.1 This application seeks consent for the change of use of the play area to form an extended car park to the west of the Eric statue, and the change of use of the existing car park to the east of the statue to an open area and new play area. To facilitate this, 3 existing vehicular access points will be closed and a new one created. A new off-street bus/coach bay, with a shelter, will be created in front of the extended car park.
- 2.2 No details have been provided of the proposed play area and shelter as the applicant proposes to install these under their permitted development rights. These rights allow the erection of buildings or equipment up to a maximum height of 4 metres or capacity of 200 cubic metres.

3.0 Site History

- 3.1 None relevant to the submission.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection. Conditions requested.
Environmental Health	No significant implications for Environmental Health matters have been found.
Conservation	No objection.
Natural England	Regulations 61 and 62 of the Habitats Regulations have not been considered. It is requested that works be scheduled for the summer months as construction has the potential to cause disturbance to SPA birds. The proposal may provide opportunities to incorporate features which would be beneficial to the SPA such as information regarding birds of the bay. Consideration should be given to local biodiversity and geodiversity sites, local landscape character, priority habitats and species and protected species.
Town Council	No comments received in the statutory consultation period.

5.0 Neighbour Representations

5.1 No comments received in response to site notices.

6.0 Principal National and Development Plan Policies**6.1 National Planning Policy Framework**

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
 Paragraph 23 – Ensuring the Vitality of Town Centres
 Paragraph 40 – Town centre parking
 Paragraphs 69, 70 and 74 – Promoting Healthy Communities
 Paragraphs 56, 57 and 58 – Requiring Good Design
 Paragraphs 109, 118 and 119 – Conserving and Enhancing the Natural Environment

Lancaster District Core Strategy

Policy SC5 – Achieving Quality in Design
 Policy SC6 – Crime and Community Safety
 Policy SC8 – Recreation and Open Space
 Policy ER6 – Developing Tourism

Development Management DPD

Policy DM3 Public Realm and Civic Space
 Policy DM26 – Open Space, Sports and Recreational Facilities
 Policy DM27 – Protection and Enhancement of Biodiversity
 Policy DM32 – The Setting of Designated Heritage Assets
 Policy DM35 – Key Design Principles

Morecambe Area Action Plan

Action Set AS3 – Improve Key Routes and Spaces for Pedestrians and Cyclists
 Spatial Policy 1 – Key Pedestrian Routes and Spaces
 Spatial Policy 3 – Morecambe Main Seafront and Promenade
 Action Set AS5 – Central Seafront and Main Beach

Lancaster District Local Plan

Saved Policy T01 – Tourism Opportunity Areas
 Saved Policy R1 – Outdoor Playing Spaces

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Parking and highways
- Provision of open space

- Design and impact upon the conservation area
- Ecological impacts

7.2 One of the key elements of the Morecambe Area Action Plan (MAAP) is to improve integration between the seafront and the Town Centre, particularly in relation to pedestrian movement. In addition to this, Action Set AS5 seeks to achieve improved children's play area and more efficient parking adjacent to the central seafront. Although not included in the application, the submitted plans show the introduction of a new pedestrian crossing (to replace 2 existing crossings) across Marine Road Central at the northern end of Euston Road. From the new crossing a new path will lead directly onto the Promenade.

7.3 Parking and highways

7.3.1 The consolidation of the existing parking provision into one car park, together with an increase of 8 parking spaces, will be of benefit to motorists/visitors. The introduction of an off-street bus stop and a west-bound filter lane to serve the new car park will be of benefit to the flow of traffic along Marine Road Central. County Highways have suggested a number of conditions. However, whilst the application forms part of the wider vision for the regeneration of Morecambe as set out in the MAAP, in accordance with paragraph 206 of the NPPF, only conditions necessary and relevant to the proposed development itself can be imposed.

7.3.2 The proposal involves the loss of a seafront taxi rank. However, an existing rank exists nearby on Market Street and it is understood that an alternative taxi rank will be located in close vicinity of the existing rank.

7.4 Provision of open space

7.4.1 The proposed development will result in an increase in the area of open recreation space to this part of the seafront and provides opportunities to deliver higher-quality play equipment than currently exists. In addition, the proposed location of the play area is considered to be where families would expect the main children's play facilities to be sited, adjacent to some of the main seafront facilities.

7.5 Design and impact upon the conservation area

7.5.1 The proposed car park to the west of the statue presents little opportunity to retain or replace existing soft landscaping due to the introduction of the bus bay and the need to maintain a minimum pavement width. The exception to this is a grassed area adjacent to the junction with Northumberland Street which will help to soften the appearance of the car park from this viewpoint. The introduction of a grassed area and play area to the east of the statue will significantly improve the appearance of this part of the site. It is understood the proposed play area will be bespoke; tailor-made to fit the context of the site including soft landscape elements and stainless steel play equipment set on artificial grass and surrounded by new bow top fencing. The application site is separated from Morecambe Conservation Area by Marine Road Central and will not adversely affect its setting.

7.6 Ecological impacts

7.6.1 The application site lies a minimum 9m from the boundary of the Morecambe Bay SPA, SAC, SSSI and Ramsar designation. In accordance with the Habitats Regulations, an assessment has been made of the likely significant effect on these designations. Taking into account the characteristics of the application site and its immediate surroundings, together with the existing use of the site, the potential impacts are identified as disturbance to birds and surface-water runoff from the application site down onto the beach. The applicant has advised that it is intended that the proposed works would be undertaken in April and May. This would avoid the wintering bird season (as required by Natural England), and would prevent any significant risk to the bird species identified as qualifying features for the designation of the SPA. Surface water runoff has the potential to transport chemicals and other material from the application site during site clearance and construction and to transport car oil from the proposed car park into the bay. The movement of large amounts of oil or chemicals has the potential to adversely affect the bay's flora and fauna. Runoff during site clearance and construction can be avoided through the adoption of simple

mitigation measures. Surface water runoff from the proposed car park will be through the existing highway drains. Subject to these matters being controlled by way of conditions, it is concluded that the proposed development is unlikely to significantly affect the National or European designated sites. It is also considered unlikely that the proposal will affect locally designated sites or protected species not covered by the above designations.

7.7 Other matters

7.7.1 It is not anticipated that the loss of car parking to the east end of the application site will have an adverse impact on the adjacent businesses. In fact, the proposal's role in seeking to improve the pedestrian connections between the Town Centre and Promenade, together with the provision of improved facilities, should be of benefit to nearby businesses.

7.7.2 The provision of a larger play area and car park may have some impact on the amenities of residential properties to the opposite side of Marine Road Central. However, in the context of the busy nature of the locality, such impact is likely to be minimal.

8.0 Planning Obligations

8.1 Given the nature of the proposal there are no requirements for a legal obligation.

9.0 Conclusions

9.1 This application seeks to achieve some of the opportunities set out in Action Set AS5 of the Area Action Plan through the provision of a direct pedestrian link from Marine Road Central to the Promenade, an improved children's play area and more efficient parking. This will be provided without detriment to highway safety, nearby ecological designations and the setting of the Conservation Area.

Recommendation

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

1. Standard 3 year time limit
2. Development to accord with approved plans
3. Implementation (construction) of consent restricted to April to September
4. Scheme to prevent surface water runoff entering Morecambe Bay
5. Disposal of surface water runoff from approved car park via existing drains
6. Construction method statement for traffic management measures
7. Delivery of off-site highway improvement works

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The local planning authority has considered the application as submitted and has visited the site, and it is able to conclude that the proposal is one that can be proactively supported without any amendments being necessary.

Human Rights Act

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

Background Papers

None.

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
14/00159/DIS	105 Lancaster Road, Morecambe, Lancashire Discharge of conditions 3, 4 and 5 on approved application 14/00826/FUL for Mr Andrew Coffey (Poulton Ward)	Initial Response Sent
14/00162/DIS	The Sands Care Home, 390 Marine Road East, Morecambe Discharge of conditions 5, 6, 7, 8 and 9 on approved application 13/00735/FUL for Mrs M. Mackay (Poulton Ward)	Initial Response Sent
14/00164/DIS	Gabriel Cottage, Coneygarth Lane, Tunstall Discharge of condition 3 on approved application 14/00503/FUL for Mr Jon Wilkinson (Upper Lune Valley Ward)	Initial Response Sent
14/00165/DIS	119 Main Road, Bolton Le Sands, Lancashire Discharge of condition nos. 5, 8, 9, 14, 17, 18 & 19 of application no. 11/01037/RENU for (Bolton Le Sands Ward)	Initial Response Sent
14/00166/DIS	Land To The Rear Of Lawsons Close, Uggle Lane, Lancaster Discharge of conditions 3,4 and 5 on previously approved 14/00144/REM for Mr T.P. West (Scotforth West Ward)	Application Permitted
14/00167/DIS	Packet Boat House, Aldcliffe Road, Lancaster Discharge of condition 4, 5, and 6 on previously approved applications 12/00398/LB for Mr Nick Wild (Dukes Ward)	Request Completed
14/00168/DIS	Old Blacksmiths Shop, Aldcliffe Road, Lancaster Discharge of conditions 4, 5, 6, and 7 on previously approved application 14/00851/LB for Mr Nick Wild (Dukes Ward)	Request Completed
14/00169/DIS	Basin Bridge, Aldcliffe Road, Lancaster Discharge of condition 4 and 6 on previously approved application 12/00420/LB for Mr Nick Wild (Ward)	Request Completed
14/00171/DIS	Gabriel Cottage, Coneygarth Lane, Tunstall Discharge of condition 3 on approved application 14/00504/LB for Mr Jon Wilkinson (Upper Lune Valley Ward)	Initial Response Sent
14/00173/DIS	Land Adjacent Lune Aqueduct, Caton Road, Lancaster Discharge of condition 17 on approved application 14/00631/RCN for Mr Nick Wild (Ward)	Request Completed
14/00179/DIS	1 Middle Highfield, Aughton, Lancaster Discharge of condition 3 on approved application 12/00070/CU for Mrs J Houghton (Halton With Aughton Ward)	Request Completed
14/00543/FUL	17 Sunningdale Avenue, Hest Bank, Lancaster Retrospective application for the retention of a raised patio, access ramp to the rear and construction of new boundary fence to the side elevation for Mrs Philippa Stevenson (Slyne With Hest Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

14/00554/CU	The Old Stables, Conder Green Road, Galgate Change of use and conversion of existing redundant stables to form a dwelling house with associated parking and landscaping for Mr Michael Gorton (Ellel Ward)	Application Permitted
14/00573/CU	Long Moor Farm, Procter Moss Road, Over Wyresdale Change of use and conversion of west and middle barn to form 2 holiday units with associated landscaping and demolition of adjoining barns for Mr Philip Brewer (Ellel Ward)	Application Permitted
14/00574/FUL	Long Moor Farm, Procter Moss Road, Over Wyresdale Demolition of two existing derelict barns and creation of steel framed building for use as equine therapy business and creation of menage for Mr Philip Brewer (Ellel Ward)	Application Permitted
14/00623/FUL	Middleton And Overton Sea Defences, West Shore, Sunderland Point Reconstruction of part of sea wall, creation of accessible bird hide and walkway for Mr Peter Brennan (Overton Ward)	Application Permitted
14/00637/CU	Meadow Farm House, The Lane, Sunderland Point Change of use & conversion of barn to include the raising of the roof to create 2 self contained holiday lets with balcony at first floor and storage/garage/workshop at ground floor and erection of new agricultural building for Mrs Susan Andrew (Overton Ward)	Application Refused
14/00739/FUL	Former British Legion Club, 29 - 31 Edward Street, Morecambe Demolition of existing building and erection of three 4 bedroomed dwellings for Bay Properties (Poulton Ward)	Application Refused
14/00760/CU	Swarthbeck House, Capernwray Road, Capernwray Change of use of agricultural land to domestic curtilage to create a parking area and creation of new access for Mrs A Ceesay (Kellet Ward)	Application Permitted
14/00950/CU	67 Clarendon Road West, Morecambe, Lancashire Change of use from 4 one bedroom flats to 1 three bedroom and 1 two bedroom flat for Mr C Naylor (Harbour Ward)	Application Permitted
14/01002/FUL	Great Croft, Silverdale Road, Yealand Redmayne Demolition of existing conservatory and erection of a replacement single storey side extension and raised decking area to the side for Mr Christopher James (Silverdale Ward)	Application Permitted
14/01009/FUL	30 And 32 Westbourne Road, Lancaster, Lancashire Demolition of existing detached garages and erection of 2 two-storey side extensions for Mr & Mrs Richard Peregrine (Castle Ward)	Application Permitted
14/01020/FUL	463 Heysham Road, Heysham, Morecambe Raising of garden wall to front and side boundaries for Mr James Martinez (Heysham South Ward)	Application Withdrawn

LIST OF DELEGATED PLANNING DECISIONS

14/01058/RCN	Swallow Cottage, Moorhead Barn, Russell Lane Change of use of existing business use and residential unit to holiday cottage (pursuant to the removal of conditions 3 and 4 on approved application 03/01084/FUL to allow permanent residential use) for Mr And Mrs Leach (Lower Lune Valley Ward)	Application Refused
14/01073/FUL	Moss Edge Farm, Gulf Lane, Cockerham Demolition of existing agricultural building and erection of a replacement for Mr Robert Holmes (Ellel Ward)	Application Permitted
14/01076/CU	Wyreside Lakes Fishery, Gleaves Hill Lane, Ellel Change of use of land to site 50 touring caravan pitches with associated access and landscaping for Mr R Birkin (Ellel Ward)	Application Permitted
14/01081/CU	5A Market Street, Carnforth, Lancashire Change of use of one 3-bed flat into two 1-bed flats for B. & L. Asset Management (Carnforth Ward)	Application Permitted
14/01084/VCN	Luneside West Development Site, Thetis Road, Lune Business Park Residential development comprising 403 units, associated highways works, open space and landscaping (pursuant to the variation of condition 2 on planning permission 10/00660/FUL to amend house types on plots 124, 125, 126 and 127) for Mr Jermaine Barrett (Castle Ward)	Application Permitted
14/01085/VCN	Tewitfields Trout Fishery, Burton Road, Warton Change of use of land from fisheries to leisure use, including the construction of 30 no Holiday Chalets, new treatment plant and new road layout with associated access (pursuant to variation of condition 3 on application no. 11/00348/CU for the substitution of lodge designs) for Lodgequest (Warton Ward)	Application Permitted
14/01087/FUL	4 - 5 Old Station Yard, Kirkby Lonsdale, Carnforth Erection of a rear extension to existing warehouse and installation of a treatment plant for Mr Lee Derbyshire (Upper Lune Valley Ward)	Application Permitted
14/01091/LB	The Castle, Castle Park, Lancaster Listed Building Application for envelope repairs - phase 1 for Mr Graeme Chalk (Castle Ward)	Application Permitted
14/01092/FUL	Heysham Golf Club, Middleton Road, Heysham Erection of a single storey side extension for Clubfit Golf At Heysham Golf Club (Overton Ward)	Application Permitted
14/01112/FUL	Poplar Grove Farm, Gulf Lane, Cockerham Erection of a livestock building and creation of a new hardstanding for Mr John Redmayne (Ellel Ward)	Application Permitted
14/01114/FUL	Tunstall House, Burrow Road, Tunstall Erection of a greenhouse to the rear for Mr Simon Salzedo (Upper Lune Valley Ward)	Application Permitted
14/01124/CU	Sunnyside Camp Site, 268 Oxcliffe Road, Heysham Change of use for the siting of 9 static caravans for Mr W Howard (Westgate Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

14/01127/CU	Cowan Construction, 144 Greaves Road, Lancaster Change of use of first floor offices (B1) to 3-bed shared student accommodation flat (C4) and alterations to ground floor facade for Mr Robert Cowan (Scotforth West Ward)	Application Permitted
14/01134/FUL	Apple Tree Barn, 34 Wennington Road, Wray Erection of two 3-bed dwellings with associated access for Mr & Mrs P+H Garrod (Lower Lune Valley Ward)	Application Permitted
14/01135/CU	29 Royalty Mall, Morecambe, Lancashire Change of use of shop (A1) to an adult gaming centre (Sui Generis) for Mr Jason Slater (Poulton Ward)	Application Permitted
14/01143/FUL	Thornycroft, Kirkby Lonsdale Road, Arkholme Erection of a first floor rear extension and alterations to fenestration for Mr & Mrs Charles and Beryl Waddington (Kellet Ward)	Application Permitted
14/01147/FUL	Moss Cottage, Moss Lane, Thurnham Erection of a detached garage for Miss Alyson Holt (Ellel Ward)	Application Permitted
14/01149/FUL	11 Crag Bank Crescent, Carnforth, Lancashire Erection of a single storey rear extension for Mr And Mrs D Howard (Bolton Le Sands Ward)	Application Permitted
14/01150/FUL	Grizebeck, Kirkby Lonsdale Road, Over Kellet Erection of a single storey front extension for Mr & Mrs Budd (Kellet Ward)	Application Permitted
14/01156/FUL	Thornhayes, Brettargh Drive, Lancaster Construction of a dormer to the rear elevation and part demolition to existing sun room for Mr & Mrs D Cragg (Scotforth West Ward)	Permitted Development
14/01158/FUL	1 Epoch Cottages, Borwick Mews, Borwick Erection of a single storey rear extension and roof alterations to the rear for Mr G Marsh (Carnforth Ward)	Application Permitted
14/01169/FUL	Moorcock Hall, Quarry Road, Claughton Retrospective application for the construction of a chimney to the side elevation, installation of 10 roof lights and alterations to windows in the front and rear elevations for Natfarm Ltd. (Lower Lune Valley Ward)	Application Permitted
14/01173/FUL	22 Glentworth Road West, Morecambe, Lancashire Installation of replacement air conditioning units, new plant and condenser to the rear for The Co-operative Group (Westgate Ward)	Application Permitted
14/01175/FUL	55 Vale Road, Lancaster, Lancashire Erection of a two storey side extension for Mr & Mrs W Rollands (Skerton East Ward)	Application Permitted
14/01177/LB	Burrow Cottage, Burrow Road, Burrow Listed building application for the removal of an internal wall to ground floor, repositioning of existing internal door and installation of a roof light for Mr And Mrs Grinstead (Upper Lune Valley Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

14/01179/FUL	Greaves Cottage, Conder Green Road, Galgate Conversion of existing outbuilding to form additional living accommodation and erection of a single storey link to connect into existing dwelling for Mrs Sue Armitage (Ellel Ward)	Application Permitted
14/01181/CU	Moss Edge Farm, Gulf Lane, Cockerham Demolition of existing agricultural building and erection of a replacement building to house a microbrewery (B1) for Mr Steven Holmes (Ellel Ward)	Application Permitted
14/01182/FUL	86 Dallas Road, Lancaster, Lancashire Erection of a single storey rear extension for Mr Ahmed Patel (Castle Ward)	Application Permitted
14/01187/FUL	Hazeldene, Stoney Lane, Galgate Erection of a single storey rear extension for Mrs S Henderson (Ellel Ward)	Application Permitted
14/01189/FUL	4 Hawthorn Road, Morecambe, Lancashire Erection of a single storey side and rear extension for Mr A Nicholson (Torrisholme Ward)	Application Permitted
14/01206/LB	Friends Meeting House, Meeting House Lane, Lancaster Listed building application for the installation of 20 internal secondary glazing units to front and rear sash windows for Mr Hugh Roberts (Castle Ward)	Application Permitted
14/01207/FUL	4 Church Court, Bolton Le Sands, Carnforth Demolition of existing conservatory and garage and erection of two replacement single storey extensions to the front and rear for Mr And Mrs Grant (Bolton Le Sands Ward)	Application Permitted
14/01220/FUL	34 Prospect Drive, Hest Bank, Lancaster Erection of a first floor extension over existing garage and kitchen for Mr & Mrs P. Finnigan (Slyne With Hest Ward)	Application Refused
14/01221/FUL	Lawsons Farm, Shaw Lane, Nether Kellet Erection of porch to the side for Mr Chris Halhead (Kellet Ward)	Application Permitted
14/01222/LB	Lawsons Farm, Shaw Lane, Nether Kellet Listed Building Application for the erection of porch to the side for Mr Chris Halhead (Kellet Ward)	Application Permitted
14/01223/CU	1 Hanover Street, Morecambe, Lancashire Change of use of pharmacy (A1) to a 4-bed dwellinghouse (C3) for W.W.Building Developments Ltd (Poulton Ward)	Application Permitted
14/01224/ELDC	18 And 18A West Road, Lancaster, Lancashire Existing Lawful Development application for two self-contained flats (numbers 18 and 18A) and a rentable annex attached to number 18. for Dr Richard Dow (Castle Ward)	Lawful Development Certificate Granted
14/01234/FUL	Inverlune, Aldcliffe Road, Lancaster Erection of a single storey front extension to enlarge existing garage with a raised roof over to create storage area for Mr + Mrs Bateson (Scotforth West Ward)	Application Permitted
14/01237/ELDC	1 Epoch Cottages, Borwick Mews, Borwick Existing Lawful Development Application for the use of a holiday cottage as a permanent residential dwelling for Mr Gary Marsh (Carnforth Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

14/01245/FUL	Churchfield House, Church Lane, Tunstall Erection of a single storey rear extension for Mr Steven Melton (Upper Lune Valley Ward)	Application Permitted
14/01256/LB	Youngs Yard, 7 Queen Street, Lancaster Listed building application for alterations to existing rear window to form inwardly opening window for Mr Darryl Sheppard (Dukes Ward)	Application Permitted
14/01286/FUL	Stonehaven, Bay Horse Lane, Bay Horse Erection of a two storey side extension to form a granny annexe for Mr & Mrs Armer (Ellel Ward)	Application Permitted
14/01305/NMA	Victoria Hotel, 14 Victoria Street, Morecambe Non-Material Amendment to approved application 13/00965/CU to partially retain the existing rear extension for Mr J. Liu (Poulton Ward)	Application Permitted
14/01347/AD	Latham House, Abbeystead Lane, Dolphinholme Erection of an agricultural building for storage of hay and machinery for Mr Mark Armer (Ellel Ward)	Prior Approval Not Required

Quarterly Reports

- (a) **Planning Application Determination Timescales**
The table provides performance figures for the determination of Major Applications, Minor Applications and Other Applications in accordance with national timescales.
- (b) **Number of Planning Applications and Related Cases**
The table lists the number of planning applications and other planning application-related cases that are received by the Development Management Service per quarter.
- (c) **New Tree Preservation Orders Made**
The table lists the location of new Tree Preservation Orders (TPOs) made during the last quarter.
- (d) **Number of Applications for Works to Trees**
The table lists the number of Tree Works applications received in respect of protected trees (protected by TPO or by Conservation Area status)
- (e) **Planning Appeal Decisions**
The table lists the planning appeal decisions issued by the Planning Inspectorate during the last quarter.

(a) Planning Application Determination Timescales

Period	Major Applications Determined In Under 13 Weeks	Minor Applications Determined In Under 8 Weeks	Other Applications Determined Under 8 weeks
January-March 2013	56%	56%	81%
April-June 2013	57%	77%	87%
July-September 2013	82%	70%	81%
October-December 2013	53%	55%	76%
January-March 2014	75%	69%	78%
April-June 2014	72%	57%	70%
July-September 2014	83%	67%	67%
October-December 2014	71%	37%	58%

Year	Major Applications Determined In Under 13 Weeks	Minor Applications Determined In Under 8 Weeks	Other Applications Determined Under 8 weeks
2011 Average	30%	50%	60%
2012 Average	39%	55%	66%
2013 Average	62%	64.5%	81%
2014 Average	75%	57.5%	68%

NB: The above figures do not include applications where mutual agreement has been reached to extend the determination period.

(c) New Tree Preservation Orders Made

Tree Preservation Order Number	Date Made	Location	Extent of Protection
542 (2014)	9 December 2014	Old Builder's Yard, Galgate, Ellel	1 Area of Trees (Various Species)

(d) Number of Applications for Works to Trees

	Applications for Works to Trees Protected by Tree Preservation Orders	Applications for Works to Trees Protected by Conservation Area Status
January–March 2013	18	23
April–June 2013	10	19
July–September 2013	19	22
October–December 2013	23	17
TOTAL APPLICATIONS 2013	70	81
January-March 2014	26	23
April-June 2014	10	14
July-September 2014	14	20
October-December 2014	19	25
TOTAL APPLICATIONS 2014	69	82

(e) Planning Appeal Decisions

Application Number	Application Site	Proposal	Appeal Decision
13/00805/VLA	Pontins Holiday Camp Carr Lane Middleton	Variation of legal agreement on 00/00156/OUT to remove obligations relating to affordable dwellings and age restriction occupancy on the site only and to remove the restrictions on the on-site leisure facilities to allow use by the wider public	Appeal against non-determination Variation of legal agreement allowed
14/00801/FUL	The Byre Quernmore Road Lancaster	Replacement of four patio doors and replacement door	Appeal Allowed
13/01154/FUL	George Hotel Car Parking Area 302 Lancaster Road Morecambe	Erection of seven 2-storey dwellings with associated amenity space and parking	Appeal Allowed
14/00278/CU	Hynning Home Farm Milnthorpe Road Warton	Change of use of a redundant agricultural building to a single dwelling (C3), involving the raising of the roof and the erection of a single storey extension together with associated parking and landscaping	Appeal Dismissed