

Lancashire County Council

Development Control Committee

Wednesday, 15th October, 2014 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Agenda

Part 1 (Open to Press and Public)

No. Item

1. **Apologies for absence**
2. **Disclosure of Pecuniary and Non-Pecuniary Interests**
Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.
3. **Minutes of the last meeting held on 23 September 2014** (Pages 1 - 8)
The committee are asked to agree that the Minutes of the last meeting held on Tuesday 23 September 2014 be confirmed and signed by the Chair.
4. **Rossendale Borough: application number. LCC/2014/0055** (Pages 9 - 44)
Extension to quarry and restoration by means of infill with inert construction, demolition and excavation waste, the sorting, screening and export of recyclable material, the consolidation of existing permissions and the revision of approved working and restoration schemes at Tong Farm, Tong Lane, Bacup
5. **Fylde Borough: Application LCC/2014/0105** (Pages 45 - 52)
Construction of a bund with soils and inert waste. Ream Hills Farm, Mythop Road, Weeton

6. **Lancaster City: Application number LCC/2014/0085** (Pages 53 - 102)
Four single storey extensions to provide 6 additional classrooms and extra resource areas, extension to the existing secondary car park to provide an additional 16 spaces and associated lighting columns, alteration of two windows to fire exits, re-alignment of 2.4 metre high rear boundary fencing and external works consisting of landscaping and disabled access paths, steps and ramps and temporary fenced contractor's compound and associated access. Moorside County Primary School, Bowerham Road, Lancaster.
7. **Lancaster City: Application number. DCO HEYSHAM M6 03** (Pages 103 - 108)
Application to vary the approved drawings to allow an extended wingwall on the A6 Lancaster Road Bridge to be replaced with a landscaped embankment. A6 Lancaster Road, Slyne with Hest, Lancaster.
8. **Planning Applications determined by the Executive Director for Environment in accordance with the County Council's Scheme of Delegation.** (Pages 109 - 110)
9. **Urgent Business**
An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.
10. **Date of Next Meeting**
The next meeting of the Development Control Committee will be held on Wednesday 10 December 2014 at 10.00 a.m. in Cabinet Room B - the Diamond Jubilee Room, County Hall, Preston.

I Young
County Secretary and Solicitor

County Hall
Preston

Agenda Item 3

Lancashire County Council

Development Control Committee

**Minutes of the Meeting held on Tuesday, 23rd September, 2014 at 10.00 am
in Council Chamber, County Hall, Preston**

Present:

County Councillor Munsif Dad (Chair)

County Councillors

R Newman- Thompson	M Johnstone
T Aldridge	N Penney
M Barron	A Schofield
P Buckley	K Sedgewick
P Hayhurst	K Snape
S Holgate	B Yates
D Howarth	D Stansfield

1. Apologies for absence

None received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor P Buckley declared a non pecuniary interest in agenda item 5 as his wife is a member of the Borough Council for the area concerned.

County Councillor T Aldridge declared a non pecuniary interest in agenda item 4 as a member of West Lancashire District Council.

County Councillor P Hayhurst declared a non pecuniary interest in agenda items 5 as a member of Fylde Borough Council and as the county councillor for Fylde West. Councillor Hayhurst also declared a non pecuniary interest in agenda items 4 and 5 as a member of Elswick Parish Council and Elswick Community Project both of which had received grants from the applicant.

County Councillor M Barron declared a non pecuniary interest in agenda item 4 as a member of the West Lancashire District Council, Tarleton Parish Council and the local county councillor for the area concerned.

3. Minutes of the last meeting held on 3 September 2014

Resolved: That the Minutes of the meeting held on 3 September 2014 be confirmed and signed by the Chair.

4. West Lancashire Borough: application number. LCC/2014/0047

Retention of the site compound and access track for a further 3 years to allow pressure monitoring of the Hodder Mudstone and Bowland Shale rock formations, followed by plugging and abandonment of the existing exploratory well and site restoration. Becconsall Shale Gas Exploration Site, Banks Enclosed Marsh, Bonny Barn Road, Hundred End, Banks.

A report was presented on an application for the retention of the site compound and access track for a further 3 years to allow pressure monitoring of the Hodder Mudstone and Bowland Shale rock formations, followed by plugging and abandonment of the existing exploratory well and site restoration at Becconsall Shale Gas Exploration Site, Banks Enclosed Marsh, Bonny Barn Road, Hundred End, Banks.

The report included the views of West Lancashire Borough Council, Sefton Council, North Meols Parish Council, the County Council's Developer Support (Highways), the Health and Safety Executive, the Environment Agency, Natural England, the county council's Specialist Advisor (Ecology) and details of 244 letters of representation received.

Stuart Perigo, Head of Development Management, presented a PowerPoint presentation showing an aerial view of the site, a site layout plan, a map of the proposed ecological mitigation areas and photographs of the site from various viewpoints including a photograph of the well head and views across the Ribble Estuary.

The committee visited the site on the 19 September 2014.

It was reported orally that following the publication of the agenda papers, further representations had been received objecting to the application. In addition, on Monday 22nd September 2014 the committee received presentations from four members of Ribble Estuary Against Fracking (REAF) and the applicant. Details of the further representations, presentations and the officer's advice in relation to both were set out in the update sheet (copy attached at Annex A to the Minute Book).

It was also reported that it was proposed to make a minor amendment to the 'Recommendation' in the report as follows:

'That subject to the applicant first providing a Unilateral Undertaking under section 106 of the TCPA 1990 in respect of the off-site ecological mitigation measures.....'

The committee was asked to note that contrary to the information reported on page 13 of the report, there was one well on the site and not two as specified.

A representative of Friends of the Earth, a West Lancashire Borough Councillor and two residents addressed the committee. They objected to the proposal for the following summarised reasons:

- There was a danger that polluted surface water from the site may be discharged via the pumping station into the Ribble and Alt estuaries Special Protection Area (SPA) and Ramsar site.
- The application posed an unacceptable threat to wildlife and the bird population.
- There were well integrity issues at the applicant's other site at Preese Hall. This showed the applicant was not capable of managing the site.
- The application conflicted with the County Council's own policies on climate change and renewable energy.
- Reducing the cost of gas in the UK should not be taken into account and was not a material planning consideration.
- The north of England should not be used as a trial area for outdated carbon fuel extraction.
- A further testing appraisal clearly demonstrated the intention to extract shale gas. Therefore a full Habitat Regulation Assessment should be undertaken and the application should be subject to an Environmental Impact Assessment.
- The applicant's agent's suggestion that it was not necessary to conduct a full Habitats Regulation Assessment showed a lack of concern and a minimalist approach to the operation.
- In the absence of a full Habitat Regulation Assessment, any decision taken may be unlawful.
- There was insufficient information about the proposed operations and evidence on both existing and future impacts including the pressure levels during the 'shut in' period.
- This and the other shale gas extraction projects would have an accumulative impact on the green belt.
- The site should have been restored in 2012.
- The operation lacked public support and therefore could not claim any social licence to operate.
- The well at Beconsall was now 3 years old – what steps had been taken to assess the current integrity of the well.
- There had been a lack of policing and enforcement by the county council.
- Natural England have raised questions for which uncertainty remained, including the residual impacts once mitigation had been taken into account.
- Planning conditions had been breached at this site and at the applicant's other sites.
- The County Council concluded that the application considered in isolation would not have an effect on the birdlife in the Ribble Estuary - it should have considered it in combination with other exploration in the area
- The proposal did not conform with policy DM2 because in the absence of a full Habitats Regulations Assessment, it wasn't known whether the impact could be reduced to acceptable levels.
- The previous application had been withdrawn at the 11th hour.

The committee was urged to defer the application until a full Habitats Regulations Assessment had been undertaken.

In response to questions raised by the members, the officer advised that:

- Any damage to property would be a civil matter, not a material planning consideration.
- Well integrity would be monitored by the regulators.
- The Council had been advised that the perforation of the well casing would involve the use of a small charge that would not create any detectable vibration at the surface.
- There were sufficient existing mitigation measures in place that have and would be sufficient to prevent the contamination of the water courses.
- No fluids other than saturated brine would be used in the process which would be contained within the site and which would be unlikely to cause contamination to the adjoining ditches of the SPA
- At the risk of duplicating the controls set by other regulatory authorities, a further condition relating to the protection of ground water as recommended initially by the Environment Agency but subsequently retracted on the basis it had become a permitting issue rather than a planning issue, could be added to the planning permission to prevent the pollution of groundwater. However, such condition could be challenged by the applicant.
- The application did not constitute fracking.
- The water to be disposed of would be surface water (rain water) and the quantity of such could easily be managed and disposed of within the locale to an appropriate waste water treatment facility without leading to a significant increase in HGV movements in the area.
- There were conditions proposed to protect the wildlife and bird population and enforcement action would be taken if necessary.
- A Habitats Regulations Screening Assessment had been carried out which demonstrated that there would be no significant effects on the wildlife and therefore there would be no reason to undertake a full appropriate assessment. The need for a Habitat Regulations Assessment would be kept under review, further details were set out in the report and the 'Update Sheet' circulated at the meeting.

Following lengthy debate, the committee agreed that the following condition be added to the proposed planning permission to prevent the pollution of groundwater:

'Prior to the commencement of the abandonment of the well and the ground water monitoring boreholes, full details of the proposed abandonment schedule, including any ground water monitoring, must be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and

Resolved: That subject to the applicant first providing a Unilateral Undertaking under section 106 of the TCPA 1990 in respect of the off-site ecological mitigation measures, planning permission be **granted** subject to the conditions set out in the report to the committee and the inclusion of the additional condition as set out above.

**5. Fylde Borough: application number LCC/2014/0123
Variation of condition 1 of planning permission of 05/11/0431 to
extend the time period for restoration of the site to 30 April 2015,
Preese Hall exploration site, Preese Hall Farm, Weeton, Kirkham**

A report was presented on an application for the variation of Condition 1 of planning permission 05/11/0431 to extend the period of time for the restoration of the site to 30 April 2015 at Preese Hall Exploration Site, Preese Hall Farm, Weeton, Kirkham, Preston.

The report included the views of the County Council's Developer Support (Highways), the Environment Agency, The Health and Safety Executive and details of thirteen letters of representation received including one from Ribble Estuary Against Fracking (REAF).

Stuart Perigo, Head of Development Management, presented a PowerPoint presentation showing an aerial view of the site, site layout plans and photographs of the site, the well head assembly and the water collection facilities.

It was reported orally that following the publication of the agenda three further representations had been received objecting to the proposal. A summary of the objections over and above those summarised in the report together with officers advice in relation to such were set out in the 'Update Sheet' (copy attached at Annex A to the Minute Book). It was also reported on the update sheet that Fylde Borough Council raised no objection to the proposal but requested an extension of the monitoring period to allow extensive monitoring of the site in view of its history.

A representative of Friends of the Earth, two residents and a representative of REAF addressed the committee. They objected to the proposal for the following summarised reasons:

- There were issues associated with the well that needed to be investigated before the site was restored.
- There should be a Public Inquiry into the cause of the seismic events in 2011.
- The proposals may create a number of well paid jobs but at what cost – children were more important.

- Proposed tax incentives for shale gas companies could put off-shore gas operations at risk.
- Off shore gas could be used to bridge the gap whilst cleaner energy alternatives to shale gas were explored.
- The proposal was contrary to the NPPF technical guidance that required mineral sites to be restored to high environmental standards at the earliest opportunity.
- A further time extension should be refused and enforcement action taken to restore the site.
- Concern was raised as to why neither the applicant nor the regulating bodies had put information into the public domain to explain the problems that had been encountered at the site, the risks involved and how they had been resolved.
- There was a lack of information as to why a further time extension was required.
- It was alleged the applicant had been carrying out further flow testing instead of progressing with the restoration of the site.

The committee was asked to make the protection of public health and safety a major concern and to support the request from Fylde Borough Council for an extension of the monitoring period.

A representative of the applicant addressed the committee and spoke in support of the application. It was explained that the process of restoring the site had to be done slowly and carefully and that the company was in the final stage of abandonment. Subject to favourable weather conditions, it was anticipated that the plugging of the well should be completed well within the proposed time extension following which the site would be landscaped and returned to its original agricultural use. Further monitoring of the site would take place for a further 12 months following the plugging and abandonment of the well.

The officer responded to concerns raised by the members in relation to the time extensions afforded to the applicant and whether it was feasible for the County Council to undertake the restoration of the site itself and charge the applicant accordingly. Questions were also raised with regard to the need for a Public Inquiry and whether the monitoring period of the site was sufficient.

Following debate it was agreed that the Cabinet Member for Environment, Planning and Cultural Services would write to the Environment Agency on behalf of the committee requesting that the water quality monitoring borehole(s) be retained and monitored for 5 years rather than 12 months to coincide with the five year aftercare period.

Resolved: That planning permission be **granted** subject to the conditions set out in the report to the committee.

6. Urgent Business

There were no items of urgent business.

7. Date of Next Meeting

Resolved: The next meeting of the Committee will be held on Wednesday 15 October 2014.

I Young
County Secretary and Solicitor

County Hall
Preston

Agenda Item 4

Development Control Committee

Meeting to be held on 15 October 2014

Electoral Division affected:

Whitworth

Rossendale Borough: application number. LCC/2014/0055

Extension to quarry and restoration by means of infill with inert construction, demolition and excavation waste, the sorting, screening and export of recyclable material, the consolidation of existing permissions and the revision of approved working and restoration schemes at Tong Farm, Tong Lane, Bacup

Appendix A – report to the Development Control Committee meeting of 9 July 2014

Appendix B – report to the Development Control Committee meeting of 3 September 2014

Contact for further information:

Catherine Lewis, 01772 530490, Environment Directorate

DevCon@lancashire.gov.uk

Executive Summary

Application – Extension to quarry and restoration by means of infill with inert construction, demolition and excavation waste, the sorting, screening and export of recyclable material, the consolidation of existing permissions and the revision of approved working and restoration schemes at Tong Farm, Tong Lane, Bacup.

The application is accompanied by an Environmental Statement and Non-Technical Summary under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Recommendation – Summary

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to conditions controlling time limits, working programme, site operations, hours of working, vehicular numbers, restriction of permitted working depth, extraction boundary markers, noise and dust, soils and overburden, restoration, aftercare and monitoring.

Background

This application was presented to the meeting of the Development Control Committee on 9 July 2014 and 3 September 2014 with a recommendation for refusal

(the reports are appended as appendix A and B respectively). At the September meeting it was proposed that subject to conditions controlling the hours of working, the application be approved. The Committee was advised that if they were minded to approve the application, it would be necessary to defer the application to allow officers to draw up conditions to the planning permission. The Committee resolved to defer the application to allow a schedule of conditions to be drawn up and to be presented to the meeting of the Development Control Committee on 15 October 2014. This report sets out the recommended schedule of conditions.

Advice

Notwithstanding the resolution of the Committee to grant planning permission subject to conditions relating to hours of working, it would be necessary to impose conditions controlling the operations reflective of those that are in place on existing planning permissions pertaining to the site. The planning conditions are listed below for consideration and are a reflection of the previous planning permissions for the site. However, some conditions are proposed to be amended to control the materials recycling element of this proposal that is not currently permitted at the site along with some additional conditions to control the operations on the site.

Site Operations

The applicant proposes to operate the site in accordance with the conditions attached to planning permission 14/98/0383 and 14/10/0325. These conditions have proved to be acceptable for the operation of the existing quarry. Such conditions include: a topographical survey, noise restriction, silencing of plant and equipment, vehicle sheeting, wheel cleaning, record of vehicular movements and no explosives.

It is considered that the imposition of similar conditions would seek to ensure the proposed development would not generate any unacceptable impacts on local amenity or the environment.

Groundwater

As part of the planning application the applicant submitted a water features survey and hydrogeological appraisal report dated August 2010. The Environment Agency has advised that the survey and report demonstrated that the risk to local supplies is limited and the quarry extension should have no impact on the groundwater dependent features. However, they further note that the water feature survey and the related report were conducted 4 years ago and therefore a condition is recommended for an updated assessment to consider if there have been any changes to the water environment.

Highways

Conditions are proposed to restrict vehicular movements, access and egress from Pennine Road and hours of operations reflective of the planning permissions to the existing site save for reduced hours in the afternoon from the existing 6.30pm to a

more restricted time of 5pm to further protect the amenity of local residents and to address the concerns expressed by the Committee at the last meeting.

Stockpiles

No details of soils and overburden stockpiling have been submitted as part of the application, although there is opportunity for these to be stored on the quarry floor pending their future use in the restoration of the site during the extraction phase. However, to protect visual amenity as the site is progressively restored a condition controlling the height of the stockpiles is proposed.

Extraction boundary

A further condition is proposed requiring the extraction boundary to be physically marked out at all times to ensure that the limit of mineral extraction is clearly visible and is not breached.

Recycling Element

A condition is proposed to provide for the importation of non hazardous construction, demolition and/or excavation waste to the site as well as soils for restoration purposes to reflect the recycling element of the application.

Restoration

Proposed developments must be appropriate to the landscape character type within which they are situated and contribute to its conservation, enhancement or restoration or the creation of appropriate new features. Therefore any restoration plans must ensure that the proposals fit well with the area's Moorland Fringe landscape character and in particular that any method of enclosure used along the field boundaries matches what is found nearby. The working and restoration of the extension together with the material from the recycling facilities would be utilised and would integrate with the existing quarry such that the final profiles would ensure that the site is restored to existing (pre quarry) levels. This would ensure that the after use for the site would return to agricultural. The proposed restoration scheme is considered acceptable.

Recommendation

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to the following conditions:

Time Limits

1. The mining operations authorised by this permission shall cease by 1st April 2024. The recycling activities shall cease by 1st April 2036 and the site shall be progressively restored in accordance with the conditions of this permission and shall be finally restored in its entirety within a further 12 months.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interests of local amenities, the visual amenities and to secure proper restoration of the site.

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application and Environmental Statement received by the County Planning Authority on 1 April 2014 as amended by the letters from Chris Ballam dated 11 of April 2014, 18 June 2014, 20 June 2014, 25 June 2014, 29 June 2014, 30 June 2014, 8 July 2014 and 9 July 2014.
 - b) Submitted Plans and documents:
Drawing No 9865/01C entitled `Location Plan`
Drawing No 9865/03C entitled `Restoration Scheme`
Drawing No.9865/02D entitled `Topographical survey and scheme of working`
Drawing No. 9865/04B entitled `Section drawing`
Drawing no. LG1, Rev A entitled `Landscape Restoration Proposals and Context`
 - c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policy CS5 of the Core Strategy and Policies DM1 and DM2 of the JLMWLP.

3. A copy of this permission and all the documentation referred to in condition 2 shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure that site operatives are aware of the planning conditions and to comply with Policy DM2 of the JLMWLP.

Site Operations

4. Within 3 months of the date of this permission a water features survey, and if necessary, hydrogeological impact assessment shall be submitted to the County Planning Authority for approval in writing.

The water features survey shall include details of surface and groundwater features which may potentially be affected by the development.

Should the survey identify water features not previously identified or they are found to have changed since the survey entitled Water Features Survey and Hydrogeological Appraisal, dated August 2010, the applicant shall complete a hydrogeological impact assessment to demonstrate that the quarry extension will not have an impact upon these water features.

Reason: To protect groundwater resources from any adverse impact of quarrying operation.

5. A topographical survey shall be submitted annually to the County Planning Authority within one month of the anniversary of the date of this permission until the end of the restoration period referred in the conditions to this permission. The survey shall have been carried out within two months proceeding the date of the anniversary of this permission and shall consist of a plan drawn to scale not less than 1:1250 which identifies all surface features within the site and a 10 metre grid survey identifying levels related to ordnance datum over all the land where mining operations have taken place/wastes have been deposited.

Reason: To enable the planning authority to monitor the site and to ensure compliance with the planning permission and to conform with Policy CS5 of the Core Strategy and Policy DM2 of the JLMWLP.

6. The provisions of Part 19 of Schedule 2 of the Town and Country Planning (General Permitted development) Order 1995 or any amendment, replacement, or enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment replacement or re-enactment thereof.

Reason: To maintain the County Planning Authority's control of the development and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the JLMWLP.

7. Noise emitted from the operations hereby permitted shall not exceed 55dB LAeq (1hour) (free field), as defined in this permission, when measured from any of the following properties at a point closest to the noise source:
 - a) Bent Head, NGR SD 877 227
 - b) Causeway House, NGR SD 879 223
 - c) Hey Head, NGR SD 883 222
 - d) Dry Corner, NGR SD 885 224

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the JLMWLP.

8. Noise limits set out in condition 7 shall not apply during the

stripping of soils and overburden at the site, the construction of storage mounds for materials and their regrading during the restoration of the site, or the construction of landscape or baffle mounds. Noise from any of these activities shall not exceed 70dB LAeq (1 hour) (free field) as defined in this permission as measured from any of the properties identified in condition 7 at a point closest to the noise source.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the JLMWLP.

9. Measures shall be taken to ensure that no dust or wind blown material is carried on to adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps or areas as necessary during dry weather conditions.

Reason: To safeguard the amenity of local residents and adjacent properties /landowners and land users and to conform with Policy DM2 of the JLMWLP.

10. No mining operations shall take place below a depth shown on drawing no 9865/04B entitled `Section Drawing`.

Reason : To secure satisfactory restoration and to safeguard local watercourse and drainages and to conform with Policy DM2 of the JLMWLP.

11. No mining operations, recycling operations or restoration works shall take place outside the hours of:

0730 to 1700 hours, Mondays to Fridays (excluding Public Holidays)
0800 to 1330 hours on Saturdays

No mining operations or restoration works shall take place at any time on Sundays or Public Holidays. This condition shall not operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintenance to plant and machinery used on site.

This condition shall relate to the combination of all other permissions consolidated under this permission.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the JLMWLP.

12. Within 3 months of the date of this permission the extraction boundary referred on drawing no 9865/02D entitled `Topographical survey and scheme of working` shall be marked out using 1m high coloured timber posts at an interval of 10 metres. Thereafter, the marker posts shall be retained in position until the site has been restored.

Reason: To ensure adequate control of site operations and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

13. Only soils, non hazardous construction, demolition and/or excavation waste shall be imported to the site.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policy DM2 of the JLMWLP.

14. Any stockpiles shall not exceed 4 metres in height or a height of 2 metres above final approved levels, whichever is the lower.

Reason: To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the JLMWLP.

Highway Matters

15. Wheel cleaning facilities shall remain available for use, be maintained in full working order at all times during the development and shall be used by all HGVs leaving the site so as to ensure that no debris is deposited by vehicle wheels on the public highway.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the JLMWLP.

16. No more than 7 heavy goods vehicles as defined in this permission shall leave the site in any one hour during Mondays to Fridays inclusive (except Public Holidays) and Saturday morning. No such vehicles shall leave the site on Saturdays after 1300 or at any time on Sundays or Public Holidays. This condition shall relate to the combination of all other permissions consolidated under this permission.

Reason: In the interests of highway safety and to safeguard the amenities of local residents and adjacent properties and to conform with Policy DM2 of the JLMWLP.

17. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles. Such records shall contain the vehicles' weight and the time and date of the movement and shall be made available for inspection by the County Planning Authority or its representative on request. The records shall be retained at the site for a period of twelve months.

Reason: To allow the development to be monitored in the interest of highway safety and to safeguard the amenity of local residents and adjacent

properties/landowners and land users and to conform with Policy DM2 of the JLMWLP.

18. All vehicles transporting minerals or recycled aggregates from the site shall be securely sheeted.

Reason: In the interests of highway safety and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

19. The sole access and egress from the site shall be to and from Pennine Road as shown on Plan No 980716/1 dated the 16 of July 1998 of permission 14/98/0383.

Reason: To safeguard the amenity of local residents and adjacent properties and to conform with Policy DM2 of the JLMWLP.

20. Stock proof hedges, fences or walls including gates shall be provided and maintained around the perimeter of the site at all times until the restoration and aftercare period is completed.

Reason: In the interests of public safety and to safeguard the amenity of the local residents and land users and to conform with Policy DM2 of the JLMWLP.

21. No explosives shall be used on the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners of the site and to conform with Policy DM2 of the JLMWLP.

Restoration

22. Restoration of the site shall be carried out in accordance with the details shown on drawing no. LG1, Rev A entitled 'Landscape Restoration Proposals and Context.'

Reason: To secure the proper restoration and aftercare of the site in accordance with an approved scheme and to conform with Policy DM2 of the JLMWLP.

Aftercare

23. Upon certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, aftercare of the site to promote the agricultural afteruse of the site shall be carried out for a period of five years. Such aftercare works shall include works to improve the fertility of the land, drainage works and management of tree and hedge planting.

On the first anniversary of the certification of completion of restoration and at annual intervals thereafter an inspection of restored areas of the site involving

representatives of the operator and County Planning Authority shall be undertaken. Within one month of each inspection, a schedule of aftercare works to be undertaken in the following year shall be submitted to the County Planning Authority for approval in writing. The schedule of aftercare works shall contain the following information:-

- i) Details and results of soil sampling undertaken across restored areas of the site.
- ii) Details of fertiliser, lime and other nutrient requirements necessary to promote normal plant growth based upon the results of the soil sampling required by i) above.
- iii) Details of any other measures necessary to promote the agricultural use of the land including works to relieve compaction or installation of drainage.
- iv) Details of cropping or grazing regimes to be undertaken on the restored areas of the site.
- v) Details for the management of tree and hedge planting including weed control, replacement of failures and maintenance of protection measures.

Thereafter, aftercare works in the following year shall be undertaken in accordance with the approved schedule of aftercare works.

Reason: To secure the proper aftercare of the site and to conform with Policy DM2 of the JLMWLP.

Monitoring

24. Within one month of each anniversary of the date of this permission until the end of the aftercare period referred to in this permission a report shall be submitted to the County Planning Authority recording in detail, as appropriate, the operations carried out on the land during the previous 12 months in respect of mineral extraction and landfilling and the measures taken to implement the restoration and aftercare provisions and setting out the intended operations for the next 12 months.

Reason: To enable the County Planning Authority to monitor the site to ensure compliance with the planning permission and to conform with Policy DM2 of the JLMWLP.

Definitions

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration have been completed satisfactorily.

Free field: At least 3.5 metres away from the facade of a property or building.

Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/14/0055	1 April 2014	Catherine Lewis/Environment/30490

Reason for Inclusion in Part II, if appropriate

N/A

Development Control Committee
Meeting to be held on 9 July 2014

Electoral Division affected: Whitworth

**Rossendale Borough: Application number LCC/2014/0055
Extension to quarry and restoration by means of infill with inert construction, demolition and excavation waste, the sorting, screening and export of recyclable material, the consolidation of existing permissions and the revision of approved working and restoration schemes at Tong Farm, Tong Lane, Bacup**

Contact for further information:
Catherine Lewis, 01772 530490, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

Application – Extension to quarry and restoration by means of infill with inert construction, demolition and excavation waste, the sorting, screening and export of recyclable material, the consolidation of existing permissions and the revision of approved working and restoration schemes at Tong Farm, Tong Lane, Bacup.

The application is accompanied by an Environmental Statement and Non-Technical Summary under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Recommendation – Summary

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the application be **refused** for the following reasons:

1. The proposed quarry extension would be contrary to Policy CS3 of the Joint Lancashire and Waste Development Framework Core Strategy and Policy M1 of the Joint Lancashire Minerals and Waste Local Plan in that the applicant has not demonstrated that there is a need for aggregate materials or fireclay for brick manufacturing.
2. The quarry extension would be detrimental of the living conditions of local residents caused by the movements of heavy goods vehicles close to residences over an extended period of time particularly as there is no proven need for the minerals, contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.
3. The recycling operations would be detrimental to the living conditions of local residents caused by the movement of heavy goods vehicles importing waste materials to the site and subsequently exporting recycled materials thereby

increasing the overall number of vehicles that would be required to provide the necessary materials for the restoration of the site or to export permitted minerals over a substantial period of time associated with the quarry extension and revised restoration levels contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Applicant's Proposal

Planning permission is sought for an extension to Tong Farm Quarry and restoration by means of infill with inert construction, demolition and excavation waste, the sorting, screening and export of recyclable material, along with the consolidation of existing permissions and the revision of approved working and restoration schemes.

The proposed quarry extension would relate to 3.7ha of land to the north of the current approved extraction area; this would involve the extraction of 430,000m³ (755,000 tonnes) of shale and 110,000m³ (190,000 tonnes) of fireclay over a period of 10 years.

The application proposes the consolidation of a number of post 1970 planning permissions into a single defined boundary and as such the total application site relates to an area of 11.8ha.

The existing planning permissions provide for backfill with restoration taking place within the quarry floor and including the retention of the main quarry faces. The application seeks to fill the quarry to levels that would closely match original ground levels through the deposit of additional restoration materials. The operator also seeks permission to establish recycling facilities for construction, demolition and extraction waste as a means of recovering waste materials that could be re-used and recycled and exported back out of the site as recycled product.

Including the void space that would be created in the proposed quarry extension area the infill capacity would be approximately 720,000m³. The applicant anticipates infill at a rate of 50,000 tonnes per annum for approximately 22 years and at the end of which the site would be returned to agricultural use. The applicant has stated that provision of recycling facilities would attract more waste materials to the site increasing to approximately 63,000 tonnes per annum. From this it would appear that 13,000 tonnes of recycling material would be exported off the site per annum.

The applicant proposes to operate the site in the same way as the existing site and within the conditional restrictions set out in the extant planning permissions. The existing site operates between 0730 – 18.30 hours Monday to Friday and 0730 – 1300 hours on Saturdays. No work is allowed to be carried out on Sundays or Public Holidays. The applicant proposes to work the proposed extension area within the same hours.

The applicant estimates that minerals proposed to be worked as part of the extension area and the importation of restoration materials would generate an average of 40 HGV's leaving the site per day, reflective of the number of HGV's permitted to leave the existing site (Condition 21 to planning permission 14/98/0383 permits of 7 HGV's leaving the site in any one hour). Access would continue to be

from Pennine Road along Tong Lane, which leads to a haul road to the site, an informal car park lay-by, office accommodation and wheel wash facilities.
HGV's

An Environmental Statement accompanies the application which addresses the key likely significant effects of noise and dust, water features and hydro geological appraisal, vehicle movements, and ecology.

Description and Location of Site

Tong Farm Quarry is an active fireclay and shale quarry extending over an area of 8.3ha in an elevated location approximately 600m south east of Tong Farm (owned by the applicant) and approximately 2km south east of the centre of Bacup. The site is accessed off Tong Lane. The depth of the quarry has varied relative to adjoining land levels typically between approximately 18m in the south west and 25m in the north east. However, more recently the existing site has been progressively filled with restoration materials.

Although the site is surrounded on all sides by agricultural land, the quarry is located within a semi rural setting. To the north and east, a multitude of small hill farms are located along the valley sides with open Moorland dominating the hilltops. To the south and west of the quarry lies suburban housing. The nearest residential property to the existing quarry is Hey Head Cottages some 68m to the south east; Dry Corner Farm is located some 90m to the east. These properties are approximately 230m and 170m respectively from the proposed extension to the extraction area.

There is an extensive network of public rights of way in the immediate locality although none would be directly affected by the proposed development.

Background

History

Planning permissions for the extraction of materials at Tong Farm date from the early 1960's. In 1961 planning permission was granted for the working of a larger area with much of the material being excavated (ref 13/1/1606). The Environment Act 1995 introduced new requirements for the review of conditions attached to old permissions. This culminated in the determination of modern working conditions for Tong Farm Quarry under planning permission 14/96/0085 (subsequently varied by 14/98/0383).

A Stop Notice and Enforcement Notice were served on the applicant on the 30 April 2010 due to the unauthorised extraction of minerals. The applicant maintained that the extraction of minerals was required to carry out essential quarry face stability works. Mineral extraction operations ceased and the operator subsequently submitted a planning application to regularise these activities and which was granted in October 2011 (ref. 14/10/0324).

Planning permission was also granted for a small extension in 2011 (ref 14/10/03325) and which was the subject of a Section 106 Agreement to relinquish some of the approved depth of working.

Relevant planning permissions:

Planning permission for the extraction of fireclay by opencast mining was granted in June 1960 (ref 13/1/1531).

Planning permission for further extraction was granted in April 1961 (ref 13/1/1606)

Planning permission for further extraction was granted in September 1970 (ref. 13/1/2888).

Planning permission for the approval of conditions relating to permission 13/1/2888 was granted in August 1996 (ref 14/96/0085).

Planning permission for the variation of conditions imposed under 14/96/0085 was granted in April 1999 (ref.14/98/0383).

Planning permission for the retrospective mineral working and the importation of soils/subsoils for the purposes of restoration was granted in 7 October 2011. (ref.14/10/0324).

Planning permission for the extension of existing quarry working and the importation of soil/subsoil for the purposes of restoration was granted in 24 October 2011 (ref.14.10.325) subject to a Section 106 Agreement restricting depth of working in the existing site. This permission relates to a small extension and it was accepted that there would be a local economic stimulus provided by the continued activity at the quarry. However, there were a number of other factors associated with this approval including the applicant entering in to a Section 106 agreement to relinquish some of the approved depth of working.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 6 – 16, 109 – 125, 142 -148 are relevant with regard to the definition of sustainable development and the operation of the planning system, conserving and enhancing the natural environment and the sustainable use of minerals.

Planning Practice Guidance (PPG)

Paragraph 10 Economic considerations, feasibility of strategic approach to restoration

Paragraph 11 Assessing environmental impacts from minerals extraction

Paragraph 80 Aggregate landbanks

Joint Lancashire Mineral and Waste Development Framework Core Strategy DPD
Managing our Waste and Natural Resources (JLMWDF)

Policy CS1 Safeguarding Lancashire's Mineral Resources

Policy CS3 Meeting the demands for New Minerals

Policy CS4 Identifying Sites and Areas for Mineral Extraction

Policy CS5 Achieving Sustainable Mineral Production

Joint Lancashire Minerals and Waste Local Plan (JLMWLP) - Site Allocations and Development Management Policies

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management
Policy LF1	Non hazardous landfill
Policy M1	Managing mineral production
Policy M2	Safeguarding Minerals
Policy WM4	Inert Waste Recycling

Rossendale Core Strategy

Policy 10	Provision for Employment
Policy 18	Biodiversity, Geodiversity and Landscape Conservation
Policy 24	Planning Application Requirements

Consultations

Rossendale Borough Council - Having regard to the harm to resident's amenities which is/will continue to be caused by HGV traffic as it passes between the site and the main road network, the current application should be refused unless the County Council is satisfied that there is a compelling need for extraction of the shale and fireclay to be found here in order to meet sub-regional requirements.

In the event that the County Council is satisfied that there is a compelling need for extraction of the shale and fireclay to be found here the permission for its extraction should minimise the period resident's amenities are harmed, consistent with there being no change to the presently permitted hours (7am-6pm weekdays; 8am-1pm Saturdays; not Sundays or Bank Holidays), nor increase in the number of HGVs that may exit the site (7 per working hour).

Furthermore, sorting, screening & export of recyclable materials and infilling to restore the site should not extend beyond the permitted extraction period by more than 5 years, and all activities to take place on the site shall be undertaken in a manner to minimise impact on neighbours.

LCC Assistant Director (Highways) - No objection subject to conditions controlling the number of vehicles, sheeting of vehicles, wheel wash facilities, access from Pennine Road, no explosives, and a written record to be kept of all heavy goods vehicles as per the previous application.

Environment Agency - No objection subject to a condition requiring an updated water features survey and if necessary a hydro geological impact assessment.

Natural England - The application is in close proximity to the Lee Quarry Site of Special Scientific Interest (SSSI) but is satisfied that the application details would not damage or destroy the interest features for which the site has been designated.

National Grid Gas and Electricity - No observations received.

National Grid Company PLC - No observations received.

Health & Safety Executive- No objection

Ramblers Association- No objection.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Two letters of representation has been received objecting to the proposed development for the following summarised reasons:

- There are too many lorries coming through the Pennine Road Estate/ South Street with most of them coming from Tong Farm.
- The lorries cause a risk to cars, pedestrians and the primary school and cause noise, dust, vibration and damage to the road surface.
- The number of lorry journeys should be reduced to avoid a serious accident particularly involving children.
- Operating the site for another 10 years would be unacceptable.

Three letters of representation has been received in support of the application on the grounds that the site provides a valued supply of aggregates, fireclay and a local inert waste disposal point.

Advice

Planning permission is sought for an extension to the north of the current quarrying activities at Tong Quarry followed by restoration through the importation of inert soil making materials and utilisation of quarry waste. Permission is also sought to introduce operations to allow for the recovery and export of re-usable materials from imported waste streams.

Planning permission for a small extension for the extraction of aggregates was granted in 2011. The application was supported given the small volume of mineral involved, the local economic stimulus that would be provided, an agreed reduction in the final approved depth of the existing workings, and a more desirable restored site profile in relation to the existing permission.

The policies of the Development Plan seek to ensure that Lancashire makes an appropriate contribution to meeting local, regional and national supplies of minerals. It is therefore necessary to assess the need for the aggregate that would be extracted against the potential impact of the proposal on the local environment including impacts on the public highway, the amenity of the residents who live nearby and the impact on local landscape.

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Need for Mineral

The site is currently worked for a variety of shale like materials (mudstones), some of which are crushed and sized for construction uses (aggregate). The site is also worked for fireclay (brickshale) which can be used as an industrial mineral for brick manufacturing.

Government policy is set out in the *National Planning Policy Framework* which seeks to ensure that Mineral Planning Authorities should plan for a steady and adequate supply of aggregates to the construction industry. When determining planning applications, Paragraph 144 of the NPPF is clear that local planning authorities should give great weight to the benefits of mineral extraction including to the economy.

Policy CS1 of the JLMWDF states that minerals will be extracted only where they meet a proven need for materials within particular specifications. Policy CS3 of the JLMWLP is about meeting the demand for new minerals and states that:

"No additional land will be made available for the extraction of gritstone for aggregate use before 2021 unless it is of a special quality not available elsewhere".

Policy CS3 goes on to add that:

'Additional land will be made available during the Plan period for the extraction of minerals for cement or brick manufacturing, where it can be demonstrated that the landbank supplying the manufacturing plant will fall short of 25 years during the Plan period'.

Furthermore, text accompanying Policy CS4 of the JLMWDF identifies that in relation to current landbanks of permitted reserves for gritstone, limestone, clay and shale at the end of 2004, no sites or other areas will be identified for the extraction of any other mineral unless there is a landbank shortfall or there is a recognised commercial need for minerals of a particular specification that cannot be met from elsewhere.

Policy M1 of the JLMWLP makes it clear that development will not be supported for any new extraction of sand and gravel, limestone, gritstone or brickshale.

In addition to the *National Planning Policy Framework*, the government has also published accompanying practice guidance. Paragraph 84 of the *Planning Practice Guidance* advises that an adequate or excess landbank is not a reason for withholding planning permission. The total landbank size is only one measure of the need to release additional reserves. It is also necessary to consider the ability of the existing operational sites to supply market demands, the suitability and availability of alternative materials and issues of possible sterilization should production cease at a quarry site. The PPG adds:

'There are a number of reasons why an application for aggregate minerals development is brought forward in an area where there exists an adequate landbank. These could include:

- significant future increases in demand that can be forecast with reasonable certainty;*
- the location of the consented reserve is inappropriately located relative to the main market areas;*

- *the nature, type and qualities of the aggregate such as its suitability for a particular use within a distinct and separate market; and*
- *known constraints on the availability of consented reserves that might limit output over the plan period.'*

In relation to the first bullet point, no significant future increase in demand has been identified, to singularly warrant supporting further extraction of gritstone aggregate within the County.

With reference to the second bullet point, the applicant has advised that the quarry provides a local source of aggregates to the local construction industry together with a means of disposing construction and demolition wastes as part of the quarry's restoration. The area served includes Burnley, Blackburn, Bury and Rochdale all within a 15 mile radius. The applicant states that without Tong Farm the local construction industry would face higher costs arising from reduced competition and increased travel distances.

Whilst these are considered to be valid observations and it is accepted that an extensive network of sites can reduce unsustainable haulage distances and contribute to local competitiveness, it is evident that aggregates and shales are readily available from within the Rossendale area and adjoining districts. A large proportion of the permitted reserves of gritstone in Lancashire are held close by at Whitworth Quarry in Rossendale. Similarly significant reserves are held at Scout Moor Quarry near Edenfield and Fletcher Bank Quarry near Shuttleworth, Ramsbottom. Permitted reserves of gritstone/shale are also available at Jamestone Quarry at Haslingden Grane, Hutch Bank Quarry, also at Haslingden, Whinney Hill in Accrington and Rakehead at Huncoat. Permitted shale reserves are available at Deerplay Landfill site although significantly the site is currently mothballed. Overall it is considered that local market is adequately served for the purposes of the local plan period.

The fireclay is commonly associated with coal seams and due to the decline of the opencast coal industry, particularly in the northwest, fireclay of this nature has become more difficult to source. However, the fireclay is a relatively small proportion of the overall mineral reserve proposed to be extracted. It is accepted that the fireclay from the site does meet an important market need; however, the fireclay production is subordinate to the aggregate /crushed stone output. Furthermore, although the applicant has provided a letter of support from a fireclay supplier in relation to the value of the reserves to the brick manufacturing market, the applicant has not clearly demonstrated there is likely to be a shortfall in supply as required by Policy CS3.

Therefore, it is considered that a need argument for the extension should not be weighted towards fireclay production alone. On balance it is considered that there is insufficient justification to support extraction of the stone due to *"the nature, type and qualities of the aggregate"* as set out in the third bullet point of paragraph 84 of the PPG.

The applicant has not demonstrated that the crushed stone (shale) produced by Tong Quarry is of any special quality and is used for construction sub bases, for hard standings and other general fill uses.

In view of the availability of alternative other local sites with extensive permitted reserves, there are no known constraints that might limit output over the plan period.

Policy M1 aims to manage mineral production and the accompanying text makes it clear that there is no need to provide further site allocations or policies for aggregates and minerals which includes brickshales. The glossary of terms associated with the local plan document includes "other bulk material used by the construction industry" as part of the definition of aggregates.

It is therefore considered that the applicant has not demonstrated the need for the release of additional reserves at this site for the purposes of Policy CS3 of the JLMWLP, Policy M1 of the JLMWLP or by virtue of any provisions set out within paragraph 84 of the PPG.

Impacts in relation to the sorting screening and export of recyclable material

The proposed processing facility would run in tandem with the infilling and restoration element of the associated quarry development, and would manage materials that would have previously been imported and disposed directly into the site, for the purposes of segregation and recycling.

The applicant has advised that products derived from the recycling of construction and demolition waste would be used to blend with the quarried materials. Combined sales of the blended aggregate would be likely to remain at approximately 80,000 tonnes per annum as per existing without the recycled element. The assumption has been made that imports of construction and demolition waste would rise to 63,000 tonnes per annum with approximately 50,000 tonnes of residual restoration material deposited within the quarry void.

In terms of vehicular movements the waste materials would be brought on site in 15 tonne load tipper wagons. This would generate an average of 16 loads per day. Maintenance and diesel tankers would also visit the site, fuel delivery tanks would visit twice per week.

Annual waste inputs have declined over the past years. Quarry void capacity including the void space in the proposed extension area and within the rest of the site has been calculated at 720,000m³. The applicant has advised that a recycling operation could enable infill at a rate of 50,000 tonnes annually which would extend the life of the quarry to approximately 22 years. The processing operations would not involve any permanent built development, and the only source of potential visual intrusion would be through the formation of stockpiles of aggregate type material. The applicant has advised that the current plant associated with the quarrying would be able to manage the sorting and processing of waste materials and the crushing and screening plant would remain located below ground level so as to minimise noise generated, particularly on noise sensitive properties outside the site boundary. Given the existing operations at the site it is considered that there would be no significant change in principle to existing operations. However, as the restoration of the site progresses it may be necessary to construct screen bunds behind which the plant would operate.

The applicant has argued that the provision of recycling facilities would attract more waste to the site, which would increase the rate at which the site could be restored. How this would work in practice would ultimately depend on the success of the recovery and recycling operations and how much material is exported off-site. Policy WM4 of the JLMWLP encourages developments for aggregate recycling facilities where they do not compromise the long term restoration of mineral workings and landfill sites back to a beneficial afteruse within the original timescale of the parent permission. There is limited mineral reserve remaining within the existing permission ref 14/98/0383 and the applicant has advised that there is approximately 200,000m³ of remaining void space within the permitted site. Permission 14/98/0383 is limited to 2042.

If the applicant's assumption, that more waste would be attracted to the site, can be supported then there should be sufficient residual material for restoration purposes so that the final restoration of the site is not unduly compromised. In this respect the proposal could be supported. However, the main concern is the cumulative impact of additional vehicles removing recycled materials off-site along with vehicles bringing in waste materials and exporting minerals. Overall, there would be an increase in HGV movements required to export materials and finally restore the site compared with those purely associated with quarrying and restoration operations currently permitted.

It is acknowledged that the quarry has been in existence for many years and HGV movements have been restricted by condition. However, it is considered that even if the timely restoration of the site would not be compromised, the benefits associated with waste recycling would not be outweighed by the impact of HGV movements on local residential amenity contrary to Policy DM2 of the JLMWLP.

Impact on Highway Network

The policies of the Development Plan in particular DM2 of the Local Plan Site allocation and Development Management Policies –Part One and Policy 24 of the Rossendale Core Strategy, seek to ensure that proposals for mineral development do not give rise to unacceptable traffic and road safety problems or unacceptable effects on amenity along the routes used.

A Transport Statement (TS) has been submitted which seek to demonstrate that the proposal would be acceptable. The TS states that the proposed operations would generate an average of 32 HGV's entering and exiting the site each day. It is not anticipated that there would be any increase in the daily vehicular movements to and from the site as the current daily rate of production is likely to remain the same. This aspect can be controlled by condition. It further explains that whilst the proposed extension would increase the overall volume of material extracted from the site this would be accommodated within the extended life of the quarry operations.

HGV's typically travel to the site from the A67, Rochdale Road. These vehicles either use Tong Lane and South Street or travel south along Pennine Road. Access to the quarry is via a narrow, concreted lane which leaves Pennine Road close to its junction with Tong Lane. St. Mary's Primary School is located approximately 400m to the west of the quarry off Tong Lane. Pennine Road and Tong Lane are lined with residential properties that form part of a large housing estate. To support the acceptability of the application in terms of highway safety the TS has considered the

injury accident data within the last 5 years and concludes that none of the accidents along the adjacent roads and junctions involved HGV traffic.

As there is no increase in employees and no proposed increase in vehicle movements per hour LCC highways has raised no objection to the application, subject to similar conditions being imposed as per the previous planning permissions. Commenting upon the applicant's suggestion that the HGV's are evenly distributed between the two main routes to the site, he states that in practice this is difficult to manage. Further it is likely that 90% of the HGV's use South Street to enter Rochdale Road. However, as there have been no reported collisions in the past 5 years involving HGV's the continuation of the current operation would not cause a highway safety issue. It is considered that there would be little impact upon highway safety subject to conditions controlling vehicular movements, wheel cleaning facilities, access to the site to be taken from Pennine Road and a written record to be maintained of vehicular movements.

Under previous historical permissions Tong Quarry has a life until 2042. Under the current rates of extraction within the most recent permissions, extraction should cease within the next few years and the site would then be subsequently restored. The most recent extension permission has an end date of December 2015.

It is accepted that there would be unlikely to be unacceptable highway safety impacts associated with HGV movements in the locality. However, the proposed extension to the quarry and the associated need to restore the site would mean that local residents would have to endure disturbance for an extended time.

It is acknowledged that the development would not increase the number of vehicles that are currently permitted and experienced but it would involve the operations taking place over a longer period of time. The accompanying text paragraph 2.2.4 associated with Policy DM2 of the JLMWLP considers that the magnitude of the impact can be influenced by the duration of the operations. This would then inform the significance of the impact and enable an assessment to determine whether the development would cause demonstrable harm. On balance it is considered that the continued use of these residential roads for quarrying related activities of which there is no overriding need would have an adverse effect upon the residential character of the area. It is therefore considered that by virtue of the duration of the development it would have an adverse impact upon the environment of the local community.

The development is therefore considered to be contrary to policy DM2 of the JLMWLP as the development would have a negative impact on the residential amenity of those living nearby.

Landscape, visual impact and restoration

The site lies within a Moorland Fringe landscape character type identified within Lancashire County Council's Landscape and Heritage Supplementary Planning Guidance and which has been retained for development control purposes. Proposed developments must be appropriate to the landscape character type within which they are situated and contribute to its conservation, enhancement or restoration or the creation of appropriate new features. Therefore any restoration plans must ensure that the proposals fit well with the area's Moorland Fringe landscape character and in particular that any method of enclosure used along the field boundaries is consistent

with what is found nearby. Planning permission was granted in 2010 for a restoration scheme that provided a benched quarry face and gently sloping agricultural grassland. The applicant advised that the final restoration levels would be achieved through utilisation of quarry overburden and mineral waste that is on-site and through the importation of soil making material within the limits of an Environmental Permit issued by the Environment Agency. The principle of the proposed restoration scheme was considered acceptable. As part of this application the applicant has proposed a different restoration scheme for the quarry as a whole that would seek to restore the site to existing ground levels. The quarry would be backfilled utilising quarry waste, imported soil making materials and residual materials from the proposed recycling operations as set out earlier in the report. The site would then be suitable for agricultural purposes and would eventually be restored to a pre quarrying landform and profile.

The restoration of the scheme has been divided into four phases and each phase would take 5 years. It is anticipated that final restoration would be undertaken by 2035 although this would be dependent on the rates of extraction and backfill. The aims of the revised restoration scheme could be supported in principle and the details of the scheme could be controlled by condition. However, the revised restoration scheme is fundamentally linked to the proposed quarry extension and therefore cannot be supported in view of the recommendation in relation to the need for the minerals above.

Impact upon local amenity

The NPPF (paragraph 144) and the JLMWLP framework recognise that minerals and waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise, dust, vibration and visual intrusion.

The application site is located in open countryside but is in a landscape that includes scattered farmsteads and isolated properties. The nearest residential properties are located some 68m to the south east of the quarry (Hey Head Cottages) with Dry Corner Farm some 170 m from the proposed extraction area. The principle of the minerals working adjacent to these residential properties has been found acceptable previously, but it is important to assess the impact of the recycling operations on residential amenity. As set out previously in the report the applicant has advised that the processing operations would not involve any permanent built development, and the only source of potential visual intrusion would be through the formation of stockpiles of aggregate type material and the presence of additional plant and vehicles. The crushing and screening plant would remain located below ground level so as to minimise noise generated, particularly on noise sensitive properties outside the site boundary.

A noise assessment is accompanied as part of the Environmental Statement which assesses the sound levels from the proposed activities. The assessment is based upon the technical guidance to the National Planning Policy Framework. The technical guidance has been superseded by the Planning Practice Guidance but the guidance is similar. The noise assessment confirms that the proposed operations on week days and Saturday morning would generally comply with the Guidance which recommends for sound levels caused by mineral workings not to exceed the background sound levels by more than 10 dB(A). The only exception to this would

be when the mobile plant items are working near the quarry boundaries. However, they would comply with the alternative requirement of the technical guidance not to exceed 55 dB(A) LAeq 1 hour (free field).

The Planning Practice Guidance that accompanies the NPPF sets out policy considerations in relation to the environmental effects of mineral extraction. These policies establish the principles to be followed in respect of reducing and controlling dust and noise. The greatest potential for dust and noise generation is the crushing and screening of the aggregate and recycling operations. These operations would take place at the base of the quarry, and is therefore unlikely to have an impact upon residential amenity. The quarrying activities have taken place in this general location for many years and have not given rise to complaints about noise or dust. In this respect the proposed development would be acceptable.

Protected Species and Habitats

The application is accompanied by a Phase 1 Habitat and Protected Species Survey which identifies that the majority of the extension area is agriculturally improved ryegrass dominated pasture which is cropped for hay and grazed. The survey acknowledges that Badgers are present and active at the quarry site but are not identified within the proposed extension. Three setts have been located within the overburden mounds. The approved drawings provide for their retention.

The report concludes that there was no evidence to suggest the likely presence of other protected species on the site and recommends mitigation measures in terms of working practices to minimise the impacts on badgers and breeding birds. Subject to a condition requiring the working practices as set out in Section 7.3 of the document entitled "Tong Quarry Bacup Ecological Impact Assessment" dated November 2013 the development is considered acceptable in terms of ecology and would meet the aims of Policy DM2 of the JLMWLP.

Water Management

The application is accompanied by a Water Features Survey and Hydrological Appraisal dated 2010 that formed part of the submission for the most previous applications. Although this document demonstrated that the risk to local supplies is limited and the previous quarry extension should have no impact on the ground water dependant features, the EA note that the report is four years old. However, the EA has raised no objection to the proposed development but recommend, should permission be granted, that a condition be imposed requiring the submission and agreement of the details for an updated water feature and if necessary a hydrogeological impact assessment.

Other matters

Of relevance to the determination of this application is a recent planning application for a quarry extension at Whinny Hill, Accrington (ref 11/13/0264). Permission was granted subject to the signing of a Section 106 agreement in relation to highway matters. Although it was concluded that there was no need for the extraction of the minerals and therefore there was some conflict with the development plan it was considered that due to locational factors and the economic hauling distances to

serve other parts of Lancashire the Whinney Hill application could, on balance be supported.

In terms of local economic value and employment, the applicant has advised that if they cannot secure planning permission for the proposed extension the extraction of aggregates would cease with the loss of this aggregate supply to the east of the County and the loss of local employment associated with the quarrying activities and supporting industry. This employment and local economic benefit is recognized but it is judged that this would not outweigh the overriding lack of policy support.

Human Rights

The proposal raises issues relating to the protection of amenity and property under Article 1 of the 1st Protocol of the Human Rights Act 1998.

Article 1 of the 1st Protocol concerns the enjoyment of property and provides that everybody is entitled to the peaceful enjoyment of his possessions and that no one should be deprived of the enjoyment of property except in the public interest. The applicant has rights under this article. However, the policies of the Development Plan seek to ensure that the development of land is carried out in the public interest. The relevant policies seek to ensure that mineral reserves are only released when there is a need and that minerals and waste operations do not have an unacceptable impact on local amenity. The proposal has the potential to conflict with these policies and the interference in the rights of the applicant is therefore considered to be justified in order to protect the public interest. It is considered that the public interest can only be safeguarded by the refusal of permission and that the refusal would not place a disproportionate burden on the applicant.

Conclusion

In conclusion, the application is for an extension to an existing quarry measuring 3.7ha to the north of the current approved extraction area which would take approximately 10 years to extract. The application also relates to the establishment of sorting, screening, and export of recyclable material along with a revised restoration scheme for the whole of the quarry. This would increase activity at the quarry for a further estimated 22 years. The application also provides for the consolidation of a number of post 1970 planning permissions in to a single permission and as such the total application site relates to an area of 11.8ha.

There have been a number of incremental planning permissions for the quarry and the main issues associated with this application are the principle of further extraction, the acceptability of a recycling operation in this location, and a revised restoration scheme involving the importation of additional materials to restore the site to approximate former land levels.

The JLMWDF makes it clear that no additional land will be made available for the extraction of gritstone for aggregate use unless it is of a special quality not available elsewhere. The materials on site that are utilised as aggregate are not of a special quality and therefore there is no need to release this material in accordance with the local plan. It is acknowledged that a proportion of the shale on site can be utilised as fireclay from brick manufacturing and the material does have distinct properties. However, the Fireclay is a subordinate aspect to the overall quarry material and no

need for the fireclay has been demonstrated in accordance with Policy CS3 of the JLMWDF. It is therefore recommended that planning permission be refused.

Recommendation

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the application be **refused** for the following reasons:

1. The proposed quarry extension would be contrary to Policy CS3 of the Joint Lancashire and Waste Development Framework Core Strategy and Policy M1 of the Joint Lancashire Minerals and Waste Local Plan in that the applicant has not demonstrated that there is a need for aggregate materials or fireclay for brick manufacturing.
2. The quarry extension would be detrimental of the living conditions of local residents caused by the movements of heavy goods vehicles close to residences over an extended period of time particularly as there is no proven need for the minerals, contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.
3. The recycling operations would be detrimental to the living conditions of local residents caused by the movement of heavy goods vehicles importing waste materials to the site and subsequently exporting recycled materials thereby increasing the overall number of vehicles that would be required to provide the necessary materials for the restoration of the site or to export permitted minerals over a substantial period of time associated with the quarry extension and revised restoration levels contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Ext
LLC/2014/0055	1/4/14	Catherine Lewis/Environment/30490
14/10/0324		
14/98/0383		
14/96/0085		
13/1/2888		
13/1/1606		

Reason for Inclusion in Part II, if appropriate

N/A

Development Control Committee

Meeting to be held on 3 September 2014

Electoral Division affected: Whitworth

Rossendale Borough: application number. LCC/2014/0055

Extension to quarry and restoration by means of infill with inert construction, demolition and excavation waste, the sorting, screening and export of recyclable material, the consolidation of existing permissions and the revision of approved working and restoration schemes.

Tong Farm, Tong Lane, Bacup

Contact for further information:

Catherine Lewis, 01772 530490, Environment Directorate

DevCon@lancashire.gov.uk

Executive Summary

Application – Extension to quarry and restoration by means of infill with inert construction, demolition and excavation waste, the sorting, screening and export of recyclable material, the consolidation of existing permissions and the revision of approved working and restoration schemes at Tong Farm, Tong Lane, Bacup.

The application is accompanied by an Environmental Statement and Non-Technical Summary under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Recommendation

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the application be **refused** for the following reasons:

1. The proposed quarry extension would be contrary to Policy CS3 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy and Policy M1 of the Joint Lancashire Minerals and Waste Local Plan in that the applicant has not demonstrated that there is a need for aggregate materials or fireclay for brick manufacturing.
2. The quarry extension would be detrimental to the living conditions of local residents caused by the movements of heavy goods vehicles close to residences over an extended period of time particularly as there is no proven need for the minerals, contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.
3. The recycling operations would be detrimental to the living conditions of local residents caused by the movement of heavy goods vehicles importing waste materials to the site and subsequently exporting recycled materials

thereby increasing the overall number of vehicles that would be required to provide the necessary materials for the restoration of the site or to export permitted minerals over a substantial period of time associated with the quarry extension and revised restoration levels contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Background

This application was presented to the meeting of the Development Control Committee on 9 July 2014 with a recommendation for refusal for the following reasons.

1. The proposed quarry extension would be contrary to Policy CS3 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy and Policy M1 of the Joint Lancashire Minerals and Waste Local Plan in that the applicant has not demonstrated that there is a need for aggregate materials or fireclay for brick manufacturing.
2. The quarry extension would be detrimental of the living conditions of local residents caused by the movements of heavy goods vehicles close to residences over an extended period of time particularly as there is no proven need for the minerals, contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.
3. The recycling operations would be detrimental to the living conditions of local residents caused by the movement of heavy goods vehicles importing waste materials to the site and subsequently exporting recycled materials thereby increasing the overall number of vehicles that would be required to provide the necessary materials for the restoration of the site or to export permitted minerals over a substantial period of time associated with the quarry extension and revised restoration levels contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

The applicant's agent addressed the committee and spoke in support of the application. He informed the committee that:

- The application had received more than 57 letters and emails of support from local businesses in the East Lancashire area.
- The number of objections received reflected the limited impact the quarry had on the amenity of local residents.
- If planning permission was refused, it would have a detrimental impact on the employees and their families and on the local businesses who used the quarry.
- It was acknowledged that the impact of the quarry traffic on the local highway was an issue however, the community had been built up around the quarry which had been in existence for over 40 years.

He questioned whether the remaining quarries in the area would be able to provide the quality and type of materials required and urged the committee to defer

consideration of the application to allow further investigation into the supplies of gritstone/shale in east Lancashire.

The Committee resolved to defer the application until the next meeting of the committee to allow officers to further investigate the overall landbank position and alternative sources of supply at existing sites in East Lancashire.

The report presented to committee on 9 July 2014 provides information on the overall aggregates landbank position and the alternative sources of supply at existing sites in East Lancashire.

Advice

Minerals are essential raw materials which are valuable national assets and vital to a modern economy. As a result it is important that there is a sufficient supply of material to provide the infrastructure and building requirements associated with the demands of the economy whilst ensuring that permitted mineral operations do not have unacceptable adverse impacts on the natural and historic environment or human health. Since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them and to secure their long-term conservation through the mechanism of mineral safeguarding. Efficient and effective functioning of the planning system depends on high quality, readily accessible information on the extent, quality and, if possible, quantity of mineral resources. The mineral planning authority (MPA) is required to produce a 'Minerals and Waste Development Framework' (MWDF), which shows how the MPA will plan for future provision of minerals within their area. Through this process, the County Council as MPA has formulated policies and plans as part of the Joint Lancashire Minerals and Waste Development Framework to guide future development.

Due to the nature of quarrying, the industry requires long timescales for the securing of sites with sufficient reserves to enable capital investment decisions to be made. Therefore, national guidance requires landbank policies to be developed by local mineral planning authorities to maintain safeguarded aggregate reserves in their areas. The Planning and Compulsory Purchase Act 2004 requires every local authority to produce an Annual Monitoring Report (AMR) which reviews what has happened in development planning throughout the year. The review identifies progress against regional and national targets.

The County Council's AMR provides a forecast of demand for aggregates based upon existing reserves and the agreed apportionment. Figures of permitted reserves as set out in the *Joint Lancashire Minerals and Waste Development Framework - Strategic Minerals Issues* document dated November 2007, which was a background paper presenting technical and other data in support of the preparation of the Joint Lancashire Minerals and Waste Development Framework were used. The figures are monitored and updated accordingly as part of the AMR.

Since the last committee meeting the applicant has questioned these figures and has submitted a document entitled '*Supplementary Report: Analysis of Gritstone /Sandstone Permitted Reserves*' dated August 2014 as further support for the application. This report provides a commentary on each quarry comparing what the applicant considers to be the current situation with that set out in the November 2007

Strategic Minerals Issues document. The applicant's supplementary report concludes that most of the quarries have either closed or have limited reserves.

The County Council's Strategic Planning Policy Team, who produced the Joint Lancashire Minerals and Waste Development Framework Core Strategy, has provided the following comments on the submitted report:

The Core Strategy and the Site Allocation Local Plan were both subject to independent examination prior to their adoption. The Site Allocation Local Plan examination considered its conformity to the National Planning Policy Framework (NPPF); it was found to be sound by the planning inspector, and was subsequently adopted by the Council in September 2013. Information on permitted reserves is provided by operators in response to yearly surveys, or estimated by the Council in the event of non-returns. Information provided to the Council is provided in confidence, and cannot be stored or published in an un-aggregated form. No information has been provided by the applicant, any other operator, or recent monitoring returns, to indicate that the level of permitted reserves has been significantly overstated.

Monitoring shows that production of gritstone (and aggregates in general) has reduced significantly since 2002, in part due to the effects on the economy of the global financial crisis. This has had an effect on the demand for construction materials, and the economics of working minerals. Production has shown a slight increase in the last two monitoring reports.

Gritstone reserves can be expressed as 'landbanks' of minerals, representing the length of time they can be expected to last at estimated rates of use. The annualised estimate of need is the apportionment (38.1Mt for Lancashire area), divided by the number of years the apportionment is for (21years), which provides a figure of 1.8 million tonnes per year. Alternatively, need and likely demand can be calculated using an average of the last 10 years production and sales; currently 1.04 million tonnes per year.

The AMR 2012-2013 published in January 2014 states that gritstone reserves increased from 66mt in 2011 to 71.4mt in 2012 primarily attributable to revised estimates from operators being received as part of the monitoring process and a small extension of stone extraction at the Whinney Hill Quarry complex. This permitted reserve represents a 68 year land bank at current rates of production, or a 39 year landbank based on annualised apportionment, which is well above the required 10 year land bank of 18.1 million tonnes as set out in the supporting text to Core Strategy Policy CS3. The AMR 2012-2013 confirms that there is no need for additional gritstone reserves.

The applicant's supplementary report includes a breakdown of each relevant individual quarry named in the *Joint Lancashire Minerals and Waste Development Framework - Strategic Minerals Issues* document and provides comments on their understanding of site information. Using the applicant's approach the sites referred to are listed below with comments provided when required.

Sites the applicant suggests are closed

Twist Hill & Delf Quarry – The applicant has stated that mineral extraction was to cease by 30/11/09. However, the applicant has not referred to the building stone quarry that was granted on 5 June 2013 (ref. 12/13/0173). Nevertheless, this is not an aggregate quarry and is not relevant here.

Whittle Hill Quarry - The applicant has stated that mineral extraction has ceased and the site is flooded and has been landfilled (as referred to in the Strategic Minerals Issues document). The quarry is currently flooded but permission for mineral extraction remains in place and there are mineral reserves available for extraction. However, this site is in Chorley and generally beyond the economic area of influence of the application site.

Catlow Quarry - The applicant has advised that extraction ceased on 31st December 2007. However, planning permission ref 13/12/0585 was granted in March 2013 to allow, limited extraction of stone, importation of stone and processing of stone until 31 December 2018 with restoration by 31 December 2020. This site relates to building stone and is not relevant here.

Hardrock - Currently being landfilled.

Round O - Currently being landfilled.

Deerplay Quarry and Landfill site - The applicant has stated that this is a closed landfill with no mineral reserve. However, planning permission was granted on 16th April 2008 to allow mineral extraction and landfilling to continue for an additional period of 15 years (ref 12/06/0959). Unworked reserves at the time, and still remaining due to the quarry remaining dormant, equate to some 300,000 tonnes of shale and sandstone.

Huncoat Rakehead Quarry – Determination of periodic review conditions under application ref. 11/12/0345 was approved on 18 January 2013. The site relates to some 14ha of largely shales and mudstones and the operator has advised that the site would be capable of releasing around 150,000 tonnes per annum in favourable market conditions. This appears to be in conflict with the applicant's assertion that estimated reserves are only 10,000 tonnes. However, minerals are worked predominantly for brick manufacture and therefore reserves do not form part of the aggregate landbank calculations.

The applicant states that the following quarries have a limited life or do not produce aggregate:

Mitchell's House- Stone roofing slates only. This is correct.

Ellel Crag- This site is in Lancaster district with limited life. This is correct.

Leeming- The applicant has stated that the planning permission is for dressed stone only. This is correct.

Middle Hill – There is no planning permission for mineral extraction in Lancashire. Limited permitted building stone reserves remain on land within Rochdale Metropolitan Borough Council.

Additional sites

Brinscall Quarry, Chorley district – Existing gritstone quarry with permission until 2042. This is correct. However, this site is in Chorley and generally beyond the economic area of influence of the application site

Waddington Fell, Ribble Valley – Gritstone quarry (building stone, crushed rock and sand) with approximately 300,000 tonnes of remaining unconstrained reserve. However, there are also approximately 700,000 tonnes of permitted reserves under and adjacent to the existing saw shed building.

Seven quarries named in the Committee report dated 9 July 2014

Whinney Hill -The applicant has advised that mineral extraction has ceased having run out of sandstone reserves within the existing permission. However, planning permission has been granted for the extraction of a further 2.76 million tonnes of sandstone over a period of approximately 10 years (based on current rates of extraction) subject to the applicant first entering into a Section 106 Agreement relating to drainage matters.

Scout Moor -The applicant has stated that although the 2007 Issues document notes that the minerals extracted are coal and shale, his view is that the primary mineral worked is dimension stone and that any aggregate produced is from crushed dimension stone waste and overburden. However, as part of the application for a quarry extension at Scout Moor in 1998 the applicant provided information referring to opportunities for stone to be crushed to sand; secondly, aggregates to be used in the manufacture of concrete products, and thirdly, as dimension stone and flags. This would still appear to be the case at the site. A significant reserve is present at the site and permission is in place until 2029. The site is also identified as a suitable location for inert landfill with the expectation that proposals for inert waste recycling and inert landfill would help deliver the restoration of the quarry. Inert recycling could therefore make a further contribution to the availability of aggregates.

Fletcher Bank – The administrative boundary between Lancashire and the Metropolitan Borough of Bury runs roughly north-south through of the quarry meaning that the eastern side of the site is in Lancashire and the western side of the site (including the access onto Manchester Road A56) is within Bury. The applicant has suggested that there is approximately 5 years of reserves remaining. However, significant reserves remain within the existing quarry and planning permission is in place for a quarry extension providing for the extraction of approximately 4 million tonnes of gritstone. Given the proximity of Fletcher Bank to Greater Manchester, the reserves do not form part of Lancashire's reserve calculation. Nevertheless, they do contribute to local supply.

Jamestone Quarry – Currently operational contrary to the applicant's assertion that the site is closed. There are extensive permitted reserves of gritstone and shale.

Whitworth Quarry -The applicant has stated that the majority of the reserves are located within Whitworth Quarry which accounts for somewhere around 52 million tonnes of the 71.4 million tonnes given in the Annual Monitoring Report for 2012-13 or nearly 75%. Without Whitworth reserves the total reserve figure would be around 19 million tonnes (10 years life) but it is likely that the reserves at the other quarries are more limited than suggested in the 2012-2013 report. The applicant suggests that Whitworth has significant issues with quality and financial viability, poor access and significant environmental impacts on residential areas.

It is acknowledged that the majority of the reserve falls within Whitworth Quarry. However there is no evidence to suggest that there are "significant issues" with either the quality or the financial viability associated with aggregate production at this site. Although the access to Whitworth Quarry may generate environmental impacts upon the surrounding highway network the quarry has permission for mineral extraction until 2042 and there is a policy which safeguards a new access route.

Additionally, the applicant's report states that the majority of gritstone quarries are engaged in either reviews or are seeking planning permission for extensions. Therefore, the applicant suggests there may be a shortage of permitted reserves at all quarries with the exception of Scout Moor and Whitworth. It is acknowledged that the County Council is currently in receipt of one application for the determination of conditions under periodic review for gritstone reserves at Hutch Bank Quarry and that planning permission for an extension at Whinney Hill Quarry has been granted subject to the completion of a Section 106 agreement relating to drainage matters. However, the review application or any applications for extensions would have no bearing on known permitted reserves.

Conclusion

It is considered that the supplementary analysis of permitted reserves submitted by the applicant has not provided any information of significance to suggest the permission should be granted contrary to local plan policy concerning the need for minerals or in view of NPPF guidance that was considered as part of the report presented to Committee on 9 July 2014. Furthermore, the applicant's supplementary assessment is inaccurate in relation to a number of gritstone quarry sites that are referred to and which do contain workable permitted reserves that are available and could be released in more favourable market conditions.

The report presented to Committee on 9 July 2014 advised that in terms of local economic value and employment, the applicant is of the view that if planning permission for the proposed extension could not be secured, the extraction of aggregates at the quarry would cease with the loss of this aggregate supply to the east of the County and the loss of local employment associated with the quarrying activities and supporting industry. The employment and local economic benefits that the quarry currently provides is recognised but it was concluded in the previous report to Committee that these would not outweigh the overriding lack of policy support to the release of further aggregate reserves given the land bank situation. On this basis the recommendation remains as previous and set out below.

Recommendation

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the application be **refused** for the following reasons:

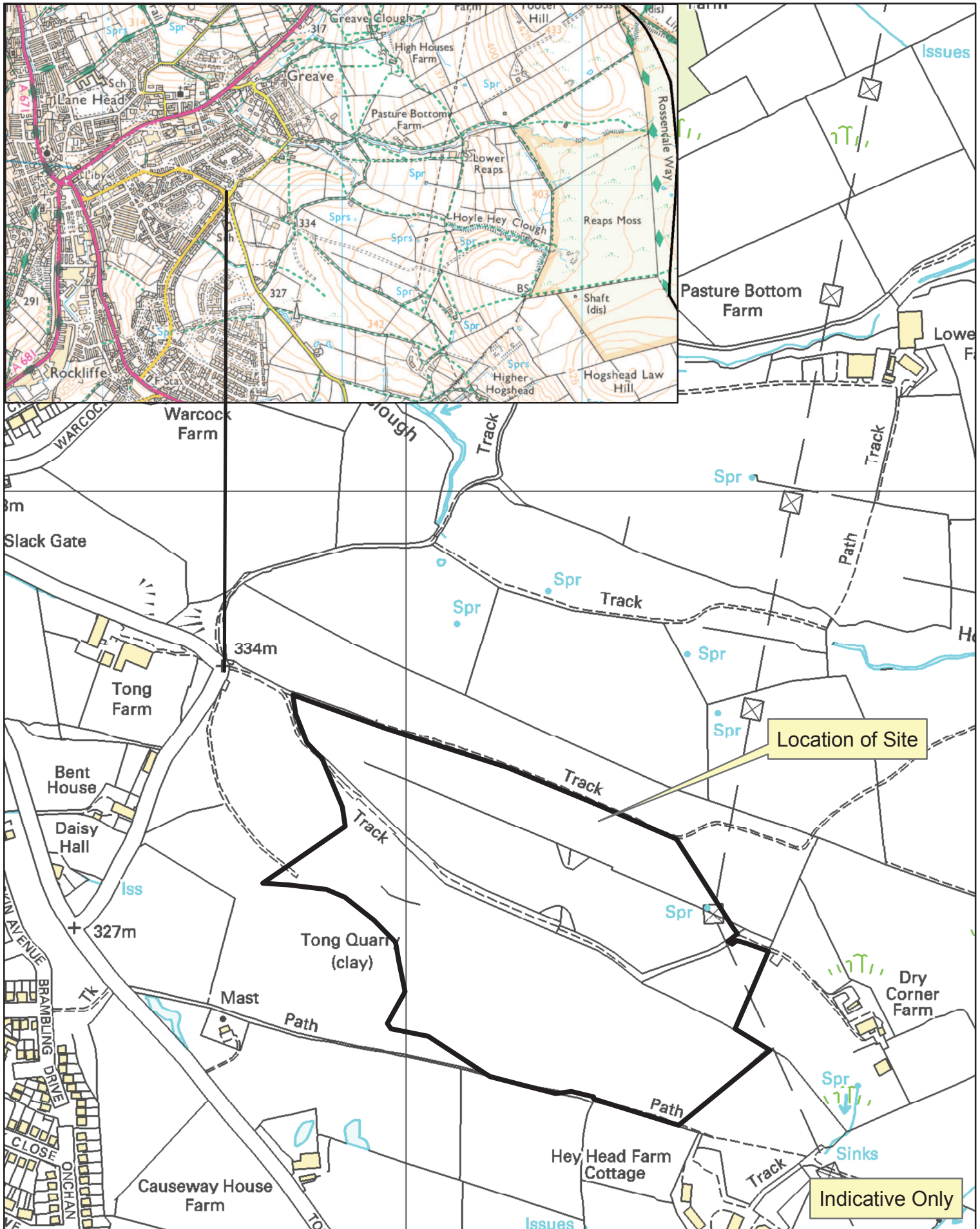
1. The proposed quarry extension would be contrary to Policy CS3 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy and Policy M1 of the Joint Lancashire Minerals and Waste Local Plan in that the applicant has not demonstrated that there is a need for aggregate materials or fireclay for brick manufacturing.
2. The quarry extension would be detrimental to the living conditions of local residents caused by the movements of heavy goods vehicles close to residences over an extended period of time particularly as there is no proven need for the minerals, contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.
3. The recycling operations would be detrimental to the living conditions of local residents caused by the movement of heavy goods vehicles importing waste materials to the site and subsequently exporting recycled materials thereby increasing the overall number of vehicles that would be required to provide the necessary materials for the restoration of the site or to export permitted minerals over a substantial period of time associated with the quarry extension and revised restoration levels contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2014/0055	August 2014	Catherine Lewis/Environment/30490
14/10/0324		
14/98/0383		
14/96/0085		
13/1/2888		
13/1/1606		

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION LCC/2014/0055 EXTENSION TO QUARRY AND RESTORATION BY MEANS OF INFILL WITH INERT CONSTRUCTION, DEMOLITION AND EXCAVATION WASTE, THE SORTING, SCREENING AND EXPORT OF RECYCLABLE MATERIAL, THE CONSOLIDATION OF EXISTING PERMISSIONS AND THE REVISION OF APPROVED WORKING AND RESTORATION SCHEMES. TONG FARM, TONG LANE, BACUP

Development Control Committee
Meeting to be held on 15th October 2014

Electoral Division affected: Fylde West
--

Fylde Borough: Application LCC/2014/0105
Construction of a bund with soils and inert waste. Ream Hills Farm, Mythop Road, Weeton

Contact for further information:
Guy Munden, 01772 533214, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

Application - Construction of a bund with soils and inert waste. Ream Hills Farm, Mythop Road, Weeton.

Recommendation – Summary

That planning permission be **refused** for the following reasons:-

- 1) Part of the proposed bund is located within an area having a high probability of flooding. The creation of the bund would result in a loss of flood storage capacity and unacceptably increase the risk of flooding elsewhere contrary to policy EP30 of the Fylde Borough Local Plan.
- 2) The development is not considered to be essentially required in order to support the continuation of the existing tourist facilities and by reason of scale and design would harm the character of the surrounding countryside. The development is therefore contrary to Policies SP2 and EP11 of the Fylde Borough Local Plan.

Applicant's Proposal

Planning permission is sought for the construction of a bund using soils and inert waste at Ream Hills Farm, Mythop Road, Weeton. The purpose of the bund, which would be landscaped with trees / shrubs, is to provide shelter from the wind to the tourist facilities on the site. The proposed bund would be constructed from soils and inert waste, and would run the total length of the north-west boundary of the site towards the M55 motorway. The bund would measure 860m in length and approximately 30m in width, with a height of approximately 2.5m.

The development would involve the importation and deposit of 62,500 cubic metres of inert waste materials over a period of two years. The operations would take place on weekdays between 07:30 and 16:30 and on Saturdays between 07:30 and 13:30. The development would generate a maximum of 60 HGV loads per day.

Description and Location of Site

The application site is an area of agricultural land measuring 3.0 ha in area at Ream Hills Farm, which is located approximately 1.4km west of Weeton and 200m north of the M55 motorway.

The proposed bund is located adjacent to an existing field boundary with a hedge / ditch to west of the Ream Hills Farm itself and adjoins the M55 motorway at its southern end. Wildings Hill Wood is located adjacent to the field boundary but would not be directly affected by the proposed bund.

The southern end of the bund lies within Flood Zone 3 (area having a high probability of flooding).

Background

Planning permission on land to the east of Ream Hills Farm was granted in October 2009 (ref no. 05/09/0437) for the raising of land levels to form a new horse paddock.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 28, 99 – 103, 109 and 118 are relevant with regards to the protection of the character of the countryside, conserving and enhancing the natural environment. and the flood risk issues of new development.

Joint Lancashire Minerals and Waste Development Framework Core Strategy (JLMWDF)

Policy CS7 Managing our Waste as a Resource

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy NPPF	Presumption in Favour of Sustainable Development
Policy DM2	Development Management

Fylde Borough Local Plan

Policy SP2	Development in Countryside Areas
Policy SP8	Expansion of existing businesses and commercial operations
Policy TREC7	Touring caravans and camping sites
Policy TREC10	Countryside Recreation
Policy EP11	Development in Rural Areas
Policy EP30	Development within Floodplains

Consultations

Fylde Borough Council – Object to the proposed development on the basis that it would be excessive in size and inappropriately designed to the extent that it would

detract from the character of the surrounding countryside, and that the development is not essential for the continuation of any rural enterprise at the site. Concerns are also raised over the highway safety implications of the development with the increased number of vehicles that will access the site to construct the bund.

Environment Agency – Object to the proposed development on the basis that part of the bund is located with Flood Zone 3 with a high probability of flooding and that the construction of the bund would prevent flood waters entering the area and would result in a net loss of flood storage and increased flooding elsewhere.

National Air Traffic Control: The application does not conflict with any airport safeguarding policies.

LCC Developer Support (Highways): No observations received.

Representations – The application has been advertised by press and site notice. No representations have been received.

Advice

Planning permission is sought for the construction of a bund with soils and inert waste at Ream Hills Farm, Mythop Road, Weeton. The applicant states that the purpose of the bund would be to provide shelter from the wind to the tourist facilities on the site which includes a recently constructed caravan / camp site, accommodation lodges and a large lake that is used for wakeboarding, paddle boarding and a range of other water sports. The bund would be approximately 2.5 metres in height and would be planted with trees and shrubs to provide a landscaped feature which would shelter the areas of the site used for these activities from the prevailing south westerly wind.

The main issues raised by the application include the impacts on the flood plain, the appropriateness of the bund in the landscape and the need for the mound in terms of its stated purpose.

Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flooding. Policy EP30 of the Fylde Borough Local Plan states that development will not be permitted which would create an unacceptable increase in the risk of flooding within the development site or elsewhere. The southern - most 300 metres of the bund is located adjacent to a ditch that passes under the M55. The area of land directly north of the M55 adjacent to the ditch is located within Flood Zone 3 which is an area defined as having a high probability of flooding. The construction of the bund in this area would prevent waters from entering the flood zone and would therefore prejudice the ability of this area to function as flood storage and may increase the risk of flooding elsewhere. The Environment Agency state that the flood risk assessment submitted with the application fails to adequately address this issue. The applicant has been advised that this issue could be resolved by removing that part of the bund that lies within the flood plain but the applicant has declined to amend the proposal. The development is therefore contrary to the NPPF and policy EP 30 of the Fylde Borough Local Plan.

Policy SP2 of the Fylde Borough Local Plan states that within countryside areas, development will not be permitted except for that essentially required for the purposes of agriculture, horticulture or forestry or other uses appropriate to a rural area or development essentially needed for the continuation of an existing enterprise or operation of a type and scale which would not harm the character of the surrounding countryside.

Whilst the applicant contends that the bund is required as part of the permitted tourism / recreational uses, it is considered that the bund is not essential for the successful operation of these uses. The majority of the bund is located at some distance from the parts of the farm, including the lake, that are used for these activities and therefore it is considered that the mound in its proposed location would have very little sheltering benefit for these activities in any event. The tourism uses appear to have established successfully taking into account the current wind conditions and therefore it is not considered that the bund is essentially needed for the continuation of the existing enterprise. For these reasons, the development conflicts with a key criteria of Policy SP2 of the Fylde Borough Local Plan.

Policy EP11 of the Fylde Borough Local Plan requires that new development in rural areas should be sited in keeping with the distinct landscape character types identified in the Landscape Strategy for Lancashire. The site is located in the South Fylde Mosses landscape character area, the key features of which are the flat, open countryside. The Strategy aims to enhance landscape character by careful siting and design of development and limiting tree planting to locations where there is established tree cover. The proposed mound would extend over a considerable distance and whilst not particularly high needs to be of sufficient width to allow the development of a substantial belt of planting which the applicant maintains is required to provide shelter to the nearby recreational / tourism activities. The bund would therefore require the importation of a substantial volume of waste soils and clays over a period of two years. It is considered that the creation of a mound of this length would create a substantial linear feature in a generally flat and open landscape, the impact of which would be amplified by the proposed tree planting along its length. The proposed mound would therefore conflict with the local landscape character in this area contrary to Policy EP11 of the Fylde Borough Local Plan.

An area of land at the southern end of the bund is also safeguarded under Policy TR11 for the construction of the proposed Fylde Coast Easterly Bypass. The policy states that development which would prejudice the future implementation of the road scheme will not be permitted. Given the scale of the mound, it is not considered that the development would prejudice the future construction of the road and therefore it is considered that the development is acceptable in terms of Policy TR11. However, compliance with this policy does not outweigh the conflicts with the other policies of the local plan that have been identified above and for those reasons, it is considered that planning permission for the construction of the bund should be refused.

Human Rights Issues:-

The proposal raises issues relating to the protection of amenity and property under Article 1 of the 1st Protocol of the Human Rights Act 1998.

Article 1 of the 1st Protocol concerns the enjoyment of property and provides that everybody is entitled to the peaceful enjoyment of his possessions and that no one should be deprived of the enjoyment of property except in the public interest. The applicant has rights under this article. However, the County Council has a duty to secure the proposed location and design of waste development in order to protect the character of the countryside as set out in the policies of the development plan. It also has a duty to ensure that floodplains continue to operate effectively in order to avoid increasing the risk of flooding elsewhere and to safeguard highway safety. The proposal would conflict with these policies of the development plan designed to achieve these aims and the interference in the rights of the applicant is therefore considered to be justified in order to protect the public interest. It is considered that the public interest can only be safeguarded by the refusal of permission and that the refusal of the application would not be disproportionate.

Recommendation

That planning permission be **refused** for the following reasons:-

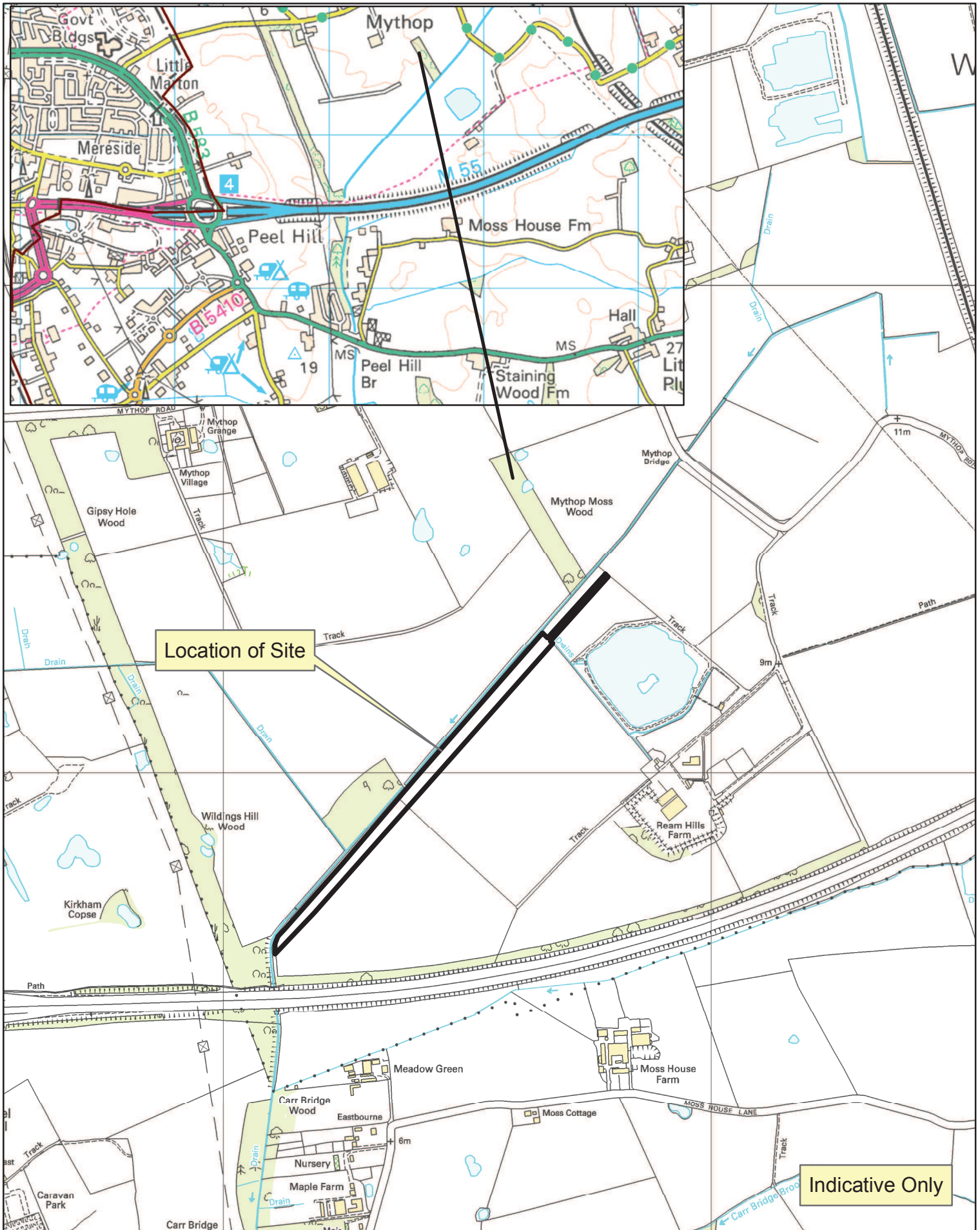
- 1) Part of the proposed bund is located within an area having a high probability of flooding. The creation of the bund would result in a loss of flood storage capacity and unacceptably increase the risk of flooding elsewhere contrary to policy EP30 of the Fylde Borough Local Plan.
- 2) The development is not considered to be essentially required in order to support the continuation of the existing tourist facilities and by reason of scale and design would harm the character of the surrounding countryside. The development is therefore contrary to Policies SP2 and EP11 of the Fylde Borough Local Plan.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/ Directorate/ Ext
LCC/2014/105 Environment, 34130	18.6.2014	Jonathan Haine,

Reason for Inclusion in Part II if appropriate

N/A



**APPLICATION LCC/2014/0105 CONSTRUCTION OF A BUND WITH SOILS AND INERT WASTE.
REAM HILLS FARM MYTHOP ROAD WEETON**

Agenda Item 6

Development Control Committee

Meeting to be held on 15th October 2014

Electoral Division affected: Lancaster South East
--

Lancaster City: Application number LCC/2014/0085

Four single storey extensions to provide 6 additional classrooms and extra resource areas, extension to the existing secondary car park to provide an additional 16 spaces and associated lighting columns, alteration of two windows to fire exits, re-alignment of 2.4 metre high rear boundary fencing and external works consisting of landscaping and disabled access paths, steps and ramps and temporary fenced contractor's compound and associated access. Moorside County Primary School, Bowerham Road, Lancaster.
(Appendices 'A' & 'B' refer)

Contact for further information:

Rob Jones, 01772 534128, Environment Directorate

DevCon@lancashire.gov.uk

Executive Summary

Application – Four single storey extensions to provide 6 additional classrooms and extra resource areas, extension to the existing secondary car park to provide an additional 16 spaces and associated lighting columns, alteration of two windows to fire exits, re-alignment of 2.4 metre high rear boundary fencing and external works consisting of landscaping and disabled access paths, steps and ramps and, temporary fenced contractors' compound and associated access. Moorside County Primary School, Bowerham Road, Lancaster.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, building materials, control of noise, dust, hours of operation, drainage, highway matters, landscaping, protection of nesting birds, floodlighting and contaminated soils.

Background

This application was presented to the 9th July and 3rd September 2014 meetings of the Development Control Committee. The reports to the Committees are appended as A and B respectively.

At the meeting of the 9th September 2014 Committee, the application was deferred and the applicant requested to consider the construction of a drop off / pick up layby within the existing pavement / school frontage on Bowerham Road as a means to address some of the traffic and parking issues raised by the proposed development.

Advice

The applicant has produced a draft scheme showing how a layby could be created along the Bowerham Road frontage of the school. It could provide parking for up to 10 cars and would be created by utilising part of the existing pavement to Bowerham Road which is a shared pedestrian walkway / cycle path and necessitating encroachment into the school grounds to accommodate the cycle way and pavement which would have to be set back.

The layby could be constructed directly in front of the school between the existing pedestrian access and the vehicle entrance to the staff car park, and opposite Chequers Avenue. This is the only possible location for such due to the presence of the entrance to the car park to the south and a bus stop to the north. To ensure that the existing width of the shared footway/ cycleway can be maintained, the layby would require the relocation of a section of the boundary wall to the frontage of the school and consequent loss of part of the landscaped grass strip between the school playground and the boundary wall. The existing street lighting columns in the pavement alongside Bowerham Road would also require resiting. Whilst the applicant advises that construction of the lay by is physically possible, it is anticipated that the costs of constructing such (estimated at £50,000) plus the costs of diverting services within the pavement including relocation of the existing street lighting columns would be a significant additional cost to the project as a whole.

LCC Developer Support (Highways) has advised that although the proposed lay by area would appear to have benefits by minimising parking on surrounding streets, there are a number of highway concerns over such a proposal and which are as follows:

- The widened footpath would encroach into the school grounds.
- Given that the majority of pupils at the school currently come from north of the site (this is likely to continue to be the case) a lay-by on the school side of Bowerham road would lead to vehicles crossing oncoming traffic or performing U turns in order to access the drop off area.
- The layby would create a potential conflict with traffic emerging from the junction with Chequers Avenue which would be against the advice set out in the Design Manual for Roads and Bridges that *"lay-bys should not be located near road features such as junctions or where vehicles are likely to be making manoeuvres such as lane changes"*.
- The proposed location of the layby is opposite a bus stop on Bowerham Road which is part of route 2 from Heysham to the University and is particularly busy during the morning period from 8.30am to 9.15am with at least 6 buses stopping there. While stopped, a bus reduces the running lane on Bowerham Road to a single carriageway which makes the location of the lay-by unacceptable as there would be increased manoeuvring by cars to pass buses thereby introducing conflicts with cars leaving the drop off area. This would be less of a concern in the afternoon period as there are fewer buses during the peak collection time.
- The creation of the lay by would create a potential hazard for pedestrians wishing to cross Bowerham Road due to vehicles entering and leaving the lay-by. This would be of particular concern at the end of the school day as the majority of

movements would be away from the school with pupils and parents emerging onto Bowerham Road from between parked vehicles.

- The creation of a lay-by at this point would necessitate the existing cycle route along Bowerham Road being moved. There would be an increased risk of car doors being opened into the paths of cyclists and pedestrians. Given the limited space available for the lay-by there would also be a risk of drivers opening their doors into the path of traffic.
- The creation of a lay-by at this location would necessitate the removal of the existing parking restrictions (No waiting Mon – Fri 8am – 6pm) and it would not be possible to always police the lay-by to ensure that it would be available to people wishing to drop off / collect children at the appropriate times. It might be used by people accessing other local services or have spaces taken up by taxis bringing pupils to the adjoining Stepping Stones school, neither of which could be controlled as the lay-by would be part of the adopted highway. Given that this is a primary school it is also likely that parents of younger pupils would wish to escort their children to / from school. In practical terms the lay-by would therefore not operate efficiently as people would be likely to use it for parking rather than merely dropping off or picking up meaning there would not be sufficient rotation of vehicles into and out of the facility. The layby would therefore not greatly reduce the incidence of parking on the other streets in the area.
- A drop off area may well encourage more people to drive.

The LCC Developer Support (Highways) therefore concludes that a lay-by on Bowerham Road would have a detrimental impact on the local highway by creating additional hazards which would outweigh any potential benefit that such a facility might achieve. Consequently the proposed lay-by is not supported.

During meetings that have taken place with the applicant, other measures to address the highway impacts of the development have been explored and which include:-

- Increasing the size of the proposed car park on the south side of the school for use as a drop-off area. This has been discounted due to the presence of a water main in the vicinity that may have to be accessed in the future.
- Installing a puffin crossing across Bowerham Road. Such a crossing is not supported as it would create more congestion on Bowerham Road resulting in additional hazards for children / parents who may cross the road between cars.
- Creation of a traffic island on Bowerham Road – this could potentially improve the safety of pedestrians crossing Bowerham Road but finding a suitable and effective location for the siting of such would be likely to be extremely problematic due to the locations of numerous bus stops, junctions off Bowerham Road and their narrowing effect on the width of the road. It is questionable whether a traffic island is necessary given the existing manned crossing points across Bowerham Road directly opposite the school and on Barton Road.

The school have also commented on issues that were raised during the discussions between members of the Committee at the meeting of 3rd September. In relation to the use of the Fox and Goose pub car park, the school note that informal use of this car park is made by parents but the school are unclear as to whether the landlord has given express permission for such use or just turns a blind eye to its use. The car park is small (approximately 12 cars) and therefore makes only a limited

contribution towards off street parking provision. In any event the car park is not in the applicant's control and therefore it is not possible to impose conditions requiring its use as part of the proposed development.

The existing informal arrangements for parking in the pub car park may continue. The use of a walking bus from the car park to the school has been considered by the school but the school are concerned about how such arrangements would be staffed, issues about liability, reliability or insurance if volunteers are used and when responsibility for children is handed from school to parents. However, the school are not opposed to the principle of a walking bus and their recent survey of parents seeks to ascertain the level of support for such initiatives.

In relation to the staggering of start and finish times, the school has advised that such practices already occur with Moorside starting at 8.50 and finishing at 3.10 and St Bernadettes starting at 8.55 and finishing at 3.15. The school have commented that changing the times further could have both a positive and negative impact with a larger stagger meaning less demand for spaces but potentially extending the drop off / pick up time over a longer period. The school has confirmed that Governors are willing to carry out a consultation with parents regarding the changing of school session times.

The school has also confirmed that they are undertaking a consultation with parents as part of the development of a new travel plan including measures that might be introduced to reduce car trips to the school. Such measures might include development of walking buses and promoting walking and cycling to school through 'walk on Wednesdays' or similar initiatives.

In conclusion, the proposal to construct a drop off layby on Bowerham Road, has been investigated and it is considered, that in light of the advice from LCC Developer Support (Highways) it would not be in the interests of highway safety or the safety of users of the cycle way or footpath to construct a layby to the frontage of Bowerham Road. Alternative opportunities to address the concerns of the committee have been considered and have been discounted for the reasons stated. There are a number of other measures that are possible including improvement of the school crossing on Bowerham Road, review of the school travel plan, implementation of any measures that are contained within the travel plan and management of construction traffic and school parking. Beyond these matters LCC Developer Support (Highways) considers that there is little scope for realistic measures to be undertaken to alleviate the highway impacts of this development.

It is therefore necessary to balance the highway impacts of the proposed development against the need for the additional school places. Such a balancing exercise should have particular regard to Government policy as expressed in paragraph 72 of the NPPF which explains the importance that is attached to ensuring sufficient choice of school places and the great weight that should be attached to the need to expand schools. The application has been submitted following an exercise to assess future needs for school places which has identified a particular short fall in places in the South Lancaster area. The expansion of Moorside School would therefore meet the Government's objectives to increase parental choice and ensure availability of school places.

The expansion of this school has been proposed following a site selection exercise involving a number of other schools in the area. Moorside has been identified as a site that has available land that can be used to accommodate an expansion plan of this scale without prejudicing other school functions such as playing fields and which is in the correct location to absorb the projected demand for school places. It would be the case that the expansion of any of the existing schools in the south Lancaster area would inevitably generate additional traffic and that such impacts are invariably difficult to mitigate. Whilst the comments of Developer Support (Highways) in terms of the general highway impacts of the development are acknowledged, it is considered that they would not be so severe at this location (and would be equally severe at any other location) as to outweigh the need for the school places in this part of Lancaster. On balance therefore, the proposal is considered acceptable subject to the conditions set out in the recommendation.

Recommendation

That planning permission be **Granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

2. The use of the temporary construction compound and associated access route shall cease within one month of the completion of the development. The land disturbed by the temporary construction compound and associated access route as far as its junction with the existing cycleway shall thereafter be restored within a further period of 3 months in accordance with the scheme and programme approved under the requirements of condition 20 below.

Reason: To ensure the satisfactory restoration of the site and to conform with Policy SC5 of the Lancaster District Core Strategy.

Working Programme

3. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application received by the Director of Transport and Environment on 4th June 2014, the emails received by the Director of Transport and Environment from Martin Howden on 16th and 23rd June and 04th and July 18th July 2014, and the emails received by the Director of Transport and Environment from Sarah Slade on 22nd July 2014 and 01st August 2014.

b) Submitted Plans and documents received by the Director of Transport and Environment on 04th June 2014:

Drawing No. A200 Rev. A - Proposed Site Plan
Drawing No. A201 Rev. A - Proposed Temporary Cycle Path Closure
Drawing No. A202 Rev. A - Proposed Roof Plan
Drawing No. A210 Rev. A - Proposed Ground Floor Plan - Sheet 1
Drawing No. A220 Rev. A - Proposed Ground Floor Plan - Sheet 2
Drawing No. A230 Rev. A - Proposed Ground Floor Plan - Sheet 3
Drawing No. A235 Rev. A - Proposed Ground Floor Plan - Sheet 4
Drawing No. A250 Rev. A - Proposed Site Sections
Drawing No. A260 Rev. A - Proposed Elevations - Sheet 1
Drawing No. A280 Rev. A - Proposed Site Elevations
Drawing No. A290 Rev. A - Proposed Car Park
Drawing No. A291 Rev. A - Proposed Lighting Plan
Drawing No. A320 Rev. A - Proposed Landscaping Plan
Drawing No. A820 Rev. A - Proposed Drainage Plan
Drawing No. A980 Rev. A - Proposed Class Base Doors
Drawing No. TS.1 - Tree Survey on Topographical Survey

Submitted Plans and documents received by the Director of Transport and Environment on 16th June 2014:

Construction Programme
Classroom Numbers
Drawing No. A390 Rev. B - Proposed Site Establishment

Submitted Plans and documents received by the Director of Transport and Environment on 07th July 2014:

Land Contamination Survey

Submitted Plans and documents received by the Director of Transport and Environment on 08th July 2014:

Asbestos Management Plan

Submitted Plans and documents received by the Director of Transport and Environment on 14th August 2014:

Updated Transport Statement

c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the Director of Transport and Environment to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies SC1, SC5, E1 and E2 of the Lancaster District Core Strategy and Policies T17, E12 and E29 of the Lancaster District Local Plan .

Building Materials

4. Within two months of the date of this planning permission, details of the finished colour of the Trespa wall panels to be used on the elevations of the three two-classroom extensions shall be submitted to the Director of Transport and Environment for approval in writing. Thereafter the approved colour shall be used for the Trespa wall panels.

Reason: To protect the visual amenities of the area and to conform with Policy SC5 of the Lancaster District Core Strategy.

5. Within two months of the date of this planning permission, details of the location of any re-aligned section of boundary fencing and of the height, colour, design and location of any new or relocated boundary fencing shall be submitted to the Director of Transport and Environment for approval in writing. Thereafter, the new or realigned fencing shall be erected in accordance with the approved details.

Reason: To provide adequate security for the school and to protect the visual amenities of the area and to conform with Policy SC5 of the Lancaster District Core Strategy.

6. Within two months of the date of this planning permission, details of bird and bat nesting / roosting bricks or boxes to be incorporated into the external elevations of the approved buildings or existing landscaping shall be submitted to the Director of Transport and Environment for approval in writing. The details shall contain information on the number, design and location of bird and bat nesting / roosting bricks or boxes to be installed. Thereafter the approved measures shall be incorporated into the construction of the building/s or existing landscaping.

Reason: To provide opportunities for nesting birds and bats and to conform with Policy E1 of the Lancaster District Core Strategy and Policy E12 of the Lancaster District Local Plan.

Control of Noise

7. All plant, equipment and machinery used in connection with the construction of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy SC5 of the Lancaster District Core Strategy.

Dust

8. Measures shall be taken at all times during the construction phase of the development to minimise the generation of dust and prevent its migration across and outside of the school site.

Reason: To safeguard local amenity and health of the pupils, staff and visitors to the school and to conform with Policy SC5 of the Lancaster District Core Strategy.

Hours of Working

9. No construction operations or delivery or removal of materials shall take place outside the hours of:

0800 to 1800 hours, Mondays to Friday (except Public Holidays)
0800 to 1700 hours, Saturdays

No construction operations or delivery or removal of materials shall take place at any time on Sundays or Public Holidays.

This condition shall not however operate so as to prevent the carrying out, outside of these hours, of essential repairs to plant and machinery used on the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy SC5 of the Lancaster District Core Strategy.

Safeguarding of Watercourses and Drainage

10. The development shall be undertaken in accordance with the submitted Flood Risk Assessment (Sanderson Associates, April 2014) and the Drainage Plan (Lancashire County Council, Drawing A820, May 2014) and submitted with the planning application on 4th June 2014.

Reason: To reduce the risk of surface run-off from the site and flooding to the surrounding areas and to conform with Policy SC1 of the Lancaster District Core Strategy.

Highway Matters

11. Measures shall be taken at all times during the construction phase of the development to ensure that no mud, dust or other deleterious materials are tracked onto the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and to conform with Policies E1 and E2 of the Lancaster District Core Strategy.

12. All vehicles associated with the construction phase of the development shall enter and leave the temporary site compound in a forward direction.

Reason: In the interests of highway safety and local amenity and to conform with Policies E1 and E2 of the Lancaster District Core Strategy.

13. Prior to the extended car park being brought into use, the car park shall be hard surfaced and marked out as shown on Drawing No. A290 Rev. A - Proposed Car Park.

Reason: In the interests of highway safety and to conform with Policies E1 and E2 of the Lancaster District Core Strategy.

14. The development shall not be brought into use until the existing pedestrian crossing on Bowerham Road has been improved in accordance with a scheme and programme to be first submitted to and approved in writing by the Director of Transport and Environment. The scheme and programme shall provide for the installation of a dropped kerb on the western side of Bowerham Road in the location of the existing crossing.

Reason: In the interests of highway safety and to conform with policy SC1 of the Lancaster District Core Strategy.

15. The construction traffic shall be managed at all times during the construction phase of the development in accordance with the Traffic Management Plan submitted with the application on 23rd June 2014.

Reason: In the interests of highway safety and to conform with Policies E1 and E2 of the Lancaster District Core Strategy.

16. Within six months of the date of this planning permission, a revised Travel Plan, as defined by this permission shall be submitted to and approved in writing by the Director of Transport and Environment.

The Travel Plan shall include:

- a) A brief description of the development, its location and a summary of the particular transport and road safety issues at the site;
- b) Evidence and results of consultation with staff and other interested parties;
- c) Targets and measures to minimise the impact of/reduce private car use for the journey to and from the site by staff and other visitors;
- d) A summary of the site's current road safety policies and practices, details of any new or proposed initiatives including a planned timetable of introduction; and,
- e) Details of any proposals to modify school start and finish times to mitigate the traffic impacts of the development.
- f) Proposals for monitoring progress of the Travel Plan including a

timetable for its implementation and review at five yearly intervals.

Reason: In the interests of highway safety and to conform with Policy SC1 of the Lancaster City Core Strategy.

17. Prior to the commencement of development, a survey of the condition of the shared pedestrian/ cycle path used to access the construction compound shall be submitted to the Director of Transport and Environment for approval in writing. The survey shall contain details of any existing defects in the surface of the footway/ cycleway.

A further post development survey shall then be undertaken within one month of the completion of the development to identify any damage that has been caused to the surface of the footway / cycle way. The survey shall thereafter be submitted for the approval in writing to the Director of Transport and Environment and shall contain proposals for the repair of any highway defects should they be identified.

Any repairs contained in the approved post development survey shall be undertaken within two months of the approval of the survey by the Director of Transport and Environment.

Reason: In the interests of highway safety and to conform with Policies E1 and E2 of the Lancaster District Core Strategy.

18. Within two months of the date of this planning permission, details shall be provided of car park signage to advise that the new car park should be used only by school staff. The signage should be provided within one month of the date of approval and subsequently retained.

Reason: In the interests of highway safety and to conform with Policies E1 and E2 of the Lancaster District Core Strategy.

Landscaping

19. No development shall commence until details of any proposed works to the trees affected by the temporary access and details for the protection of the trees have been submitted to the Director of Transport and Environment for approval in writing. The approved details shall be implemented in full prior to the temporary access being brought into use.

Reason: In the interests of visual and local amenity and to conform with Policies SC5 and E1 of the Lancaster District Core Strategy and Policy E29 of the Lancaster District Local Plan.

20. No development shall commence until a scheme and programme for the landscaping of the school site and of tree protection and replacement measures has been submitted to and approved in writing by the Director of

Transport and Environment. The scheme and programme shall include details of:-

- a) Tree protection measures for those trees and vegetation that are to be retained to include root protection measures for such vegetation.
- b) New tree and shrub planting to include replacement trees for those lost during the development including details of species, numbers, locations to be planted, planting methods and protection measures. The planting should use locally appropriate native species and should deliver compensatory replacement bat foraging and commuting habitat along the fence line to the rear of the site that are used by bats as a part of the route of their flight lines/ feeding circuits.
- c) Removal of and restoration of the temporary construction access and compound within three months of the cessation of use of the temporary construction compound and associated access route.
- d) Reprofilling of any land to include locations, heights, gradients and landscaping works.

The approved protection measures required by a) shall be employed throughout the construction phase of the development. The planting works required by b) above shall be implemented in the first available planting season following the completion of the construction phase of the development and shall thereafter be maintained for a period of five years including weed control, replacement of failures and maintenance of protection measures.

Reason: In the interests of visual and local amenity and to conform with Policies SC5 and E1 of the Lancaster District Core Strategy and Policy E29 of the Lancaster District Local Plan.

21. No trees or hedgerows shall be removed during the bird-breeding season between 1 March and 31 July inclusive unless they have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

Reason: To protect nesting birds and to conform with Policy E1 of the Lancaster District Core Strategy and Policy E12 of the Lancaster District Local Plan.

Floodlighting

22. No lighting shall be erected within the site compound unless the details of such lighting including the position, direction and design of such lighting has first been submitted to and approved in writing by the Director of Transport and Environment.

Reason: To minimise light spill beyond the site boundary to the surrounding houses and to safeguard the amenity of the area and to conform with Policy SC5 of the Lancaster District Core Strategy.

Contaminated Soils

23. Within two months of the date of this planning permission, an asbestos remediation plan shall be submitted to the Director of Transport and Environment for approval in writing. All site excavation works shall take place in accordance with the approved plan. No occupation of the buildings shall take place until the measures proposed in the remedial plan have been verified and a verification letter/report submitted to and agreed by the Director of Transport and Environment.

Reason: To ensure that future site users are not exposed to asbestos fibres from the slightly contaminated soils that will be left on-site and to conform with Policy SC5 of the Lancaster District Core Strategy.

Definitions

Director of Transport and Environment: means the Director of Transport and Environment of the County Planning Authority or any successor position to that post.

Planting Season: The period between 1 October in any one year and 31 March in the following year.

Notes

The applicant's attention is drawn to the requirements of the Equality Act 2010 and the British Standards Institution Code of Practice for Design of Buildings and their approaches to meet the needs of Disabled People (BS8300:2009). The design of the building will also need to comply with Part M of the Building Regulations 2010. In the case of educational buildings, the applicant's attention is drawn to the Special Educational Needs and Disability Act 2001 and the guidance prepared by the Department of Education and Skills Building Bulletin 91 (Access for the Disabled to School Buildings) and Building Bulletin 94 (Inclusive School Design).

If bats are found or suspected at anytime during demolition or construction activities, work in that area should cease immediately until further advice has been sought from Natural England and/or the scheme ecologist. The scheme ecologist, Natural England or their agents in the Lancashire area will be able to locate a licensed bat worker to remove any bats present which might be harmed during the works. If bats are exposed during the works and are vulnerable to harm, gloves or a container should be used to move them to a dark and quiet area, until a bat worker has been contacted.

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping - up or diversion of a right of way should be the subject of an Order under the appropriate Act. Access to the temporary construction compound would be taken via the existing public cycle and footpath to the south of

the school. The applicant will have to apply for a temporary closure of the footpath for the duration of the works.

It is responsibility of the applicant/ contractor to provide the relevant signage to advise as to the potential for conflict between users of the new car parking area the subject of this permission and traffic to and from the construction compound.

Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2014/0085	04 June 2013	Rob Jones/Environment/ 534128

Reason for Inclusion in Part II, if appropriate

N/A

Appendix A

Development Control Committee
Meeting to be held on 9th July 2014

Electoral Division affected: Lancaster South East
--

Lancaster City: Application number. LCC/2014/0085

Four single storey extensions to provide 6 additional classrooms and extra resource areas, extension to the existing secondary car park to provide an additional 16 spaces and associated lighting columns, alteration of two windows to fire exits, re-alignment of 2.4 metre high rear boundary fencing and external works consisting of landscaping and disabled access paths, steps and ramps and temporary fenced contractor's compound and associated access. Moorside County Primary School, Bowerham Road, Lancaster.

Contact for further information:
Rob Jones, 01772 534128, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

Application - Four single storey extensions to provide 6 additional classrooms and extra resource areas, extension to the existing secondary car park to provide an additional 16 spaces and associated lighting columns, alteration of two windows to fire exits, re-alignment of 2.4 metre high rear boundary fencing and external works consisting of landscaping and disabled access paths, steps and ramps and, temporary fenced contractor's compound and associated access. Moorside County Primary School, Bowerham Road, Lancaster.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, building materials, control of noise, dust, hours of operation, drainage, highway matters, landscaping, protection of nesting birds and floodlighting.

Applicant's Proposal

Planning permission is sought for the erection of four single storey extensions to the school to provide new classrooms/ teaching areas to enable Moorside County Primary School to increase from a 2-form to a 3-form entry school.

The development would comprise the following key elements:

- Three single storey extensions to the rear of the existing school each containing two classrooms, a resource area and a disabled toilet for pupils in Years 1-6.
- A single storey extension to the northern side of the school containing a resource area, disabled toilet and storage for reception pupils. The roof over this block

would be extended to form a canopy to shelter parents waiting to collect their children.

- Removal of two windows and alteration to a fire exit door.
- New landscape area to the north and front sides of the school.
- Remodelling of grass bank to rear of site incorporating spoil arising from construction of new classrooms.
- Re-alignment of existing line of 2.4 metre high weld mesh fence on rear boundary and installation of new gates.
- Connecting paths, steps and ramps for disabled access around extensions.
- An extension to the school's secondary car park to measure 34m x 17m to provide an additional 16 car parking spaces, with 3 x 6m high lighting columns and associated landscaping.
- Temporary closure of a combined cycle path and footpath to allow its use by contractor's vehicles to access a temporary fenced compound at the rear of the school.

The three single storey extensions would each measure 23m x 9.5m x 4m high. The extensions would be glazed on the west elevation and finished in Trespa wall panels (colour to be provided) and dark concrete blocks with dark mortar on the other elevations with a low pitched zinc roof. The extensions would link to the existing school building via a corridor measuring 3.5m x 3m x 3m high and would be glazed. The doors and windows would be powder coated anthracite grey (RAL 7016).

The single storey extension for reception pupils would measure 15m x 5m with a height of 2m where it adjoins the existing school and rising to 3m. The store room would be finished in Siberian Larch timber boarded panels and the resource/group area would be glazed with aluminium door and curtain walling to be powder coated anthracite grey (RAL 7016). The roof would be zinc and would extend beyond the edge of the extension by another 6 metres to form a 3.7m high canopy supported by stained timber posts.

A number of trees would be removed around the proposed building footprints and the car park extension.

The construction works for the project as a whole would take approximately 13 months. The hours of working would be between 0800 to 1800, Monday to Friday (except Public Holidays), and 0800 to 1400 hours on Saturdays. The contractor's compound would consist of temporary office and welfare facilities, parking, delivery and equipment storage areas. Lighting would be used during reduced daylight hours.

Following completion of construction works, the compound would be restored and the temporary access would be reinstated to combined cycleway and footpath.

Description and Location of Site

Moorside County Primary School fronts the west side of Bowerham Road in a residential area approximately 2 km to the south of the centre of Lancaster. The school is bordered to the north by St. Bernadette's Primary School, to the south by houses on Ascot Close and to the west by public open space with the school playing fields beyond. The east side of Bowerham Road is fronted by houses and a small row of shops. A combined cycleway and public footpath forms the southern

boundary of the school and runs through a woodland area, an area of open space and a 15 space car park associated with the school.

The school site is surrounded on all boundaries by a mixture of low stone walls and 1.5m high metal railings, except for the western boundary, where there is a 2.4 metre high weld mesh fence. Separate and combined vehicular and pedestrian accesses to the school are from Bowerham Road. The existing school building is separated from Bowerham Road by hard play areas and the main 28 space car park.

The existing school building consists of a long single storey building running parallel with Bowerham Road and with two wings to the front and four wings to the rear with open grassed areas between. The northern rear wing houses nursery and reception pupils, the remaining three wings each house four classrooms (a wing for the infants and two wings for the juniors). An independently run Stepping Stones School for pupils that have been excluded or are at risk of exclusion is located in the wing at the southern side of the school.

The reception extension and canopy would be located on part of the hard play area to the north side of the reception wing. A classroom extension would be located on the end of each of the three wings to the rear of the school. The existing line of 2.4 metre high weld mesh fence would be moved and have gates installed, the adjacent grass bank remodelled and trees removed to accommodate the classroom extensions. The connecting paths, steps and ramps for disabled access would be around the extensions. The two windows to be altered to a door would each be located on the side of one of the wings to the rear of the building. The additional 16 car parking spaces and associated lighting would be located on the area of open space on the west side of the existing 15 space car park on the south side of the school. The new landscape areas would be to the front and north sides of the school. The public cycle and footpath to the south of the school would be temporarily closed to allow its use by construction traffic between Bowerham Road and the construction compound to be located on the area of public open space between the west boundary of the school and the school playing fields.

The extended car park is the part of the development nearest to residential properties, being 30 metres to the north of no. 234 Bowerham Road and 40 metres from Ascot Close.

Background

The proposal is at an existing primary school.

A number of permissions have been granted at the school, the most recent being the following:

Planning permission for the installation of a canopy and alteration of a window to a door and the creation of two access ramps with railings was granted on 19 May 2014 (ref. LCC/2014/0052).

Planning permission for the erection of a canopy over an existing outdoor play area for nursery provision was granted on 07 February 2012 (ref. 01/12/0009).

Planning permission for the erection of a canopy and access slope to the entrance of the pre-school unit and the creation of a new pedestrian entrance in the school boundary fence was granted on 23 July 2010 (ref. 01/10/0577).

Planning permission for the creation of a hard surface play area with low level fencing was granted on 21 June 2010 (ref. 01/10/0442).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17, 32, 34, 36, 38, 56- 66, 69-70, 72, 74, 77, 94, 99, 103 and 125 of the NPPF are relevant with regard to the requirement for sustainable development, core planning principles, promoting sustainable transport, requiring good design, promoting healthy communities, flood risk and conserving and enhancing the natural environment.

Lancaster District Core Strategy (LDCS)

Policy SC1 Sustainable Development
Policy SC5 Achieving Quality in Design
Policy E1 Environmental Capital
Policy E2 Transportation Measures

Lancaster District Local Plan (LDLP)

Policy T17 Green Travel Plans
Policy E12 Nature Conservation in the Wider Environment
Policy E29 Urban Greenspace

Consultations

Lancaster City Council – No observations received.

LCC Developer Support (Highways) – No observations received.

Environment Agency (EA) – No objection subject to a condition requiring that the development shall be undertaken in accordance with the submitted Flood Risk Assessment) and the Drainage Plan.

LCC Specialist Advisor (Ecology) - No objection subject to conditions to protect nesting birds, that any landscaping scheme should include replacement planting of native species to deliver compensatory replacement bat foraging and commuting habitat and to require details to be submitted for the provision of bird and bat nesting/roosting bricks or boxes. A note should also be included that, if bats are found during the construction period, then provision would have to be made for their protection.

LCC Specialist Advisor (Lighting) - No objection. There are no glare issues to residents or road users associated with the proposed car park lighting.

LCC Specialist Advisor (Landscape) - No observations received.

Public Rights of Way - No observations received.

Representations – The application has been advertised by site notice, press notice and neighbouring residents have been notified by letter. Three representations have been received concerned as to the traffic levels and problems of parent parking that will increase on Bowerham Road and the surrounding highway network as a consequence of more pupils attending the school. Without additional thought, planning and design in relation to these issues then the situation will continue to get worse to the detriment of road and pedestrian safety. Consideration should therefore be given to how the additional traffic generated in the morning drop off and afternoon pick up periods could be better controlled or managed and to reduce car use. It is suggested that an additional crossing (lights or crossing guards) be provided on Bowerham Road between the school and the outgoing bus stop or near the Stepping Stones School and one on Barton Road near the junction with Bowerham Road and the nearby Newlands Avenue should be made one way.

Advice

The proposal is to erect four single storey extensions to provide new classrooms/teaching areas plus resource areas, disabled toilets and a storage area to Moorside County Primary School to enable the school to expand from a 2-form to a 3-form entry school with pupil numbers increasing from the existing roll of 414 to around 630 by September 2021 when the entire school will be 3-form entry. An additional 16 parking spaces are also proposed to provide parking facilities for the extra staff that a 3-form school would require.

Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and proposed communities. The policy states that Local Planning Authorities should give great weight to the need to expand schools.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process. The Development Plan for the site is made up of the Lancaster District Local Plan (LDLP) and the Lancaster District Core Strategy (LDCS).

The main issues relate to the need for the extensions, traffic and safety, the impact on residential amenity, built form and landscape and the protection of public open space.

The site is an existing primary school within the urban area of Lancaster that is not the subject of a site specific policy. However, Policy SC1 of the LDCS seeks to ensure that new development proposals are as sustainable as possible as a consequence of their location and design, construction and use. Policy SC5 of the LDCS is also relevant and seeks to achieve quality in design. The area of public open space between the western boundary of the school and the school playing fields on which the construction compound would be located is designated as a

Green Space and hence is subject to Policy E29 of the Lancaster District Local Plan which seeks to protect urban spaces from development and, where appropriate, enhance them.

The proposed extensions would provide a total of 6 classrooms, one for each of Years 1-6 together with a resource area for reception pupils so as to provide the additional teaching space required to enable the school to increase from a 2-form to a 3-form entry school due to a forecast increase in pupil numbers. The development is therefore supported by the policy in the NPPF regarding the need for new school accommodation.

The extensions would be single storey with contemporary designs and materials that, while not matching the existing design of the existing school buildings, would be visually acceptable. They would be located on the rear and north sides of the school that are not visually prominent. The two windows to be altered to a door would have no visual impact. The development is therefore considered acceptable in terms of visual amenity. The finished colour of the Trespa wall panels to the elevations of the three classroom extensions has not been provided and hence a condition should require details of the colour to be submitted and approved. The extensions would require the existing fencing on the western boundary to be moved and detail is required for the re-alignment of the fencing. The three classroom extensions would necessitate the remodelling of the grass bank to the rear of the site using the spoil arising from the construction of new classrooms. A tree survey has been submitted that shows that a number of young and semi-mature trees and shrubs would also be removed. A condition should provide for details of the replanting of trees and shrubs and of the new landscape area to the north and front sides of the school.

The change from a 2-form to a 3-form entry school would increase the number of pupils at the school from 414 to around 630 by September 2021. This is an increase of over 50% and would increase traffic to the school. The Transport Statement (TS) submitted with the application states that the school currently generates approximately 200 vehicle movements (148 associated with pupils and 54 associated with staff) in the morning and the same number in the afternoon. It is estimated that the proposed development would increase morning and afternoon movements by 91 if the current travel patterns continue although this increase would take place progressively as the additional classroom space is utilised. The number of vehicle numbers during each opening and closing time would therefore be 293 by September 2021 (225 associated with pupils and 68 associated with staff). The Transport Statement concludes that the development would not adversely affect the safe and efficient operation of the local highway network.

There are separate and combined vehicular and pedestrian accesses to the school from Bowerham Road. No alterations are proposed to these accesses. The existing cycleway and public footpath to the south of the school would be temporarily closed to be used as the means of access for construction traffic between Bowerham Road and the construction compound to be located on the area of public open space between the west boundary of the school and the school playing fields.

Three representations have been received concerned that increased pupil numbers will increase traffic levels and problems of parent parking on Bowerham Road and

the surrounding highway network to the detriment of road and pedestrian safety. It is suggested that an additional crossing (lights or crossing guards) be provided.

The Transport Statement advises there are 2 school crossing patrols in the vicinity of the school between 0830-0900 hours and 1500-1530 hours; one on Bowerham Road outside the infant pedestrian entrance and the other on Barton Road just south of the junction with Bowerham Road.

Whilst the development would clearly involve some increase in traffic, it is considered that the increase in pupil numbers would not create highway safety or capacity problems that would be unacceptable. The school is located within the main urban area of Lancaster and is therefore proximate to the locations where children attending the school will reside and therefore there is potential to encourage children to travel to school by means other than private car. The application is supported by a School Travel Plan. However, this was produced in 2006 and therefore it is considered that a condition should be imposed requiring a further updated travel plan to be submitted which should include a timetable of measures to be implemented to increase the proportion of pupils and staff travelling to the school by means other than private car and provision for regular reviews as the size of the school increases.

As part of the proposal the number of car parking spaces would increase from 43 to 59. Lancaster City Council's car parking standards allow two parking spaces per classroom. The number of classrooms in the whole school site with the new development would be 27 consisting of 24 for Moorside CPS (21 classrooms plus the main school hall and an ICT and a SEN teaching room) and 3 for Stepping Stones School. The number of car parking spaces should therefore be 54 and the total proposed provision at the school site would therefore exceed the parking standards by 5 spaces. However, providing fewer spaces than those proposed could lead to an increase in on-street parking on the neighbouring roads. The additional 16 car parking spaces and associated lighting would be located on the area of open space directly to the west of the existing car park on the south side of the school. The open space is not the subject of any specific policy protection and could not reasonably be used as an outdoor play area or part of the school playing field. The level of proposed parking provision is therefore considered acceptable. A number of young trees would be removed to accommodate the car park extension. Conditions are proposed to protect the existing trees in proximity to the proposed car park, to require a landscaping scheme and that the car parking spaces are marked out before the new class rooms are brought into use.

The extended car park is the part of the development that would be nearest to residential properties. The main impact would be from the provision of 3 x 6m high lighting columns to illuminate the extended car park. A plan has been submitted to show the proposed illumination (lux) levels and which shows the light produced would be contained within the boundaries of the school. There would be no glare issues to residents or road users associated with the proposed car park lighting. It is therefore considered that the proposed extended car park lighting is acceptable and would not adversely impact on the amenities of local residents.

A temporary construction compound would be located on the area of public open space between the west boundary of the school and the school playing fields.

Access to the compound would be taken via the existing public cycle and footpath to the south of the school. The applicant has applied for a temporary closure of the footpath for the duration of the works. No alternative temporary pedestrian/ cycle access would be provided as no alternative route is possible. The applicant would not widen or amend the access but the trees that line the route may require some works to ensure that vehicles can safely use the access. Some of these trees are subject of a Tree Preservation Order (TPO). Should any works be required to the trees planning permission be granted then it would supersede the TPO. A condition is therefore proposed requiring details of any proposed works to the protected trees to be submitted for approval prior to the commencement of the development.

The construction of the development would increase vehicle numbers on the local highway network particularly on Bowerham Road. The compound would be large enough to accommodate vehicles associated with construction activities and ensure that vehicles do not need to park on the surrounding streets. A Traffic Management Plan (TMP) has also been submitted to address the safety concerns relating to the potential conflicts of construction traffic and school traffic during the construction works. The TMP prevents deliveries to the compound between 8:15-9:15 and 3-4pm Monday to Friday and requires that no delivery vehicles are to block any access roads or adjacent driveways. Subject to the acceptability of the submitted details by the LCC Developer Support (Highways), then a condition should be imposed to require the TMP to be implemented and the restoration of the compound to open space following completion of the development. The development would therefore accord with Policy E29 of the Lancaster District Local Plan as there would be no long term loss of open space. There is the potential that the shared pedestrian/ cycle access may be damaged as a consequence of use by construction vehicles accessing the compound. To ensure the standard of the shared pedestrian/ cycleway is maintained, a condition is proposed requiring a survey to be undertaken prior to and on completion of the construction works to assess the need for rectification of any defects to the existing highway as a result of the development and to require the repair works be undertaken within two months of the approval of the survey.

To protect the amenities of the nearest properties and the surrounding area during the construction phase of the development, a condition is proposed restricting the hours within which construction work may be carried out and to require that noise and dust suppression methods be employed throughout the duration of the construction activities. To minimise light spill and intrusive glare beyond the boundaries of the compound, a condition is proposed to require that no lighting is installed until the details of such have been approved. Subject to the imposition of such conditions the development is considered to be acceptable in terms of the impact on the amenities of nearby residential properties and complies with Policy SC5 of the Lancaster District Core Strategy.

The site is not located within a Flood Risk Zone but, in line with the recommendation of the Environment Agency, a condition should be imposed requiring that the development shall be undertaken in accordance with the submitted Flood Risk Assessment and the Drainage Plan. This should ensure that the surface water run-off from the site will not exceed existing levels.

With respect to ecological matters, the applicant's bat survey undertaken in June 2014 advised that the school does have potential roosting areas but that no bats were identified to be using the existing building during surveys. However, bats use the existing vegetation along the fence line at the rear of the school as part of the route of their flight lines/ feeding circuits. The vegetation would be removed as a part of the development works. In line with the comments of the LCC Specialist Advisor for Ecology, any landscaping scheme should include replacement planting so as to deliver compensatory bat foraging and commuting habitat. A condition is also proposed to protect nesting birds and to require details to be submitted for the provision of bird and bat nesting/ roosting bricks or boxes. In the event that bats are found during the construction period that may be affected by the works, then provision would have to be made for their protection. A note is proposed to address this. Subject to such conditions and note, the development would accord with Policy E12 of the Lancaster District Local Plan and Policy E1 of the Lancaster District Core Strategy.

In conclusion, the proposed development would provide 6 new classrooms and extra resource areas to enable Moorside County Primary School to increase from a 2-form to a 3-form entry school. The extended car park would provide parking facilities for the extra staff that a 3-form school will require. The layout, scale and design of the development would ensure a high quality educational setting. The traffic associated with the development would increase when compared with existing levels but the long term highway impacts of the development would be acceptable.

In view of the nature, location and purpose of the proposal it is considered that no Convention Rights as set out in the Human Rights Act 1998 would be affected.

Recommendation

That planning permission be **granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1) (a) of the Town and Country Planning Act 1990.

2. The use of the temporary construction compound and associated access route shall cease within one month of the completion of the development. The land disturbed by the temporary construction compound and associated access route as far as its junction with the existing cycleway shall thereafter be restored within a further period of 3 months in accordance with the scheme and programme approved under the requirements of condition 17 below.

Reason: To ensure the satisfactory restoration of the site and to conform with Policy SC5 of the Lancaster District Core Strategy.

Working Programme

3. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

- a) The Planning Application received by the Director of Transport and Environment on 04th June 2014 and emails received by the Director of Transport and Environment from Martin Howden on 16th and 23rd June 2014.
- b) Submitted Plans and documents received by the Director of Transport and Environment on 04th June 2013:

Drawing No. A200 Rev. A - Proposed Site Plan

Drawing No. A201 Rev. A - Proposed Temporary Cycle Path Closure

Drawing No. A202 Rev. A - Proposed Roof Plan

Drawing No. A210 Rev. A - Proposed Ground Floor Plan - Sheet 1

Drawing No. A220 Rev. A - Proposed Ground Floor Plan - Sheet 2

Drawing No. A230 Rev. A - Proposed Ground Floor Plan - Sheet 3

Drawing No. A235 Rev. A - Proposed Ground Floor Plan - Sheet 4

Drawing No. A250 Rev. A - Proposed Site Sections

Drawing No. A260 Rev. A - Proposed Elevations - Sheet 1

Drawing No. A280 Rev. A - Proposed Site Elevations

Drawing No. A290 Rev. A - Proposed Car Park

Drawing No. A291 Rev. A - Proposed Lighting Plan

Drawing No. A320 Rev. A - Proposed Landscaping Plan

Drawing No. A820 Rev. A - Proposed Drainage Plan

Drawing No. A980 Rev. A - Proposed Class Base Doors

Drawing No. TS.1 - Tree Survey on Topographical Survey

Submitted Plans and documents received by the Director of Transport and Environment on 16th June 2013:

Construction Programme

Classroom Numbers

Drawing No. A390 Rev. B - Proposed Site Establishment

- c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the Director of Transport and Environment to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies SC1, SC5, E1 and E2 of the Lancaster District Core Strategy and Policies T17, E12 and E29 of the Lancaster District Local Plan .

Building Materials

4. Within two months of the date of this planning permission, details of the finished colour of the Trespa wall panels to be used on the elevations of the three two-classroom extensions shall be submitted to and approved in writing by the Director of Transport and Environment. Thereafter the approved colour shall be used for the Trespa wall panels.

Reason: To protect the visual amenities of the area and to conform with Policy SC5 of the Lancaster District Core Strategy.

5. Within two months of the date of this planning permission, details of the location of any re-aligned section of boundary fencing and of the height, colour, design and location of any new or relocated boundary fencing shall be submitted to and approved in writing by the Director of Transport and Environment. Thereafter, the new or realigned fencing shall be erected in accordance with the approved details.

Reason: To provide adequate security for the school and to protect the visual amenities of the area and to conform with Policy SC5 of the Lancaster District Core Strategy.

6. Within two months of the date of this planning permission, details of bird and bat nesting / roosting bricks or boxes to be incorporated into the external elevations of the approved buildings or existing landscaping shall be submitted to and approved in writing by the Director of Transport and Environment. The details shall contain information on the number, design and location of bird and bat nesting / roosting bricks or boxes to be installed. Thereafter the approved measures shall be incorporated into the construction of the building/s or existing landscaping.

Reason: To provide opportunities for nesting birds and bats and to conform with Policy E1 of the Lancaster District Core Strategy and Policy E12 of the Lancaster District Local Plan.

Control of Noise

7. All plant, equipment and machinery used in connection with the construction of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy SC5 of the Lancaster District Core Strategy.

Dust

8. Measures shall be taken at all times during the construction phase of the development to minimise the generation of dust and prevent its migration across the school site.

Reason: To safeguard local amenity and health of the pupils, staff and visitors to the school and to conform with Policy SC5 of the Lancaster District Core Strategy.

Hours of Working

9. No construction operations or delivery or removal of materials shall take place outside the hours of:

0800 to 1800 hours, Mondays to Friday (except Public Holidays)
0800 to 1700 hours, Saturdays

No construction operations or delivery or removal of materials shall take place at any time on Sundays or Public Holidays.

This condition shall not however operate so as to prevent the carrying out, outside of these hours, of essential repairs to plant and machinery used on the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy SC5 of the Lancaster District Core Strategy.

Safeguarding of Watercourses and Drainage

10. The development shall be undertaken in accordance with the submitted Flood Risk Assessment (Sanderson Associates, April 2014) and the Drainage Plan (Lancashire County Council, Drawing A820, May 2014) and submitted with the planning application on 04th June 2014.

Reason: To reduce the risk of surface run-off from the site and flooding to the surrounding areas and to conform with Policy SC1 of the Lancaster District Core Strategy.

Highway Matters

11. Measures shall be taken at all times during the construction phase of the development to ensure that no mud, dust or other deleterious materials are tracked onto the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and to conform with Policies E1 and E2 of the Lancaster District Core Strategy.

12. All vehicles associated with the construction phase of the development shall enter and leave the temporary site compound in a forward direction.

Reason: In the interests of highway safety and local amenity and to conform with Policies E1 and E2 of the Lancaster District Core Strategy.

13. Prior to the extended car park being brought into use, the car park shall be hard surfaced and marked out as shown on Drawing No. A290 Rev. A - Proposed Car Park.

Reason: In the interests of highway safety and to conform with Policies E1 and E2 of the Lancaster District Core Strategy.

14. The construction traffic shall be managed at all times during the construction phase of the development in accordance with the Traffic Management Plan submitted with the application on 23rd June 2014.

Reason: In the interests of highway safety and to conform with Policies E1 and E2 of the Lancaster District Core Strategy.

15. No development shall commence until details of any proposed works to the trees affected by the temporary access and details for the protection of the trees have been submitted to the Director of Transport and Environment for approval. The approved details shall be implemented in full.

Reason: In the interests of visual and local amenity and to conform with Policies SC5 and E1 of the Lancaster District Core Strategy and Policy E29 of the Lancaster District Local Plan.

16. Within six months of the date of this planning permission, a revised Travel Plan, as defined by this permission shall be submitted to and approved in writing by the Director of Transport and Environment.

The Travel Plan shall include:

- a) A brief description of the development, its location and a summary of the particular transport and road safety issues at the site;
- b) Evidence and results of consultation with staff and other interested parties;
- c) Targets and measures to minimise the impact of/reduce private car use for the journey to and from the site by staff and other visitors
- d) A summary of the site's current road safety policies and practices, details of any new or proposed initiatives including a planned timetable of introduction; and,
- e) Proposals for monitoring progress of the Travel Plan including a timetable for its implementation and review at five yearly intervals

Reason: in the interests of highway safety and to conform with Policy SC1 of the Lancaster City Core Strategy.

17. Prior to the commencement of development, a survey of the condition of the shared pedestrian/ cycle path used to access the construction compound shall be submitted to and approved in writing by the Director of Transport and Environment. The survey shall contain details of any defects in the surface of the footway cycleway.

A further post development survey shall then be undertaken within one month of the completion of the development to identify any damage that has been caused to the surface of the footway / cycle way. The survey shall thereafter be submitted for the approval in writing of the Director of Transport and Environment and shall contain proposals for the repair of any highway defects should they be identified.

Any repairs contained in the approved post development survey shall be undertaken within two months of the approval of the survey by the Director of Transport and Environment.

Reason: In the interests of highway safety and to conform with Policies E1 and E2 of the Lancaster District Core Strategy.

Landscaping

18. No development shall commence until a scheme and programme for the landscaping of the school site and of tree protection and replacement measures has been submitted to and approved in writing by the Director of Transport and Environment. The scheme and programme shall include details of:-

- a) Tree protection measures for those trees and vegetation that are to be retained to include root protection measures for such vegetation.
- b) New tree and shrub planting to include replacement trees for those lost during the development including details of species, numbers, locations to be planted, planting methods and protection measures. The planting should use locally appropriate native species and should deliver compensatory replacement bat foraging and commuting habitat along the fence line to the rear of the site that are used by bats as a part of the route of their flight lines/ feeding circuits.
- c) Removal of and restoration of the temporary construction access and compound within three months of the cessation of use of the temporary construction compound and associated access route.
- d) Reprofilling of any land to include locations, heights, gradients and landscaping works.

The approved protection measures required by a) shall be employed throughout the construction phase of the development. The planting works required by b) above shall be implemented in the first available planting season following the completion of the construction phase of the development

and shall thereafter be maintained for a period of five years including weed control, replacement of failures and maintenance of protection measures.

Reason: In the interests of visual and local amenity and to conform with Policies SC5 and E1 of the Lancaster District Core Strategy and Policy E29 of the Lancaster District Local Plan.

19. No trees or hedgerows shall be removed during the bird-breeding season between 1 March and 31 July inclusive unless they have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

Reason: To protect nesting birds and to conform with Policy E1 of the Lancaster District Core Strategy and Policy E12 of the Lancaster District Local Plan.

Floodlighting

20. No lighting shall be erected within the site compound unless the details of such lighting including the position, direction and design of such lighting has first been submitted to and approved in writing by the Director of Transport and Environment.

Reason: To minimise light spill beyond the site boundary to the surrounding houses and to safeguard the amenity of the area and to conform with Policy SC5 of the Lancaster District Core Strategy.

Definitions

Director of Transport and Environment: means the Director of Transport and Environment of the County Planning Authority or any successor position to that post

Planting Season: The period between 1 October in any one year and 31 March in the following year.

Notes

The applicant's attention is drawn to the requirements of the Equality Act 2010 and the British Standards Institution Code of Practice for Design of Buildings and their approaches to meet the needs of Disabled People (BS8300:2009). The design of the building will also need to comply with Part M of the Building Regulations 2010. In the case of educational buildings, the applicant's attention is drawn to the Special Educational Needs and Disability Act 2001 and the guidance prepared by the Department of Education and Skills Building Bulletin 91 (Access for the Disabled to School Buildings) and Building Bulletin 94 (Inclusive School Design).

If bats are found or suspected at anytime during demolition or construction activities, work in that area should cease immediately until further advice has been sought from

Natural England and/or the scheme ecologist. The scheme ecologist, Natural England or their agents in the Lancashire area will be able to locate a licensed bat worker to remove any bats present which might be harmed during the works. If bats are exposed during the works and are vulnerable to harm, gloves or a container should be used to move them to a dark and quiet area, until a bat worker has been contacted.

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping - up or diversion of a right of way should be the subject of an Order under the appropriate Act. Access to the temporary construction compound would be taken via the existing public cycle and footpath to the south of the school. The applicant will have to apply for a temporary closure of the footpath for the duration of the works.

Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2014/0085	04 June 2013	Rob Jones/Environment/ 534128

Reason for Inclusion in Part II, if appropriate

N/A

Development Control Committee

Meeting to be held on 3rd September 2014

Electoral Division affected: Lancaster South East
--

Lancaster City: Application number. LCC/2014/0085

Four single storey extensions to provide 6 additional classrooms and extra resource areas, extension to the existing secondary car park to provide an additional 16 spaces and associated lighting columns, alteration of two windows to fire exits, re-alignment of 2.4 metre high rear boundary fencing and external works consisting of landscaping and disabled access paths, steps and ramps and temporary fenced contractor's compound and associated access. Moorside County Primary School, Bowerham Road, Lancaster.

Contact for further information:

Rob Jones, 01772 534128, Environment Directorate

DevCon@lancashire.gov.uk

Executive Summary

Application - Four single storey extensions to provide 6 additional classrooms and extra resource areas, extension to the existing secondary car park to provide an additional 16 spaces and associated lighting columns, alteration of two windows to fire exits, re-alignment of 2.4 metre high rear boundary fencing and external works consisting of landscaping and disabled access paths, steps and ramps and, temporary fenced contractor's compound and associated access. Moorside County Primary School, Bowerham Road, Lancaster.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, building materials, control of noise, dust, hours of operation, drainage, highway matters, landscaping, protection of nesting birds and floodlighting.

Background

This application was presented on the agenda to the last Committee meeting on the 9th July 2014. The comments of LCC Developer Support (Highways) were reported and the requirement to undertake improvements to alleviate the highway impacts was noted. To allow time to investigate such improvements, it was resolved that the application be deferred and that the Committee visit the site in advance of the application being reported back to the September 3rd meeting.

The report has been updated to include a summary of the views of LCC Developer Support (Highways) and the advice section updated to address the highway issues.

Applicant's Proposal

Planning permission is sought for the erection of four single storey extensions to the school to provide new classrooms/ teaching areas to enable Moorside County Primary School to increase from a 2-form to a 3-form entry school.

The development would comprise the following key elements:

- Three single storey extensions to the rear of the existing school each containing two classrooms, a resource area and a disabled toilet for pupils in Years 1-6.
- A single storey extension to the northern side of the school containing a resource area, disabled toilet and storage for reception pupils. The roof over this block would be extended to form a canopy to shelter parents waiting to collect their children.
- Removal of two windows and alteration to a fire exit door.
- New landscape area to the north and front sides of the school.
- Remodelling of grass bank to rear of site incorporating spoil arising from construction of new classrooms.
- Re-alignment of existing line of 2.4 metre high weld mesh fence on rear boundary and installation of new gates.
- Connecting paths, steps and ramps for disabled access around extensions.
- An extension to the school's secondary car park to measure 34m x 17m to provide an additional 16 car parking spaces, with 3 x 6m high lighting columns and associated landscaping.
- Temporary closure of a combined cycle path and footpath to allow its use by contractor's vehicles to access a temporary fenced compound at the rear of the school.

The three single storey extensions would each measure 23m x 9.5m x 4m high. The extensions would be glazed on the west elevation and finished in Trespa wall panels (colour to be provided) and dark concrete blocks with dark mortar on the other elevations with a low pitched zinc roof. The extensions would link to the existing school building via a corridor measuring 3.5m x 3m x 3m high and would be glazed. The doors and windows would be powder coated anthracite grey (RAL 7016).

The single storey extension for reception pupils would measure 15m x 5m with a height of 2m where it adjoins the existing school and rising to 3m. The store room would be finished in Siberian Larch timber boarded panels and the resource/group area would be glazed with aluminium door and curtain walling to be powder coated anthracite grey (RAL 7016). The roof would be zinc and would extend beyond the edge of the extension by another 6 metres to form a 3.7m high canopy supported by stained timber posts.

A number of trees would be removed around the proposed building footprints and the car park extension.

The construction works for the project as a whole would take approximately 13 months. The hours of working would be between 0800 to 1800, Monday to Friday

(except Public Holidays), and 0800 to 1400 hours on Saturdays. The contractor's compound would consist of temporary office and welfare facilities, parking, delivery and equipment storage areas. Lighting would be used during reduced daylight hours.

Following completion of construction works, the compound would be restored and the temporary access would be reinstated to combined cycleway and footpath.

Description and Location of Site

Moorside County Primary School fronts the west side of Bowerham Road in a residential area approximately 2 km to the south of the centre of Lancaster. The school is bordered to the north by St. Bernadette's Primary School, to the south by houses on Ascot Close and to the west by public open space with the school playing fields beyond. The east side of Bowerham Road is fronted by houses and a small row of shops. A combined cycleway and public footpath forms the southern boundary of the school and runs through a woodland area, an area of open space and a 15 space car park associated with the school.

The school site is surrounded on all boundaries by a mixture of low stone walls and 1.5m high metal railings, except for the western boundary, where there is a 2.4 metre high weld mesh fence. Separate and combined vehicular and pedestrian accesses to the school are from Bowerham Road. The existing school building is separated from Bowerham Road by hard play areas and the main 28 space car park.

The existing school building consists of a long single storey building running parallel with Bowerham Road and with two wings to the front and four wings to the rear with open grassed areas between. The northern rear wing houses nursery and reception pupils, the remaining three wings each house four classrooms (a wing for the infants and two wings for the juniors). An independently run Stepping Stones School for pupils that have been excluded or are at risk of exclusion is located in the wing at the southern side of the school.

The reception extension and canopy would be located on part of the hard play area to the north side of the reception wing. A classroom extension would be located on the end of each of the three wings to the rear of the school. The existing line of 2.4 metre high weld mesh fence would be moved and have gates installed, the adjacent grass bank remodelled and trees removed to accommodate the classroom extensions. The connecting paths, steps and ramps for disabled access would be around the extensions. The two windows to be altered to a door would each be located on the side of one of the wings to the rear of the building. The additional 16 car parking spaces and associated lighting would be located on the area of open space on the west side of the existing 15 space car park on the south side of the school. The new landscape areas would be to the front and north sides of the school. The public cycle and footpath to the south of the school would be temporarily closed to allow its use by construction traffic between Bowerham Road and the construction compound to be located on the area of public open space between the west boundary of the school and the school playing fields.

The extended car park is the part of the development nearest to residential properties, being 30 metres to the north of no. 234 Bowerham Road and 40 metres from Ascot Close.

Members visited the site on 21st July 2014.

Background

The proposal is at an existing primary school.

A number of permissions have been granted at the school, the most recent being the following:

Planning permission for the installation of a canopy and alteration of a window to a door and the creation of two access ramps with railings was granted on 19 May 2014 (ref. LCC/2014/0052).

Planning permission for the erection of a canopy over an existing outdoor play area for nursery provision was granted on 07 February 2012 (ref. 01/12/0009).

Planning permission for the erection of a canopy and access slope to the entrance of the pre-school unit and the creation of a new pedestrian entrance in the school boundary fence was granted on 23 July 2010 (ref. 01/10/0577).

Planning permission for the creation of a hard surface play area with low level fencing was granted on 21 June 2010 (ref. 01/10/0442).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17, 32, 34, 36, 38, 56- 66, 69-70, 72, 74, 77, 94, 99, 103 and 125 of the NPPF are relevant with regard to the requirement for sustainable development, core planning principles, promoting sustainable transport, requiring good design, promoting healthy communities, flood risk and conserving and enhancing the natural environment.

Lancaster District Core Strategy (LDCS)

Policy SC1 Sustainable Development
Policy SC5 Achieving Quality in Design
Policy E1 Environmental Capital
Policy E2 Transportation Measures

Lancaster District Local Plan (LDLP)

Policy T17 Green Travel Plans
Policy E12 Nature Conservation in the Wider Environment
Policy E29 Urban Greenspace

Consultations

Lancaster City Council – The City Council supports the principle of the development subject to issues relation to ground contamination and impacts on trees being adequately addressed. A condition should be imposed restricting hours of construction.

LCC Developer Support (Highways) – Objects to the proposal. The development will mean a considerable increase in the number of classrooms and children at the school and the increase in school capacity may mean that the catchment area is wider and the proportion of pupils brought to school by car will increase. The number of staff will also increase which could lead to an increase in on street parking on surrounding streets. There have been no reportable pedestrian accidents on Bowerham Road in the vicinity of the site. However, Bowerham Road is narrow at some points to the front of the school which is exacerbated by parking and creates some congestion which is a hazard for pedestrians wishing to cross the road. There is an existing manned school crossing at this point but there is no associated dropped kerb on the western edge of the road. It is recognised that the proposed increase in the size of the school is necessary. However, it is considered that the proposed mitigation measures to alleviate additional traffic impacts will not be sufficient. The additional traffic and parking demands will lead to increased congestion and highway safety risks.

Environment Agency (EA) – No objection subject to a condition requiring that the development shall be undertaken in accordance with the submitted Flood Risk Assessment) and the Drainage Plan .

LCC Specialist Advisor (Ecology) - No objection subject to conditions to protect nesting birds, that any landscaping scheme should include replacement planting of native species to deliver compensatory replacement bat foraging and commuting habitat and to require details to be submitted for the provision of bird and bat nesting/roosting bricks or boxes. A note should also be included that, if bats are found during the construction period, then provision would have to be made for their protection.

LCC Specialist Advisor (Lighting) - No objection. There are no glare issues to residents or road users associated with the proposed car park lighting.

LCC Specialist Advisor (Landscape) - No observations received.

Public Rights of Way - No observations received.

Representations – The application has been advertised by site notice, press notice and neighbouring residents have been notified by letter.

Three representations have been received concerned as to the traffic levels and problems of parent parking that will increase on Bowerham Road and the surrounding highway network as a consequence of more pupils attending the school. Without additional thought, planning and design in relation to these issues then the situation will continue to get worse to the detriment of road and pedestrian safety. Consideration should therefore be given to how the additional traffic generated in the morning drop off and afternoon pick up periods could be better controlled or managed and to reduce car use. It is suggested that an additional crossing (lights or crossing guards) be provided on Bowerham Road between the school and the outgoing bus stop or near the Stepping Stones School and one on Barton Road near the junction with Bowerham Road and that Newlands Avenue should be made one way.

Advice

The proposal is to erect four single storey extensions to provide new classrooms/teaching areas plus resource areas, disabled toilets and a storage area to Moorside County Primary School to enable the school to expand from a 2-form to a 3-form entry school with pupil numbers increasing from the existing roll of 414 to around 630 by September 2021 when the entire school will be 3-form entry. An additional 16 parking spaces are also proposed to provide parking facilities for the extra staff that a 3-form school would require.

The main issues relate to the need for the extensions, traffic and safety, the impact on residential amenity, built form and landscape and the protection of public open space.

The need to expand this school arises from analysis of future populations in the area of Lancaster south of the River Lune. This analysis has identified a future increase in school age children in this area due to an increase in birth rates and proposed new development which may mean that there may not be sufficient places in this area to meet demand from September 2014 and beyond. The forecasts indicate that there are sufficient births in the area to justify additional places in this area of Lancaster on a permanent basis. Following this basic needs assessment, schools within the area of growth were contacted in order to seek expressions of interest for potential expansion. The sites identified as part of this process were assessed on the basis of a number of factors including the current strength of the school in terms of pupil attainment and leadership, parental preference, existing school size, availability of land for school expansion, access to the site and proximity to growth areas and likelihood of joint investment benefits. As a result of this assessment, Moorside Primary was identified as a location to meet the predicted shortfall in school places and the County Council therefore consulted on a proposal to permanently expand Moorside. The proposal was agreed by the Cabinet Member for Children, Young People and Schools in May 2014 subject to the granting of planning permission for the required expanded accommodation. Bowerham Primary School, located 1km north of Moorside has similarly been selected for expansion as part of this process and additional accommodation at this site has now been constructed.

Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and proposed communities. The policy states that Local Planning Authorities should give great weight to the need to expand schools. The above analysis demonstrates that there is a need for additional school places in this area of Lancaster and the development is therefore supported by the policy in the NPPF regarding the need for new school accommodation.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process. The

Development Plan for the site is made up of the Lancaster District Local Plan (LDLP) and the Lancaster District Core Strategy (LDCS).

The site is an existing primary school within the urban area of Lancaster that is not the subject of a site specific policy. However, Policy SC1 of the LDCS seeks to ensure that new development proposals are as sustainable as possible as a consequence of their location and design, construction and use. Policy SC5 of the LDCS is also relevant and seeks to achieve quality in design.

The proposed extensions would provide a total of 6 classrooms, one for each of Years 1-6 together with a resource area for reception pupils so as to provide the additional teaching space required to enable the school to increase from a 2-form to a 3-form entry school due to a forecast increase in pupil numbers. The extensions would be single storey with contemporary designs and materials that, while not matching the design of the existing school buildings, would be visually acceptable as they would be located on the rear and north sides of the school that are not visually prominent. The two windows to be altered to a door would have no visual impact. The development is therefore considered acceptable in terms of visual amenity. The finished colour of the Trespa wall panels to the elevations of the three classroom extensions has not been provided and hence a condition should require details of the colour to be submitted and approved. The extensions would require the existing fencing on the western boundary to be moved and detail is required for the re-alignment of the fencing. The three classroom extensions would necessitate the remodelling of the grass bank to the rear of the site using the spoil arising from the construction of new classrooms. A tree survey has been submitted that shows that a number of young and semi-mature trees and shrubs would also be removed. A condition should provide for details of the replanting of trees and shrubs and of the new landscape area to the north and front sides of the school.

The area of public open space between the western boundary of the school and the school playing fields on which the construction compound would be located is designated as a Green Space and hence is subject to Policy E29 of the Lancaster District Local Plan which seeks to protect urban spaces from development and, where appropriate, enhance them. However, the compound would only be a temporary facility and provided that a condition is imposed relating to the restoration of that area, there would be no permanent loss of Green Space. The development is therefore acceptable in terms of Policy E29.

The main issue relates to traffic impacts. The change from a 2-form to a 3-form entry school would increase the number of pupils at the school from 414 to around 630 by September 2021. The Transport Statement (TS) submitted with the application states that the school currently generates approximately 200 vehicle movements (148 associated with pupils and 54 associated with staff) in the morning and the same number in the afternoon. It is estimated that the proposed development would increase morning and afternoon movements by 91 if the current travel patterns continue although this increase would take place progressively over a number of years as the additional classroom space is utilised. The number of vehicle numbers during each opening and closing time would therefore be around 293 by September 2021 (225 associated with pupils and 68 associated with staff). The TS concludes

that the development would not adversely affect the safe and efficient operation of the local highway network.

LCC Developer Support (Highways) are concerned that the additional traffic impacts of the development will give rise to additional parking and congestion on Bowerham Road leading to highway safety impacts which cannot be adequately mitigated. Three representations have also been received concerned that increased pupil numbers will increase traffic levels and problems of parent parking on Bowerham Road and the surrounding highway network to the detriment of road and pedestrian safety. It is suggested that an additional crossing (lights or crossing guards) be provided.

The school is located within the main urban area of Lancaster and is therefore proximate to the locations, including future growth areas, where children attending the school will reside. On Bowerham Road there are already areas of parking restriction to prevent unsafe parking practices and the highway is subject to a 20 mph limit in line with the County Council's policy for all roads outside of school sites. There is also a manned crossing point during school times across Bowerham Road directly opposite the school with a further crossing across Barton Road to the north of the school. Provision therefore already exists to ensure the safety of children wishing to access the school on foot.

The TS accepts that the proposed development would lead to an increase in traffic to the school and therefore increases in on - street parking particularly during school pick up and drop off times. There are stretches of Bowerham Road further from the school that can be used for parking for limited periods and there are also a number of residential streets to the east of Bowerham Road that can be used for a similar purpose for short periods during drop off and pick up times. Although the issue of on street parking is raised in the three representations that have been received, the generally low level of objection may indicate that on street parking by parents is not currently perceived as a particular concern in the local area.

LCC Developer Support (Highways) are concerned that the traffic impacts of the development would not be able to be mitigated. Whilst there would undoubtedly be an increase in traffic, it is necessary to consider whether the capacity of the local highway network could absorb these generally short - duration traffic and parking impacts and the likely effectiveness of any mitigation measures that might be possible.

As part of the proposal the number of car parking spaces at the school would increase from 43 to 59. Lancaster City Council's car parking standards allow two parking spaces per classroom. The number of classrooms in the whole school site with the new development would be 27 consisting of 24 for Moorside CPS (21 classrooms plus the main school hall and an ICT and a SEN teaching room) and 3 for Stepping Stones School. The number of car parking spaces should therefore be 54 and the total proposed provision at the school site would therefore exceed the parking standards by 5 spaces. However, providing fewer spaces than proposed could lead to an increase in on-street parking on the neighbouring roads and therefore providing more spaces than allowed for by the standards is considered acceptable in this instance.

The additional 16 car parking spaces and associated lighting would be located on the area of open space directly to the west of the existing car park on the south side of the school adjacent to the Stepping Stones unit. The open space is not the subject of any specific policy protection and could not reasonably be used as an outdoor play area or part of the school playing field. A number of young trees would be removed to accommodate the car park extension. Conditions are proposed to protect the existing trees in proximity to the proposed car park, to require a landscaping scheme and that the car parking spaces are marked out before the new class rooms are brought into use. Highways have noted that some of the existing parking spaces appear to be occupied temporarily by taxis associated with the transport of special needs pupils to the Stepping Stones unit. It is therefore considered that the additional parking area should be signed to discourage taxis from these practices so the spaces are available for school staff. This can be the subject of a planning condition.

The application is supported by a School Travel Plan. However, this was produced in 2006 and therefore it is considered that should planning permission be granted a condition should be imposed requiring a further updated travel plan to be submitted which should include a timetable of measures to be implemented to increase the proportion of pupils and staff travelling to the school by means other than private car and provision for regular reviews as the size of the school increases. The school has confirmed that it may be possible to stagger school start / finish times. Such a proposal would not reduce the total amount of traffic but would mean that the impacts would be spread over a longer period and would therefore perhaps be less severe. Such a proposal could also reduce cumulative impacts with the adjacent St Bernadette's Primary School. Further investigation of this issue can be included within the condition relating to a revised school travel plan.

There are separate and combined vehicular and pedestrian accesses to the school from Bowerham Road. No alterations are proposed to these accesses. The existing cycleway and public footpath to the south of the school would be temporarily closed to be used as the means of access for construction traffic between Bowerham Road and the construction compound to be located on the area of public open space between the west boundary of the school and the school playing fields. However, on completion of the development, the cycleway would be reopened thereby enabling continued use of a traffic free link to where many of the pupils attending the school reside.

The applicant would not widen or amend the access but the trees that line the route may require some works to ensure that vehicles can safely use the access. A condition is therefore proposed requiring details of any proposed works to the protected trees and to require any damage to the cycleway as a result of the construction traffic to be repaired.

The construction of the development would increase vehicle numbers on the local highway network particularly on Bowerham Road. The compound would be large enough to accommodate vehicles associated with construction activities and ensure that vehicles do not need to park on the surrounding streets. A Traffic Management Plan (TMP) has also been submitted to address the safety concerns relating to the

potential conflicts of construction traffic and school traffic during the construction works. The TMP prevents deliveries to the compound between 8:15-9:15 and 3-4pm Monday to Friday and requires that no delivery vehicles are to block any access roads or adjacent driveways. Subject to the acceptability of the submitted details by the LCC Developer Support (Highways), then a condition should be imposed to require the TMP to be implemented and the restoration of the compound to open space following completion of the development. The development would therefore accord with Policy E29 of the Lancaster District Local Plan as there would be no long term loss of open space.

To protect the amenities of the nearest properties and the surrounding area during the construction phase of the development, a condition is proposed restricting the hours within which construction work may be carried out and to require that noise and dust suppression methods be employed throughout the duration of the construction activities. To minimise light spill and intrusive glare beyond the boundaries of the compound, a condition is proposed to require that no lighting is installed until the details of such have been approved. Subject to the imposition of such conditions the development is considered to be acceptable in terms of the impact on the amenities of nearby residential properties and complies with Policy SC5 of the Lancaster District Core Strategy.

The extended car park is the part of the development that would be nearest to residential properties. The main impact would be from the provision of 3 x 6m high lighting columns to illuminate the extended car park. A plan has been submitted to show the proposed illumination (lux) levels and which shows the light produced would be contained within the boundaries of the school. There would be no glare issues to residents or road users associated with the proposed car park lighting. It is therefore considered that the proposed extended car park lighting is acceptable and would not adversely impact on the amenities of local residents.

The site is not located within a Flood Risk Zone but, in line with the recommendation of the Environment Agency, a condition should be imposed requiring that the development shall be undertaken in accordance with the submitted Flood Risk Assessment and the Drainage Plan. This should ensure that the surface water run-off from the site will not exceed existing levels.

With respect to ecological matters, the applicant's bat survey undertaken in June 2014 advised that the school does have potential roosting areas but that no bats were identified to be using the existing building during surveys. However, bats use the existing vegetation along the fence line at the rear of the school as part of the route of their flight lines/ feeding circuits. The vegetation would be removed as a part of the development works. In line with the comments of the LCC Specialist Advisor for Ecology, any landscaping scheme should include replacement planting so as to deliver compensatory bat foraging and commuting habitat. A condition is also proposed to protect nesting birds and to require details to be submitted for the provision of bird and bat nesting/ roosting bricks or boxes. In the event that bats are found during the construction period, provision would have to be made for their protection. A note is proposed to address this. Subject to such conditions and note, the development accords with Policy E12 of the Lancaster District Local Plan and Policy E1 of the Lancaster District Core Strategy.

In conclusion, the proposed development would provide 6 new classrooms and extra resource areas to enable Moorside County Primary School to increase from a 2-form to a 3-form entry school. The increase in the size of the school is required to provide education facilities for local children which is a statutory duty of the County Council and a priority for Government as expressed in the NPPF. The development would result in an increase in traffic and on street parking. However, those impacts would be of relatively short duration and it is necessary to balance such impacts against the need to provide extended school accommodation. It would be possible to address some of the traffic impacts by providing further parking, undertaking improvements to pedestrian facilities and undertaking a review of the school travel plan and which can be provided for by condition. The scale and design of the extensions are considered acceptable and the benefits of the scheme to provide extended educational facilities to meet an increase in demand outweigh the potential impacts on the highway associated with such and therefore, on balance, the proposed development could be found acceptable.

In view of the nature, location and purpose of the proposal it is considered that no Convention Rights as set out in the Human Rights Act 1998 would be affected.

Recommendation

That planning permission be **granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1) (a) of the Town and Country Planning Act 1990.

2. The use of the temporary construction compound and associated access route shall cease within one month of the completion of the development. The land disturbed by the temporary construction compound and associated access route as far as its junction with the existing cycleway shall thereafter be restored within a further period of 3 months in accordance with the scheme and programme approved under the requirements of condition 17 below.

Reason: To ensure the satisfactory restoration of the site and to conform with Policy SC5 of the Lancaster District Core Strategy.

Working Programme

3. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application received by the Director of Transport and Environment on 4th June 2014 and emails received by the

Director of Transport and Environment from Martin Howden on 16th and 23rd June 2014.

- b) Submitted Plans and documents received by the Director of Transport and Environment on 04th June 2013:

Drawing No. A200 Rev. A - Proposed Site Plan
Drawing No. A201 Rev. A - Proposed Temporary Cycle Path Closure
Drawing No. A202 Rev. A - Proposed Roof Plan
Drawing No. A210 Rev. A - Proposed Ground Floor Plan - Sheet 1
Drawing No. A220 Rev. A - Proposed Ground Floor Plan - Sheet 2
Drawing No. A230 Rev. A - Proposed Ground Floor Plan - Sheet 3
Drawing No. A235 Rev. A - Proposed Ground Floor Plan - Sheet 4
Drawing No. A250 Rev. A - Proposed Site Sections
Drawing No. A260 Rev. A - Proposed Elevations - Sheet 1
Drawing No. A280 Rev. A - Proposed Site Elevations
Drawing No. A290 Rev. A - Proposed Car Park
Drawing No. A291 Rev. A - Proposed Lighting Plan
Drawing No. A320 Rev. A - Proposed Landscaping Plan
Drawing No. A820 Rev. A - Proposed Drainage Plan
Drawing No. A980 Rev. A - Proposed Class Base Doors
Drawing No. TS.1 - Tree Survey on Topographical Survey

Submitted Plans and documents received by the Director of Transport and Environment on 16th June 2013:

Construction Programme
Classroom Numbers
Drawing No. A390 Rev. B - Proposed Site Establishment

- c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the Director of Transport and Environment to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies SC1, SC5, E1 and E2 of the Lancaster District Core Strategy and Policies T17, E12 and E29 of the Lancaster District Local Plan .

Building Materials

4. Within two months of the date of this planning permission, details of the finished colour of the Trespa wall panels to be used on the elevations of the three two-classroom extensions shall be submitted to the Director of Transport

and Environment for approval in writing. Thereafter the approved colour shall be used for the Trespa wall panels.

Reason: To protect the visual amenities of the area and to conform with Policy SC5 of the Lancaster District Core Strategy.

5. Within two months of the date of this planning permission, details of the location of any re-aligned section of boundary fencing and of the height, colour, design and location of any new or relocated boundary fencing shall be submitted to the Director of Transport and Environment for approval in writing. Thereafter, the new or realigned fencing shall be erected in accordance with the approved details.

Reason: To provide adequate security for the school and to protect the visual amenities of the area and to conform with Policy SC5 of the Lancaster District Core Strategy.

6. Prior to the commencement of development details of bird and bat nesting / roosting bricks or boxes to be incorporated into the external elevations of the approved buildings or existing landscaping shall be submitted to the Director of Transport and Environment for approval in writing. The details shall contain information on the number, design and location of bird and bat nesting / roosting bricks or boxes to be installed. Thereafter the approved measures shall be incorporated into the construction of the building/s or existing landscaping.

Reason: To provide opportunities for nesting birds and bats and to conform with Policy E1 of the Lancaster District Core Strategy and Policy E12 of the Lancaster District Local Plan.

Control of Noise

7. All plant, equipment and machinery used in connection with the construction of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy SC5 of the Lancaster District Core Strategy.

Dust

8. Measures shall be taken at all times during the construction phase of the development to minimise the generation of dust and prevent its migration outside of the site.

Reason: To safeguard local amenity and health of the pupils, staff and visitors to the school and to conform with Policy SC5 of the Lancaster District Core Strategy.

Hours of Working

9. No construction operations or delivery or removal of materials shall take place outside the hours of:

0800 to 1800 hours, Mondays to Friday (except Public Holidays)
0800 to 1700 hours, Saturdays

No construction operations or delivery or removal of materials shall take place at any time on Sundays or Public Holidays.

This condition shall not however operate so as to prevent the carrying out, outside of these hours, of essential repairs to plant and machinery used on the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy SC5 of the Lancaster District Core Strategy.

Safeguarding of Watercourses and Drainage

10. The development shall be undertaken in accordance with the submitted Flood Risk Assessment (Sanderson Associates, April 2014) and the Drainage Plan (Lancashire County Council, Drawing A820, May 2014) and submitted with the planning application on 4th June 2014.

Reason: To reduce the risk of surface run-off from the site and flooding to the surrounding areas and to conform with Policy SC1 of the Lancaster District Core Strategy.

Highway Matters

11. Measures shall be taken at all times during the construction phase of the development to ensure that no mud, dust or other deleterious materials are tracked onto the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and to conform with Policies E1 and E2 of the Lancaster District Core Strategy.

12. All vehicles associated with the construction phase of the development shall enter and leave the temporary site compound in a forward direction.

Reason: In the interests of highway safety and local amenity and to conform with Policies E1 and E2 of the Lancaster District Core Strategy.

13. Prior to the extended car park being brought into use, the car park shall be hard surfaced and marked out as shown on Drawing No. A290 Rev. A - Proposed Car Park.

Reason: In the interests of highway safety and to conform with Policies E1 and E2 of the Lancaster District Core Strategy.

14. The development shall not be brought into use until the existing pedestrian crossing on Bowerham Road has been improved in accordance with a scheme and programme to be first submitted to and approved in writing by the Director of Transport and Environment. The scheme and programme shall provide for the installation of the dropped kerb on the western side of Bowerham Road in the location of the existing crossing.

Reason: In the interests of highway safety and to conform with policy SC1 of the Lancaster District Core Strategy.

15. The construction traffic shall be managed at all times during the construction phase of the development in accordance with the Traffic Management Plan submitted with the application on 23rd June 2014.

Reason: In the interests of highway safety and to conform with Policies E1 and E2 of the Lancaster District Core Strategy.

16. Within six months of the date of this planning permission, a revised Travel Plan, as defined by this permission shall be submitted to and approved in writing by the Director of Transport and Environment.

The Travel Plan shall include:

- a) A brief description of the development, its location and a summary of the particular transport and road safety issues at the site.
- b) Evidence and results of consultation with staff and other interested parties.
- c) Targets and measures to minimise the impact of/reduce private car use for the journey to and from the site by staff and other visitors.
- d) A summary of the site's current road safety policies and practices, details of any new or proposed initiatives including a planned timetable of introduction.
- e) Details of any proposals to modify school start and finish times to mitigate the traffic impacts of the development.
- f) Proposals for monitoring progress of the Travel Plan including a timetable for its implementation and review at five yearly intervals

Reason: In the interests of highway safety and to conform with Policy SC1 of the Lancaster City Core Strategy.

17. Prior to the commencement of development, a survey of the condition of the shared pedestrian/ cycle path used to access the construction compound shall be submitted to the Director of Transport and Environment for approval in writing. The survey shall contain details of any existing defects in the surface of the footway/ cycleway.

A further post development survey shall then be undertaken within one month of the completion of the development to identify any damage that has been caused to the surface of the footway / cycle way. The survey shall thereafter be submitted for the approval in writing of the Director of Transport and Environment and shall contain proposals for the repair of any highway defects should they be identified.

Any repairs contained in the approved post development survey shall be undertaken within two months of the approval of the survey by the Director of Transport and Environment.

Reason: In the interests of highway safety and to conform with Policies E1 and E2 of the Lancaster District Core Strategy.

Landscaping

18. No development shall commence until details of any proposed works to the trees affected by the temporary access and details for the protection of the trees have been submitted to the Director of Transport and Environment for approval in writing. The approved details shall be implemented in full prior to the temporary access being brought into use.

Reason: In the interests of visual and local amenity and to conform with Policies SC5 and E1 of the Lancaster District Core Strategy and Policy E29 of the Lancaster District Local Plan.

19. No development shall commence until a scheme and programme for the landscaping of the school site and of tree protection and replacement measures has been submitted to and approved in writing by the Director of Transport and Environment. The scheme and programme shall include details of:-
- a) Tree protection measures for those trees and vegetation that are to be retained to include root protection measures for such vegetation.
 - b) New tree and shrub planting to include replacement trees for those lost during the development including details of species, numbers, locations to be planted, planting methods and protection measures. The planting should use locally appropriate native species and should deliver compensatory replacement bat foraging and commuting habitat along the fence line to the rear of the site that are used by bats as a part of the route of their flight lines/ feeding circuits.

- c) Removal of and restoration of the temporary construction access and compound within three months of the cessation of use of the temporary construction compound and associated access route.
- d) Reprofiting of any land to include locations, heights, gradients and landscaping works.

The approved protection measures required by a) shall be employed throughout the construction phase of the development. The planting works required by b) above shall be implemented in the first available planting season following the completion of the construction phase of the development and shall thereafter be maintained for a period of five years including weed control, replacement of failures and maintenance of protection measures.

Reason: In the interests of visual and local amenity and to conform with Policies SC5 and E1 of the Lancaster District Core Strategy and Policy E29 of the Lancaster District Local Plan.

20. No trees or hedgerows shall be removed during the bird-breeding season between 1 March and 31 July inclusive unless they have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

Reason: To protect nesting birds and to conform with Policy E1 of the Lancaster District Core Strategy and Policy E12 of the Lancaster District Local Plan.

Floodlighting

21. No lighting shall be erected within the site compound unless the details of such lighting including the position, direction and design of such lighting has first been submitted to and approved in writing by the Director of Transport and Environment.

Reason: To minimise light spill beyond the site boundary to the surrounding houses and to safeguard the amenity of the area and to conform with Policy SC5 of the Lancaster District Core Strategy.

Definitions

Director of Transport and Environment: means the Director of Transport and Environment of the County Planning Authority or any successor position to that post.

Planting Season: The period between 1 October in any one year and 31 March in the following year.

Notes

The applicant's attention is drawn to the requirements of the Equality Act 2010 and the British Standards Institution Code of Practice for Design of Buildings and their approaches to meet the needs of Disabled People (BS8300:2009). The design of the building will also need to comply with Part M of the Building Regulations 2010. In the case of educational buildings, the applicant's attention is drawn to the Special Educational Needs and Disability Act 2001 and the guidance prepared by the Department of Education and Skills Building Bulletin 91 (Access for the Disabled to School Buildings) and Building Bulletin 94 (Inclusive School Design).

If bats are found or suspected at anytime during demolition or construction activities, work in that area should cease immediately until further advice has been sought from Natural England and/or the scheme ecologist. The scheme ecologist, Natural England or their agents in the Lancashire area will be able to locate a licensed bat worker to remove any bats present which might be harmed during the works. If bats are exposed during the works and are vulnerable to harm, gloves or a container should be used to move them to a dark and quiet area, until a bat worker has been contacted.

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping - up or diversion of a right of way should be the subject of an Order under the appropriate Act. Access to the temporary construction compound would be taken via the existing public cycle and footpath to the south of the school. The applicant will have to apply for a temporary closure of the footpath for the duration of the works.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2014/0085	04 June 2013	Rob Jones/Environment/ 534128

Reason for Inclusion in Part II, if appropriate

N/A

Development Control Committee
Meeting to be held on 15th October 2014

Electoral Division affected: Lancaster Rural East, Morecambe North, Morecambe South
--

Lancaster City: Application number. DCO HEYSHAM M6 03
Application to vary the approved drawings to allow an extended wingwall on the A6 Lancaster Road Bridge to be replaced with a landscaped embankment. A6 Lancaster Road, Slyne with Hest, Lancaster.

Contact for further information:
Jonathan Haine, 01772 534130, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

Application - Application to vary the approved drawings to allow an extended wingwall on the A6 Lancaster Road Bridge to be replaced with a landscaped embankment.

A6 Lancaster Road, Slyne with Hest, Lancaster.

Recommendation – Summary

- a) That the proposed amendment to the design of the Lancaster Road bridge is acceptable and approved drawing no. B1082600/6546/00001 be replaced by drawing B1082600/6546/0001 rev C1.
- b) That the approved landscaping works for the lower part of the embankment at this location be carried out over the full area of the extended earthworks shown on drawing B1082600/6546/0001 rev C1.

Applicant's Proposal

The application is to amend the design of part of the proposed A6 Lancaster Road bridge which is one of the new structures that will form part of the Heysham to M6 Link Road, currently under construction.

Under the currently approved scheme, the existing A6 north of Lancaster is diverted to the east and is to be raised so that it can cross the link road via a new bridge approximately 8m higher than its current elevation. The edge of the realigned A6 on the south west side of the new bridge was to have been supported using a masonry wing wall approximately 50m in length and 2m in height. It is now proposed to replace the majority of the wingwall with a landscaped embankment.

Description and Location of Site

The Heysham to M6 link is a current highway construction scheme which runs to the north of Lancaster between junction 34 of the M6 and the junction of the A589 and A683 between Lancaster and Morecambe.

The new link road crosses the existing A6 approximately 2.5 km north of Lancaster city centre approximately mid way between the northern edge of Lancaster and the village of Slyne with Hest. The proposed amendments relate to the design of the new bridge where the diverted A6 will cross the new link road.

There are a number of properties accessed off the existing A6 that are located close to the proposed A6 / link road intersection.

Background

A Development Consent Order (DCO) authorising the construction of the Heysham to M6 Link was made by the Secretary of State in March 2013.

Various schemes of details including those relating to the landscaping of the road were approved by the Development Control Committee on 17th April 2013.

Construction works on the road scheme commenced in January 2014.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraph 58 of the NPPF is relevant with regards to the need for good design and appropriate landscaping.

Lancaster City Core Strategy

Policy SC1 Sustainable Development
Policy E1 Environmental Capital

Consultations

Lancaster City Council: No observations received.

The nearest properties have been notified of the proposed amendment by individual letter. No representations have been received to date.

Advice

A DCO authorising the construction of the Heysham to M6 Link was made by the Secretary of State in 2013. Construction of the new road link commenced in January 2014.

The DCO includes a number of requirements (similar to conditions) that control various aspects of the development including the design of the structures such as bridges and embankments. Requirement 4 (2) states 'Replacement structure general arrangement drawings and landscaping plans may be approved in writing by the relevant planning authority and substituted for the relevant approved development plans provided that the development so altered accords with the environmental statement and falls within the Order limits'.

The design of the A6 bridge over the new link road including the associated wing walls and embankments is shown on the approved plans.

The new link road crosses the A6 approximately 2.5 km north of Lancaster city centre. The approved design provides for the existing A6 to be diverted to the east of its existing alignment and for its elevation to be increased so that it can cross the link road via a new bridge. On either side of the new bridge the A6 is to be supported on new embankments with the south western side being a combination of low embankment and extended wing wall. The extended wing wall was required so as to allow sufficient working space to allow the existing A6 to remain open whilst the new diverted route is constructed.

The detailed design for this area of the link road has now been completed and the extended wing wall is no longer required to maintain traffic flow on the existing A6. It is now proposed to replace the majority of the wingwall with a graded embankment. The applicant has therefore applied under the provisions of requirement 4(2) to amend the working drawings for this part of the development.

The proposed amendments would fall within the provisions of the original DCO and would not affect the findings of the Environmental Assessment. However, as the proposal is submitted by the Executive Director of Environment, the application must be determined by the Development Control Committee rather than through delegated powers.

The amendment that is sought is relatively minor in comparison to the scale of the scheme as a whole. The replacement of the wing wall with an earth embankment would reduce construction costs and would replace a hard structure with an area of planting that would be more aesthetically pleasing. The area that would be affected by the amendment is located close to a number of residential properties located off the existing A6. The properties have been notified of the proposed amendment the consultation period for which expires on the 12th October. Any representations received will be reported on the update to the Committee. However, the previous wing wall would have faced these properties. It is considered that its replacement with a landscaped embankment would have some visual benefits to these properties as the proposed landscaping would allow increased screening of the diverted A6. The principle of the amendment is therefore considered acceptable subject to the approved landscaping of the new embankment being carried out over the full area of the extended earthworks as shown on drawing B1082600/6546/0001 rev C1.

In view of the location, scale and nature of the proposal, it is considered that no convention rights identified under the Human Rights Act 1998 would be affected.

Recommendation

a) That the proposed amendment to the design of the Lancaster Road bridge is acceptable and approved drawing no. B1082600/6546/00001 be replaced by drawing B1082600/6546/0001 rev C1.

b) That the approved landscaping works for the lower part of the embankment at this location be carried out over the full area of the extended earthworks shown on drawing B1082600/6546/0001 rev C1.

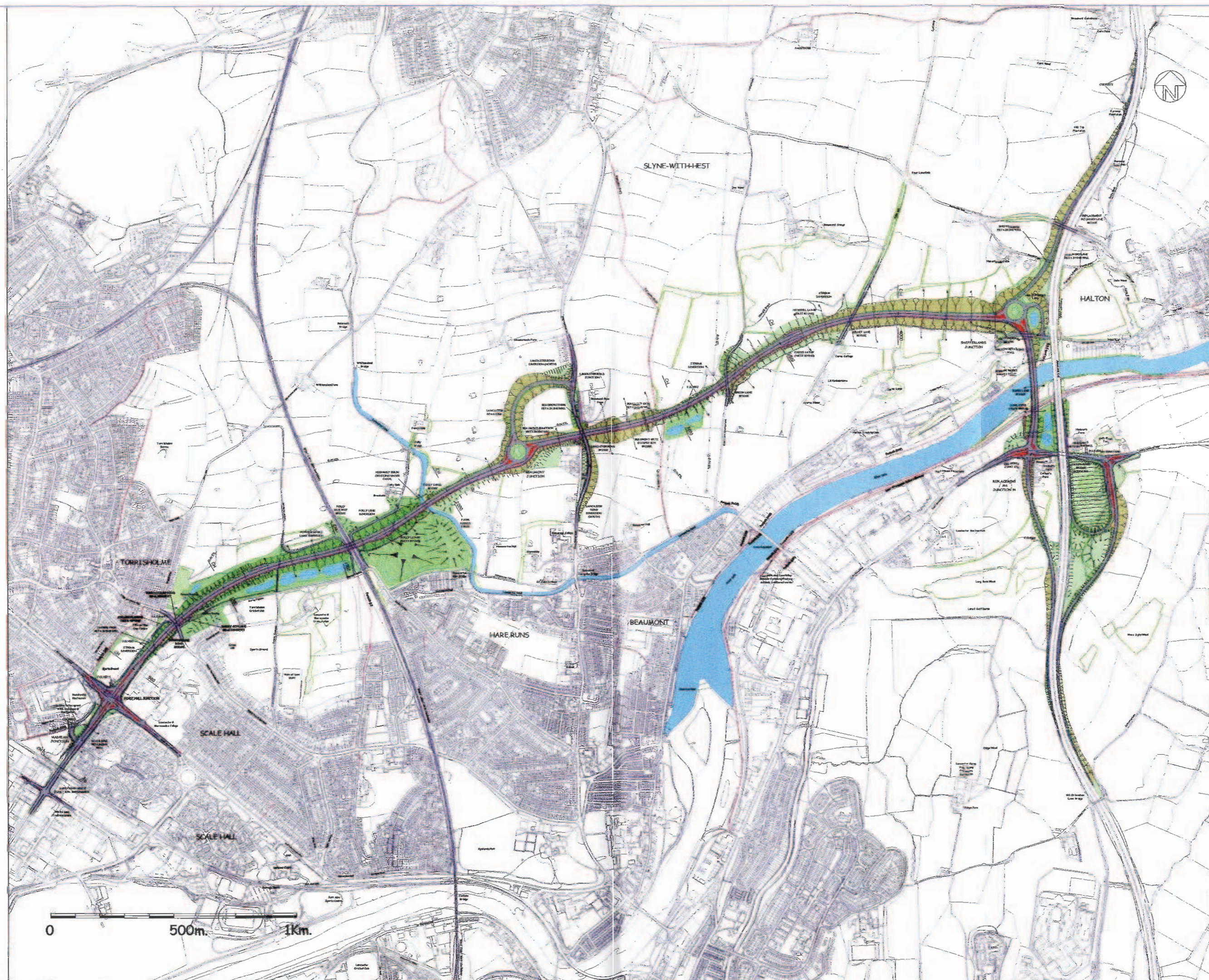
Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
DCO Heysham M6 O3 DCO March 2013.	18/09/14	Jonathan Haine/Environment/534130

Reason for Inclusion in Part II, if appropriate

N/A



This drawing shows the County Council's currently approved proposals. These may be subject to change because of further developments in the design or the statutory processes.

Based on Ordnance Survey Mapping and the Permission of the Controller of the Highway's Directorate Office 8 Crown Copyright. Unauthorised reproduction without Crown Copyright and/or permission of O/S prohibited. Lancashire County Councils Utility REL/2012/2

Figure 1N - Scheme to Complete Heysham to M6 Link (Plan)

Agenda Item 8

Development Control Committee
Meeting to be held on 15 October 2014

Electoral Division Affected: All

Planning applications determined by the Executive Director of Environment in accordance with the County Council's Scheme of Delegation

Contact for further information:
Pauline Kelly 01772 531929, Environment Directorate

Executive Summary

Planning applications determined by the Executive Director of Environment in accordance with the County Council's Scheme of Delegation.

Recommendation – Summary

That the report be noted.

Since the meeting of the Development Control Committee on the 3 September 2014, the following planning applications have been granted planning permission by the Executive Director of Environment in accordance with the County Council's Scheme of Delegation.

Lancaster

Application: No. LCC/2014/0106
Borwick Lake, Near Carnforth
Non-compliance with condition 1 of planning permission 01/12/0890 to allow an additional 18 months for the completion of the bund with a further period of 6 months for restoration.

Fylde

Application: No. LCC/2014/0068
Poulton Waste Water Treatment Works, Old Mains Lane, Poulton Le Fylde.
Non-compliance with condition 3 of permission 05/12/0557 to allow the permanent retention of the access road.

Preston

Application: No. LCC/2014/0124
Fishwick Primary School, Downing Street, Preston.

Construction of a canopy to the north elevation of the school.

South Ribble

Application: No. LCC/2014/0125
Cop Lane C of E Primary School, Cop Lane, Penwortham.
Extension to existing car park.

Recommendation

That the report be noted.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Contact/Directorate/Ext
LCC/2014/0106	Pauline Kelly Environment
LCC/2014/0068	Ext: 31929
LCC/2014/0124	
LCC/2014/0125	
LCC/2014/0122	