

Lancashire County Council

Development Control Committee

Wednesday, 7th December, 2016 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Agenda

Part I (Open to Press and Public)

No.	Item
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1.	Apologies for absence
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2.	Disclosure of Pecuniary and Non-Pecuniary Interests
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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 19 October 2016	(Pages 1 - 6)
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The committee are asked to agree that the Minutes of the last meeting held on 19 October 2016 be confirmed and signed by the Chair.

4.	Lancaster City: Application number LCC/2016/0065 The erection of solar photovoltaic panels and associated works including switchgear housing, security fencing and integral connection to Lancaster Waste Treatment Works. Lancaster Waste Water Treatment Works, Stodday Lane, Lancaster. (Retrospective application)	(Pages 7 - 24)
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5.	Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.	(Pages 25 - 26)
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6.	Urgent Business
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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.

7. Date of Next Meeting

The next meeting of the Development Control Committee will be held on Wednesday 18 January 2017 at 10.00 a.m. in Cabinet Room B - the Diamond Jubilee Room, County Hall, Preston.

I Young
Director of Governance,
Finance and Public Services

County Hall
Preston

Lancashire County Council

Development Control Committee

**Minutes of the Meeting held on Wednesday, 19th October, 2016 at 10.00 am
in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

Present:

County Councillor Munsif Dad (Chair)

County Councillors

T Aldridge	N Penney
B Dawson	P Rigby
M Green	A Schofield
P Hayhurst	K Snape
S Holgate	D Stansfield
D Howarth	D Westley
M Johnstone	B Yates

County Councillors S Holgate and D Stansfield replaced County Councillors K Ellard and K Sedgewick at the meeting respectively.

1. Apologies for absence

None received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor Snape declared a non pecuniary interest in agenda item 5 as a member of Chorley Borough Council.

County Councillor Hayhurst declared a non pecuniary interest in agenda item 6 as the electoral division member for the area.

3. Minutes of the last meeting held on the 7 September 2016

Resolved: That the Minutes of the meeting held on the 7 September 2016 be confirmed and signed by the Chair

- 4. Wyre Borough: Application Number LCC/2016/0051
Amendments to existing air extraction and filtration system
consisting of a 25 metre high steel vent stack to replace the existing
16.6 metre high stack, three dust collectors, three system fans,
cyclones, steel ducting and relocated shipping container housing a
carbon filter unit. Unit 8, Burn Hall Industrial Estate, Venture Road,
Thornton.**

A report was presented on an application for amendments to the existing air extraction and filtration system consisting of a 25 metre high steel vent stack to replace the existing 16.6 metre high stack, three dust collectors, three system fans, cyclones, steel ducting and relocated shipping container housing a carbon filter unit at Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

The report included the views of the County Council's Highways Development Control and Specialist Adviser (Ecology), Wyre Borough Council, the Environment Agency and details of two letters of representation received.

The Development Management Officer presented a PowerPoint presentation which included an aerial photograph of the site and the nearest residential properties. The committee was also shown a plan of the building, the proposed elevations and photographs of the site from the nearest residential properties on Springfield Terrace.

The Committee welcomed the proposed improvements to the working conditions within the waste transfer building but raised concerns with regard to the odour impacts of the proposal on the adjacent Cala Gran Holiday Park. Following further debate it was Moved and Seconded that:

"The application be deferred pending further consideration of odour abatement technology and in particular, a carbon filter system.

On being put to the vote, the Motion was **Lost**

Following further debate, the substantive Motion was put to the vote, following which it was:

Resolved: That planning permission be **Granted** subject to the conditions set out in the report now presented.

**5. Chorley Borough: application number LCC/2016/0059
Extension to the area of phased extraction of sand, gravel and clay,
followed by infilling with inert waste for restoration purposes back
to agriculture, woodland, and nature conservation including a 5m
high screen bund at Sandons Farm, Sandy Lane, Adlington, Chorley**

A report was presented on an application for an extension to the area of phased extraction of sand, gravel and clay, followed by infilling with inert waste for restoration purposes back to agriculture, woodland, and nature conservation including a 5m high screen bund at Sandons Farm, Sandy Lane, Adlington, Chorley.

The report included the views of Adlington Town Council, the Environment Agency, the County Council's Ecology Service, the Canal and River Trust, Natural England and details of six letters of representation received.

The Development Management Officer presented a PowerPoint presentation which included an aerial photograph of the site and the nearest residential

properties. The committee was also shown photographs of the site from various viewpoints and an illustration of the location plan and development plan.

The Committee visited the site on Monday 17 October 2016.

The Officer advised the Committee that further representations had been received since the publication of the agenda report. These included a representation from Lindsay Hoyle MP and a local resident. The representations together with the officer's advice are set out in the Update Sheet. (Copy set out at Annex A to the Minute book and attached as a supplementary agenda item).

Chorley Borough Councillor Graham Dunn addressed the Committee on behalf of the Borough Council. Councillor Dunn reminded the Committee that the planning inspector had previously overturned the decision of the County Council and granted the original planning application having concluded that the quarry was too far away to impact on the visual amenity of the nearest residential properties. It was pointed out that this proposal would halve the distance between the quarry and the residential properties thereby increasing the visual impact on residents. In addition, the proposed bund was higher and closer to the properties, and would therefore, further impact on visual amenity. It was also pointed out that the proposal would exacerbate existing problems associated with wind-blown dust from the site.

Officers responded to concerns raised by the Committee with regard to outstanding enforcement issues at the site, the noise from the site, the need for the minerals, the proposed timescale for extracting and restoring the site and the proposed start time of the operations on Mondays to Fridays.

Following further discussion, and in order to mitigate the impact of the proposals on the nearest residential properties, it was proposed to amend condition 16 to ensure that no mining operations, landfilling or restoration would take place except between the hours of 0800 to 1800 hours Monday to Friday.

Resolved: That, subject to the applicant first entering into a s.106 Agreement for the extended management of landscaping, habitats and public access for a period of 10 years in addition to 5 years of aftercare controlled by condition (consistent with planning permission 09/05/0018), and an amendment to condition 16 to ensure that no mining operations, landfilling or restoration shall take place except between the hours of 0800 to 1800 hours Monday to Friday, planning permission be **granted** subject to the conditions set out in the report to the Committee.

6. **Fylde Borough: Application number LCC/2016/0060
Construction of earth bunded lagoon to store digestate from
anaerobic digester plant at Stanley Villa Farm. Field off Mythop
Road, Weeton**

A report was presented on an application for the construction of earth bunded lagoon to store digestate from anaerobic digester plant at Stanley Villa Farm. Field off Mythop Road, Weeton.

The report included the views of Fylde Borough Council, Weeton-with-Preese Parish Council, the County Council's Highways Development Control, the Environment Agency, Network Rail, the County Council's Specialist Advisor (Ecology) and Specialist Advisor (Archaeology), LCC Lead Local Flood Authority, Ministry of Defence Lands – Safeguardings and details of one letter of representation received.

The Development Management Officer presented a PowerPoint presentation which included an aerial photograph of the site and the nearest residential properties. The committee was also shown photographs of the site from various viewpoints and an illustration of the site layout plan.

Officers responded to concerns raised by Members in relation to the location of the site and its proximity to Weeton Village. The views of the Council's Specialist Adviser (Ecology) were also discussed.

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

7. Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation

It was reported that since the last meeting of the committee, nine planning applications had been granted planning permission by the Head of Service Planning and Environment in accordance with the County Council's Scheme of Delegation.

Resolved: That the report be noted.

8. Urgent Business

There were no items of urgent business.

9. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 7 December 2016.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston

Development Control Committee

Meeting to be held on 7 December 2016

Electoral Division affected:
Lancaster Central

Lancaster City: Application number LCC/2016/0065

The erection of solar photovoltaic panels and associated works including switchgear housing, security fencing and integral connection to Lancaster Waste Treatment Works. Lancaster Waste Water Treatment Works, Stodday Lane, Lancaster. (Retrospective application)

Contact for further information:

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Executive Summary

Application - The erection of solar photovoltaic panels and associated works including switchgear housing, security fencing and integral connection to Lancaster Waste Treatment Works. Lancaster Waste Water Treatment Works, Stodday Lane, Lancaster. (Retrospective application)

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, landscaping, ecology, noise controls and layout of development.

Applicant's Proposal

The application seeks retrospective permission for a ground mounted solar panel array covering an area of approximately 3 ha including associated switchgear housing, security fencing and new 11kv feeder cable. The purpose of the solar array is to provide electrical power to the adjacent waste water treatment works.

The solar panels are mounted in a series of rows which run east / west across the application site. The panels are mounted on metal frames which are fixed into the ground. The maximum height of the panels is around 2.2 metres above ground level sloping down to 600 mm above ground level on their lower edge.

Eighteen rows of panels have been installed with each row varying in length between 13 metres and 52 metres.

Inverters (equipment which converts DC current into AC current) are installed on 7 of the rows. The inverters are fixed to distribution boards and measure 665 mm x 755 mm and are fixed approximately 600 mm above ground level.

Two buildings are also included within the application. One is a shipping container type building measuring 2.9 metres by 2.4 metres by 2.5 metres in height which houses electronic switchgear. The other is a glass reinforced plastic kiosk building measuring 3 metres by 3 metres by 2.5 metres in height which houses a ring main unit.

The fencing runs around the boundaries of the solar panel site (a distance of 670 metres) and is comprised of 1.5 metre high mesh security fencing.

The solar panels would have a peak generating output of 1.5MW and an operational life of 25 years.

Description and Location of Site

The application relates to an area of agricultural pasture measuring 100 metres by 100 metres located immediately north of Lancaster Waste Water Treatment Works. The works is 3km south west of Lancaster city centre and 700 metres northwest of Stodday. The treatment works is accessed via a number of minor roads that link with the A588.

To the west of the application site is the Condor Green to Lancaster Cycle path beyond which is the Lune Estuary which is designated as a SSSI and a Special Protection Area.

There is a small grouping of residential properties at Low Wood which immediately adjoin the application site to the north east.

Part of the site lies within flood zone 2 and 3

Background

The application site is located immediately to the north of Lancaster Waste Water Works where a number of permissions have been granted for waste water treatment infrastructure and ancillary development.

The solar panels were the subject of an application for a certificate of lawful development (ref CRT/2015/0096). However, the application was withdrawn to allow the present planning application to be submitted. An EIA screening opinion was undertaken at the time of the lawful use application which determined that the proposed development was not EIA development.

Lancaster City Council have also granted planning permission for a solar array covering an area of around 10 hectares on land at Arna Wood to the north of the application site. This permission has not yet been implemented.

Planning Policy

National Planning Policy Framework

Paragraphs 7, 11-14, 58, 97 – 98, 118 - 119 of the NPPF are relevant with regards to the definition of sustainable development, core planning principles, the need for good design and landscaping, the need for renewable energy infrastructure and impacts on ecology.

Lancaster District Core Strategy

Policy SC1 – Sustainable Development

Policy SC5 – Quality in design

Policy ER7 – Renewable Energy

Lancaster District Local Plan (Development Management DPD)

Policy NPPF 1 – Presumption in favour of sustainable development

Policy DM7 – Economic Development in Rural Areas

Policy DM17 – Renewable Energy Generation

Policy DM27 – Protection and Enhancement of Biodiversity

Policy DM28 – Development and Landscape

Policy DM29 – Protection of Trees, Hedgerows and Woodland

Policy DM35 – Key design Principles

Policy DM38 – Development and Flood Risk

Consultations

Lancaster City Council: No objection subject to the following:-

- Additional planting being undertaken along the north western boundary of the site and between the development and the closest residential properties
- Some enhancement to nature conservation should be considered as other similar sites have included the requirement for a habitat management plan.
- Consideration should be given to hours of maintenance in view of the proximity to properties.

Natural England: Advise that the potential impacts on the nearby designated wildlife sites are unlikely to have been significant or long term. The level of survey that has been undertaken was less than what might normally be expected but the development has already been undertaken and therefore no further information can be collected. There may have been some disturbance to wintering birds during construction operations. However, the development site is not located within an area of known use for birds associated with the Morecambe Bay Special Protection Area (SPA) and the characteristics of the site mean that it is unlikely to be attractive to significant numbers of SPA birds. Natural England therefore advise that the development would not have had a likely significant effect on the designated sites.

County Ecology Service: The application area is generally of low biodiversity value comprising improved horse grazed grassland. The proposals do have potential for impacts on adjacent statutorily designated sites in Morecambe Bay and it is therefore the responsibility of the County Council as competent authority to consider whether the proposals would have a likely significant effect on the European wildlife site having regard to advice from Natural England. The application site is sub optimal to

support SPA birds and is not considered to be functionally linked to the SPA and therefore would not have resulted in the direct loss of any habitat required to sustain SPA birds. The site is screened from the SPA by the hedgerows alongside the Lancashire Coastal Way such that any impacts during operation are unlikely. However, it is possible that construction impacts may have occurred. Given the absence of full pre development wintering bird surveys, there remains a degree of uncertainty as to the absolute absence of effects but it does seem unlikely that there would have been impacts either alone or in combination with other development. Conditions should be imposed requiring landscaping and habitat management on the site to address any impacts on the biodiversity interests of the site itself.

LCC Highways Development Control: No objection. Conditions should be attached to any permission requiring a construction method statement to be approved detailing parking of vehicles, storage of plant and materials, working hours and temporary highway signage on access roads to the site during the construction phase.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Three representations have been received objecting to the proposal for the following summarised reasons:

- The applicant has ignored the planning process by commencing the development before planning permission has been obtained.
- The solar panels have been placed on the site with no consideration of the visual impact on neighbours
- The panels have impacted upon the use of a private access to the bridleway on the western boundary of the site
- The panels have a considerable visual impact and result in a loss of outlook from the dwellings at Low Wood and no landscaping is proposed to address such impacts.
- The separation distances between the panels and the property at Low Wood are inadequate.
- The inverter boards emit a high frequency buzzing noise during hot weather which is intrusive. The noise levels from the inverters is audible above the background noise at the nearest properties.
- The proposed solar farm at Arna Wood to the north is to be screened with new landscaping
- The applicant has not demonstrated that the development will not have an adverse impact on the wildlife interests of the Morecambe Bay SPA.

Advice

The application seeks retrospective planning permission for a solar panel array covering an area of nearly 3 hectares. The adjacent waste water treatment works includes considerable quantities of pumps and other machinery that are powered by electricity. The solar panels would allow this plant to be powered by electricity that is generated on site rather than having to draw electricity from the national grid. The panels would allow the generation of around 1340 MWh of electricity per year which is equivalent to the annual demand of 320 residential properties.

Sewerage undertakers benefit from permitted development rights that allow them to undertake certain developments without the need to seek planning permission. These rights include development consisting of 'any other development in, on, over or under their operational land other than the erection of a building but including the extension or alteration of a building'. These permitted development rights would therefore extend to the erection of solar panels but only where they are proposed on the undertaker's operational land.

In order to determine whether the proposal would be authorised by permitted development rights and therefore would not need to be subject to a specific planning application, the applicant submitted an application to the County Council for a Certificate of Proposed Lawful Development. The application contained information to support his view that the site was operational land. However, the County Council considered that the application site did not meet the definition of operational land contained in s263 of the Town and Country Planning Act 1990 and therefore the permitted development rights did not apply to the proposed solar panel development and that a planning application was required.

During the time when the Lawful Development application was being considered, the applicant began construction of the development which was quickly completed. As the County Council had determined that the permitted development rights did not apply, a planning application has been submitted to regularise the development which has been undertaken. Section 73A of the Town and Country Planning Act 1990 makes specific provision to allow an application to be made to regularise a development that has already been carried out.

Section 38(c) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the policies of the development plan unless material considerations undertaken otherwise. In this case the relevant development plan policies are contained in the Lancaster District Local Plan (Development Management Policies) DPD along with the Lancaster City Core Strategy. In particular, policy DM17 of the above local plan requires that proposals for renewable and low carbon energy will be supported where the impacts are or will be made acceptable having regard to a range of criteria including landscape impact, residential amenity and the balance of any local impacts against any wider environmental, economic, social or community benefits. Policy DM17 reflects the NPPF (paragraph 98) which states that applications for renewable energy development should be approved if impacts are (or can be made) acceptable.

The main planning issues to consider relate to the contribution of the development to meeting climate change objectives as balanced against the local environmental impacts including landscape, ecology and residential amenity.

In terms of climate change policy, the Climate Change Act 2008 sets out targets to reduce green house gas emissions to at least 80% below 1990 levels by 2050. To achieve these targets, an increase in the amount of electricity generated from non-fossil fuel (renewable) sources is required. The UK Renewable Energy Strategy sets a target of 30% of all electricity generation to be produced from renewable sources by 2020. In 2014, around 17% of energy was generated from renewable sources and

whilst this proportion is rising with increased deployment of wind turbines and solar farms, the rate of installation must be continued if the overall target is to be met.

The waste water treatment works has traditionally been powered using national grid electricity which is mainly generated using fossil fuels. The development would not totally replace electricity from the grid as the waste water treatment plant still operates at night when the panels would not produce any electricity. However, the electricity produced by the panels would substitute for at least part of the power from the grid and would therefore contribute towards meeting the overall targets in the Climate Change Act and the UK Renewable Energy Strategy.

In terms of planning policy and climate change issues, paragraph 98 of the National Planning Policy Framework states that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and to recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. Given the contribution that the proposal would make to reducing greenhouse gas emissions and increasing the proportion of electricity generated from renewable sources, it is considered that the need for the development is supported by the relevant Government policy and paragraph 98 of the NPPF.

Landscape Impact

The application site is located on land immediately to the north of the existing Lancaster Waste Water Treatment Works. Immediately to the west of the site is the Lancashire Coastal Path / Cycle Route beyond which is the River Lune estuary. On the other sides of the site, the land is comprised of the rolling drumlin topography with agricultural grazing that is typical of this part of Lancashire. Prior to development, the site was comprised of four small agricultural fields separated by fencing with some sparse hedgerow / trees on one field boundary on the eastern side of the site. These field boundaries have now been removed resulting in a single large field.

The applicant has undertaken a landscape assessment of the solar farm development. This identifies that the western part of the site lies within the Lune Marshes Landscape Character Area with the eastern part being within the Low Coastal Drumlines Landscape Character Area as set out in the Lancashire Landscape Character Assessment. The assessment includes a study of local viewpoints from local settlements, nearby properties and other viewpoints in order to allow consideration of the visual impacts of the development.

In general the site is well screened from local viewpoints. To the south and part of the eastern boundary are the screening mounds that surround the existing waste water treatment works. This mounding has been landscaped with trees and shrubs and which provides a high degree of screening to the application site given the limited height of the solar panels. Immediately to the west of the site, the bridleway / cycleway is approximately 5 metres from the nearest solar panels. The boundary with the bridleway / cycleway is formed by a tall hedge from where some filtered views of the solar panels are available particularly in winter. Beyond the cycleway is the Lune Estuary and therefore views from any viewpoints on the western side of the

river are at a considerable distance (at least 1km) from the application site and would not be significant given the relatively low height of the solar array and the presence of the vegetation along both sides of the cycleway. To the north of the site, is a hedgerow boundary which again provides screening for the development given the scale and height of the solar panels.

There are a number of dwellings located around the village of Stodday which are located around 700 metres to the south east of the site. However, the existing waste water treatment works occupies much of the intervening land and the screening and land levels around the works means that the solar panels have a very limited visual impact on Stodday. The main visual impacts on individual properties occur in relation to the two dwellings at Low Wood which immediately abut the northern boundary of the site and which are discussed in the section of this report headed 'residential amenity'.

Lancaster City Council have granted planning permission for a solar farm on land at Arna Wood immediately to the north of the waste water treatment work. This permission has not yet been implemented but is considerably larger (10 hectares) than the current application site and given its location there is some potential for cumulative landscape impacts. However, any consideration of cumulative visual impact has to take into account the inter - visibility between the two sites. The existing hedgerows and the restricted number of public locations from where both solar farms would be viewed means that the potential for significant cumulative visual impact is considered to be very limited and mainly restricted to the cycleway / bridleway to the west of the site.

Whilst the existing waste water treatment works is a large industrial complex in a rural area, the solar panel site occupies a discrete area that is visually separate from the main treatment works complex. The solar panels do therefore introduce an urban form of development into the open countryside. However, the landscape impacts of the site are relatively restricted due to the contours of the surrounding landscape and the existing hedgerows that surround the site. The applicant has stated that the development would have a lifespan of 25 years and whilst this is a considerable duration, it would be possible to remove the solar panels and associated equipment at the end of their life and return the field to its previous condition. Provided that conditions are imposed relating to the retention and strengthening of the existing boundary hedgerows and the removal of the panels and restoration of the land at the end of their life, it is considered that the landscape impact of the development is acceptable and complies with Policy DM28 of the Lancaster District Local Plan.

Highways Issues

The waste water treatment works is served by a number of minor roads which provide access onto the A583 south of Lancaster. The installation of the solar panels does not require considerable volumes of construction materials although the importation of the panels and supporting frameworks themselves will have generated a number of HGV movements. However, the development has already been constructed and these impacts have already occurred. The conditions requested by LCC Highways Development Control with regards to a construction management plan are therefore considered to be unnecessary. There would also be some

highway impacts upon decommissioning of the development but given the relatively low number of HGV movements that would arise, it is considered that there would not be a need for a specific condition controlling vehicle movements from these activities. The highway impacts of the development are therefore considered acceptable.

Ecology

The solar farm is an area of agricultural pasture that is not subject to any nature conservation designations. However, it is located approximately 10 metres to the east of the Lune Estuary which is designated as a Site of Special Scientific Interest (SSSI), Special Protection Area, Special Area of Conservation and Ramsar site. It is therefore important to consider the potential impacts of the solar farm development, particularly in terms of those birds for which the estuary is designated and which might use the application site as supporting habitat for grazing and feeding.

Planning applications for large scale solar farms would normally be supported by ecological surveys undertaken pre construction so that the ecological interests of the site can be fully recorded and potential impacts assessed. However, in this case the development has already been carried out and therefore it has not been possible to undertake full ecological surveys (particularly for birds) prior to the development commencing. However, the applicant did undertake an extended Phase 1 habitat survey prior to the commencement of the development. These surveys map broad types of habitat as well as an assessment of suitability and use by protected species and other species of conservation significance such as protected mammals, reptiles and amphibians. It also allows an assessment of the suitability of the habitat to support bird species for which the adjacent estuary is designated.

The majority of the birds associated with the adjacent estuary are restricted to wetland species. No such habitats were identified within the application site and therefore it is unlikely that there would be any impacts on these particular bird species. However, there are some birds for which the estuary is designated which use habitats outside of the estuary itself. Such supporting habitat can have an important role in maintaining bird populations and therefore development proposals affecting such areas may have the potential to affect the integrity of the European wildlife sites. The NPPF states that development likely to have a significant effect on a SSSI should not normally be permitted.

The phase 1 survey identified that the site was mainly characterised by short pasture grazed by horses. Such habitat does not provide optimal conditions for the types of wetland birds which may use land outside of the designated sites. It was also noted that the site is well enclosed by surrounding hedgerows which whilst providing visual screening to the development, does give the site an enclosed nature which is general unfavourable for wetland birds which prefer open sites. There are also survey works that were undertaken as part of the Arna Wood solar farm. Whilst these surveys did record a number of overwintering birds, the majority were recorded on the saltmarsh and estuarine areas to the west where favourable habitats are present.

Whilst the level of ecological survey falls below that which would normally be required, the development has already been undertaken and it is therefore not possible to collect any more information to inform determination of the planning application. Natural England note the limitations of the evidence but note the findings of the surveys that did not show significant usage of the site by SPA birds and that the physical characteristics of the site rendered it sub optimal for such species. Natural England therefore advise that it is likely that there has been no significant effect on the designated areas of the Lune Estuary.

The ecological surveys also contained information on the likely use of the site by other protected species such as bats, badgers, other mammals and breeding birds. The applicant has concluded that the nature of the habitats within the site was not particularly valuable for such species. The proposals have retained the existing hedgerows around the perimeter of the site and the vegetation that was removed to construct the development was not particularly extensive or high quality. It is therefore considered that the development will not have had particularly significant impacts on ecological interests.

As with landscape impacts, the development can be easily removed at the end of its life and the site returned to grazing pasture. However, in view of the proximity to the estuary, it is considered that any plant removal and site reinstatement works should only take place during the summer months and that a programme of planting works to reinforce the existing perimeter hedgerows be undertaken. These matters can be covered by planning conditions.

Residential Amenity

The solar farm is located in a field immediately north of the existing waste water treatment works. In general the site is located distant from residential properties and it is considered that there would be no significant impacts on the amenity of any of the properties in Stodday itself. However, there are two properties at Low Wood which are located adjacent to the north east corner of the site which would be affected by the development. The two properties are located around a courtyard. One of the properties (Low Wood Barn) has views across the application site from the rear elevation whilst the other property (Low Wood Farm) is less affected as it overlooks the courtyard and does not directly have views across the application site. The nearest solar panels are located approximately 30 metres from the rear elevation of Low Wood Barn.

In the determination of planning applications, the impact on views from properties is not normally a material consideration. However, they can be a consideration where a development would have such an overbearing impact where it would make a property either impossible or an unpleasant place to inhabit.

The residents of Low Wood Barn consider that the solar panels have been erected on the site with no consideration to the visual impact on neighbours and that the existing vegetation around the boundary of the garden does not screen the panels from the main living spaces in the property which are on the first floor and have an outlook to the west over the solar panel site. The residents are also concerned about

a buzzing noise that is emitted from the inverters during sunny weather and also from glare from certain of the panels particularly when the sun is low in the sky.

To address the objections of the resident, the applicant is proposing to implement a landscaping scheme around the southern and western sides of the property. The landscaping would be implemented on land within the applicant's control where there is sufficient space between the panels and the adjacent property to undertake planting. The planting would be comprised of a new evergreen hedgerow with individual trees immediately to the affected boundaries of the property and with two areas of 'thicket' planting to the south and west of the property. The exact design of the planting area has not been finalised but the applicant considers that it should consist of shrub type species that would be sufficient to provide some visual screening without growing to a height that would result in a total loss of outlook from the property.

The applicant's proposals to mitigate visual impact on the property are noted. However, the layout of the solar panels is such that there is limited room to undertake substantial planting along the whole of the rear boundary of the property. On the boundary closest to the panels, there would only be an evergreen hedge combined with a single line of feathered trees. It is considered that this level of landscaping would not be sufficient to address the impacts on the outlook and amenities of the property and that some of the panels should be relocated to provide further space for landscaping to allow some of the impacts of the panels on the amenities of the property to be mitigated. A condition is therefore recommended to this effect.

Even with these conditions, it would take some time until the screening is sufficiently high to provide an effective degree of screening to the development particularly given the arrangement of the living spaces at the affected property and there would continue to be some residual impacts. However, the landscaping would provide mitigation to the loss of outlook without completely removing the long distance views that are currently obtained from the house and would also have some benefit in reducing the glare problems that are currently experienced at certain times of the day

In relation to the noise from the inverters, it is understood that they incorporate fans which operate to keep the electrical equipment cool during warm weather. The nearest inverters are around 35 metres from the rear façade of the property which would account for the noise experienced during warm weather conditions. To address this matter, the applicant proposes to enclose the inverters within insulation which should reduce the noise levels to acceptable levels. This can be the subject of a planning condition.

Even with the conditions referred to above, it is considered that there would continue to be some residual visual and amenity impacts on the nearest property which much be weighed against the benefits of the development.

Flooding

The application site is close to the River Lune and the southern part falls within Flood Zones 2 and 3 (medium to high probability of flooding). The application is therefore accompanied by a Flood Risk Assessment. The maximum flood level has been modelled and the design of the panels (supported above ground on a metal framework) means that the majority of the equipment would be above the maximum flood level. The nature of the supporting framework for the panels will mean that flood storage capacity or flow routes would not be significantly impeded. The ground below the panels would continue to be grassland which provides a high degree of infiltration. The development would therefore not be vulnerable to flooding or increase the risk of flooding elsewhere and is acceptable in terms of Policy DM38 of the Lancaster District Local Plan.

Permitted Development Rights

As discussed above, sewerage undertakers benefit from certain permitted development rights for the construction of new plant and equipment on their operational land. The construction of the solar array brings the site within the definition of operational land and therefore it would be possible in future for all or part of the array to be removed to allow an extension of the waste water treatment works without the need for planning permission. Given the proximity of the properties, it is therefore considered that a condition should be imposed upon any new permission which withdraws the permitted development rights so that any future sewerage infrastructure on this land would need to be the subject of a specific planning application.

Conclusions

The solar panels would contribute towards Government targets for increasing the amount of electricity that is generated from renewable sources. However, this has to be balanced against the local environmental impacts which in this case relate particularly to residential amenity. It must be recognised that some of the panels are very close to an existing residential property and therefore there will be some impacts on the amenity of this property arising from loss of outlook and glare. Whilst these impacts can to some extent be mitigated through the proposed landscaping and relocation of certain of the panels, the mitigation will take some time to be effective and some impacts will remain. It is therefore necessary to balance these impacts against the benefits of the development in terms of a supply of renewable energy and the support for such development that is provided within the NPPF and other legislation. On balance, it is considered that the development is acceptable in terms of the Policies of the NPPF and Development Plan subject to the following conditions.

Human Rights

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of the 1st Protocol states that an individuals peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with law and as is proportionate.

This application were it to be approved would be unlikely to generate such an impact on neighbouring properties which would breach those rights. The condition requiring relocation of part of the development is required to protect the rights of local residents and would not have a disproportionate impact on the rights of the applicant.

Recommendation

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

Time Limits

1. The solar panels, supporting framework all other electrical equipment and perimeter security fencing shall be removed from the site by not later than 30th June 2041. Within six months of the removal of the equipment, any land disturbed through the removal of the development shall be cultivated and graded to a condition suitable for agricultural grazing land.

Reason: In the interests of the visual amenities of the area and to conform with Policy DM17 and DM35 of the Lancaster District Local Plan (Development Management DPD).

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 supporting statement received by the County Planning Authority on 12th August 2016 as amended by the email from David Palmer of Savills dated 16th November 2016.
 - b) Submitted Plans and documents:

Drawing No. W-CLD01 Rev A - Site Location Plan
Drawing No. 209413-2200 Rev C - PV Layout
Drawing No. 01 39 60375 Rev B - String Inverter and Distribution Board Mounting Detail.
Drawing 01 39 60111 Rev A - Trench Detail Layout Drawing
 - 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 policies and policies DM17, DM27, DM28 and DM35 of the Lancaster District Local Plan (Development Management DPD)

3. No maintenance works to the solar panels or other electrical equipment or decommissioning work shall take place outside the hours of:

08.00 to 17.30 hours, Mondays to Fridays (except Public Holidays)
08.00 to 13.00 hours on Saturdays

No such maintenance work shall take place at any time on Sundays or Public Holidays.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM35 of the Lancaster District Local Plan (Development Management DPD).

4. Decommissioning of the solar panels, other electrical equipment and perimeter security fencing shall not take place other than between 31st March and 1st October in any calendar year.

Reasons: In the interests of ecology and to conform with Policy DM27 of the Lancaster District Local Plan (Development Management DPD)

5. Within two months of the date of this planning permission noise attenuation works shall be undertaken to the inverters to ensure that there is no audible sound at Low Wood Barn.

Reason: In the interests of the amenity of local residents and to conform with Policy DM17 and DM35 of the Lancaster District Local Plan (Development Management DPD)

6. Within two months of the date of this planning permission, a scheme and programme of landscaping shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details for tree and hedge planting to provide improved screening of the development from the properties at Low Wood and to reinforce the existing hedgerows on the boundary of the site.

The scheme and programme shall contain details on the location of planting areas, types, numbers and sizes of plants, planting methods and protection measures to be used.

The planting works contained in the approved scheme and programme shall be undertaken in the first planting season following its approval by the County Planning Authority and shall thereafter be maintained for a period of five years including replacement of failures, weed control and maintenance of protection measures.

Reason: In the interests of the visual amenities of the area and the amenities of local residents and to conform with Policies DM28 and DM35 of the Lancaster District Local Plan (Development Management DPD).

7. All trees and hedges on the boundaries of the site shall be maintained throughout the duration of the development.

Reason: In the interests of the visual amenities of the area and the amenities of local residents and to conform with Policies DM28 and DM35 of the Lancaster District Local Plan (Development Management DPD).

8. The provisions of Part 13 Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any amendment, replacement or reinactment 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 reinactment thereof.

Reason: In order to protect the amenities of local residents and to conform with Policies DM28 and DM35 of the Lancaster District Local Plan (Development Management DPD).

9. Within two months of the date of this planning permission, a habitat management scheme shall be submitted to the County Planning Authority for approval in writing.

The habitat management scheme shall contain details for the management of the grassland habitats within the site including around the solar panel themselves so as to increase the habitat value of the site.

Upon approval of the scheme, the site shall thereafter be managed in accordance with the approved scheme until the solar panels are removed from the site under the requirements of condition 1 above.

Reason: In the interests of ecology and to conform with Policy DM27 of the Lancaster District Local Plan (Development Management DPD)

10. Within two months of the date of this planning permission, a panel relocation scheme shall be submitted to the County Planning Authority for approval in writing. The scheme shall show a revised layout for the development providing for the relocation of those solar panels located in rows 5 to 8 as shown on drawing LCC1 attached to this permission and which are located within 40 metres of the curtilage of Low Wood Barn. The scheme shall show a revised location for the panels that are relocated under the requirements of this condition.

The approved scheme shall be implemented within two months of the approval of the scheme by the County Planning Authority.

Reason: In the interests of the amenity of local residents and to conform with Policy DM35 of the Lancaster District Local Plan (Development Management DPD)

Definitions

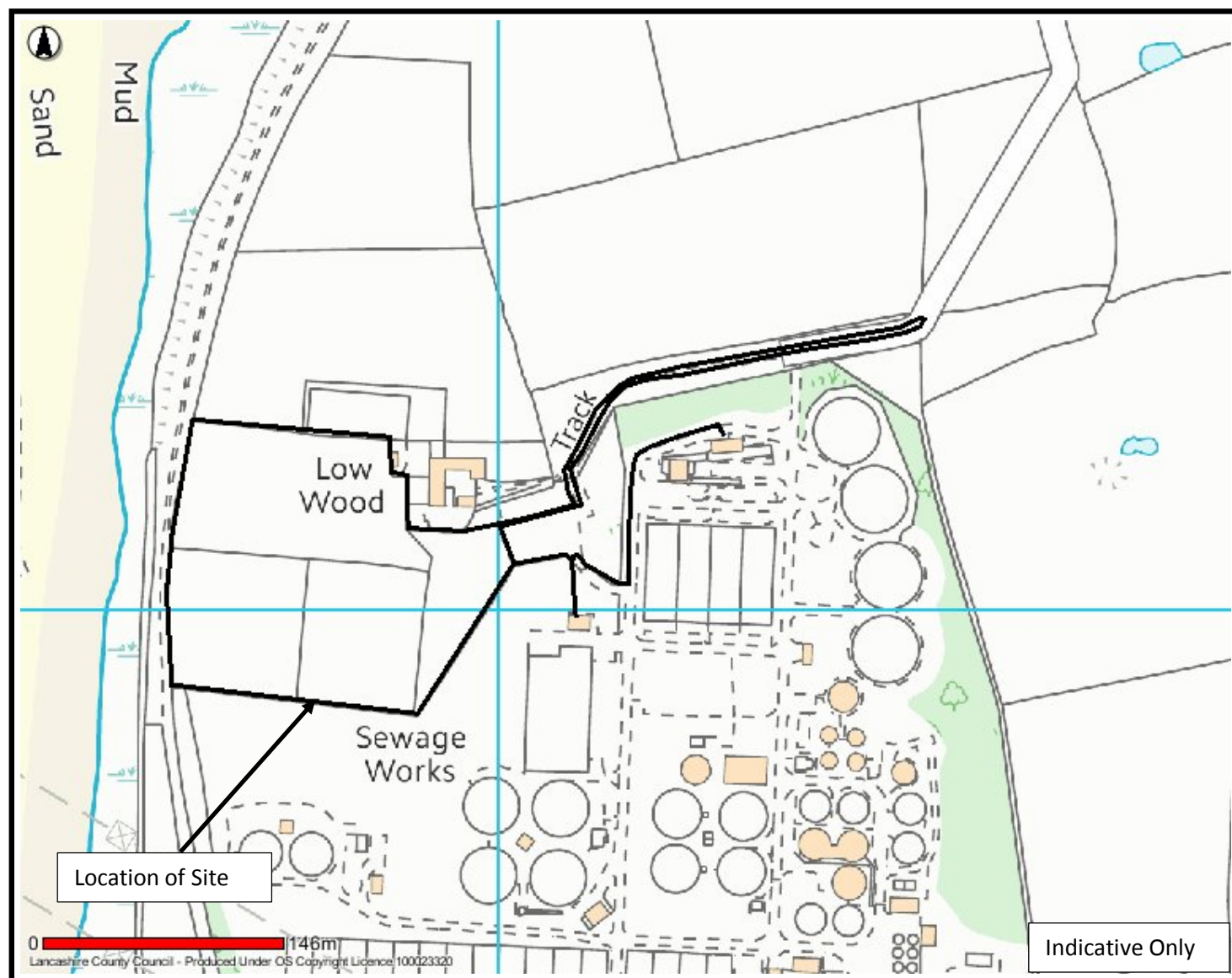
Planting Season: The period between 1 October in any one year and 31 March in the following year.

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

Paper	Date	Contact/Ext
LCC/2016/0065	12th August 2016	Jonathan Haine Planning and Environment 534130

Reason for Inclusion in Part II, if appropriate:
N/A

APPLICATION LCC/2016/0065 THE ERECTION OF SOLAR PHOTOVOLTAIC PANELS AND ASSOCIATED WORKS INCLUDING SWITCHGEAR HOUSING, SECURITY FENCING AND INTEGRAL CONNECTION TO LANCASTER WASTE TREATMENT WORKS. LANCASTER WASTE WATER TREATMENT WORKS, STODDAY LANE, LANCASTER



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Development Control Committee

Meeting to be held on 7 December 2016

Electoral Division Affected: All

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

Contact for further information:

Susan Hurst 01772 534181

DevCon@lancashire.gov.uk

Executive Summary

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

Recommendation – Summary

That the report be noted.

Since the last meeting of the Development Control Committee on the 19 October 2016, the following planning applications have been granted planning permission by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.

Wyre

Application: No. LCC/2016/0071

Wyre Side Farm, Rawcliffe Road, St Michael's On Wyre

Construction of a micro anaerobic digestion plant comprising of digester vessel and combined head and power unit fed by on farm waste (dairy slurry)

Lancaster City

Application: No. LCC/2016/0001

Ellel Crag Quarry, Bay Horse Road, Galgate, Lancaster

Retrospective change of use from restored landfill to inert recycling facility to include the recycling of wood products including installation of two arimax bioenergy 1mw boilers in existing building with associated wood recycling and drying for fuel

Application: No. LCC/2016/0061

Dunald Mill Quarry, Long Dales Lane, Nether Kellet.

Variation of condition 1 of planning permission 01/06/1004 to permit the use of the existing batching plant until 21 February 2022.

Preston

Application: No. LCC/2016/0070

Sir Tom Finney School, Moor Park, Blackpool Road, Preston

Erection of 3 m high weldmesh security fencing and 3 m high close boarded timber fencing

Application: No. LCC/2016/0066

County Hall, Pitt Street, Preston

A stairwell construction, the footprint extending into an inner courtyard of the council offices serving five storeys

Hyndburn

Application: No. LCC/2016/0075

Hyndburn Park County School, Park Road, Accrington

Installation of a 2m high automated sliding gate with associated 2.4m high 2d protective pocket screen

Pendle

Application: No. LCC/2016/0076

Primet Works, Greenfield Road, Colne

Change of use from engineering to vehicle storage, vehicle dismantle, vehicle depollution and authorised treatment facility

Application: No. LCC/2016/0074

St Pauls Primary School, Hibson Road, Nelson

Erection of a new forest school building

Recommendation

That the report be noted.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper

Contact/ /Ext

Susan Hurst, Ext: 34181

LCC/2016/0071	LCC/2016/0066
LCC/2016/0001	LCC/2016/0075
LCC/2016/0061	LCC/2016/0076
LCC/2016/0070	LCC/2016/0074
LCC/2016/0052	