

# **Lancashire County Council**

## **Development Control Committee**

**Wednesday, 12th December, 2018 at 10.30 am in Committee Room 'B' (The Diamond Jubilee Room) - County Hall, Preston**

### **Agenda**

#### **Part I (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 14 November 2018** (Pages 1 - 6)

The committee are asked to agree that the Minutes of the last meeting held on 14 November 2018 be confirmed and signed by the Chair.

##### **4. West Lancashire Borough: Application number LCC/2018/0055** (Pages 7 - 12)

**Construction of an electricity generating facility of up to 5MW from five generators powered by mains gas, and associated plant and equipment consisting of five radiators, five transformers, a high voltage (HV) client building, a gas kiosk, a distribution network operator (DNO) building, an oil tank, an amenity cabin and closed-circuit television (CCTV) on three x four metre high support posts all enclosed by 2.4m high palisade fencing to form a compound area. West Quarry Railway Pad, Appley Lane North, Appley Bridge.**

5. **Ribble Valley Borough: Application Number. LCC/2018/0028** (Pages 13 - 28)

Two single storey extensions with link corridors to the main building. Extension to the existing car park, the provision of an all-weather multi use games area and 2.4 metre high security fencing. St Mary's RC Primary School, Whalley Road, Langho, Blackburn.

6. **Lancaster City: Application Number. LCC/2018/0040** (Pages 29 - 46)

Change of use of land to educational use comprising of school playing area outdoor amenity and play space.  
Recreational land to the east of Barton Road, Lancaster

**Lancaster City: Application Number. LCC/2018/0041**  
Erection of 2.1m ball stop fencing and gates.  
Recreational land to the east of Barton Road, Lancaster.

7. **Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.** (Pages 47 - 48)

8. **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.

9. **Date of Next Meeting**

The next meeting of the Development Control Committee will be held on Wednesday 23 January 2018 at 10.30 a.m. in Committee Room B - the Diamond Jubilee Room, County Hall, Preston.

L Sales  
Director of Corporate Services

County Hall  
Preston

## Lancashire County Council

### Development Control Committee

**Minutes of the Meeting held on Wednesday, 14th November, 2018 at 2.00 pm in Committee Room 'B' (The Diamond Jubilee Room) - County Hall, Preston**

#### **Present:**

County Councillor Barrie Yates (Chair)

#### **County Councillors**

P Rigby	D Foxcroft
S Clarke	P Hayhurst
C Crompton	A Kay
B Dawson	M Pattison
J Eaton	A Schofield
K Ellard	

County Councillor Bernard Dawson replaced County Councillor Munsif Dad on the committee.

#### **1. Apologies for absence**

None received.

#### **2. Disclosure of Pecuniary and Non-Pecuniary Interests**

County Councillor C Crompton declared a non-pecuniary interest in agenda item 5 as a member of Preston City Council.

County Councillor P Hayhurst declared a non-pecuniary interest in agenda items 4 and 5 as a member of Fylde Borough Council and as ward councillor for Fylde West.

The Chair invited County Councillor Hayhurst to comment on a representation received from the applicant's agent with regard to Westby Landfill Site, the subject of planning application LCC/2018/0019 at item 4 of the agenda

In response, County Councillor Hayhurst, denied having expressed a view with regard to the Westby Landfill Site and announced that it was his intention to determine the application.

#### **3. Minutes of the last meeting held on 12 September 2018**

**Resolved:** That the Minutes of the meeting held on 12 September 2018, be confirmed and signed by the Chair of the Committee.

**4. Fylde Borough: Application number LCC/2018/0019  
Variation of condition 1 of planning permission 05/09/0152 to allow  
the period for landfill/recycling/waste transfer operations to  
continue until 01 June 2028.  
Westby Landfill Site, south side of Anna's Road, Westby.**

A report was presented on an application for the variation of condition 1 of planning permission 05/09/0152 to allow the period for landfill/recycling/waste transfer operations to continue until 01 June 2028 at Westby Landfill Site, south side of Anna's Road, Westby.

The report included the views of Fylde Borough Council the county council's Highways Development Control, the Environment Agency, the county council's Specialist Advisor (Ecology), Natural England, and details of 12 letters of representation received.

The Development Management Officer presented a PowerPoint Presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown photographs of the site including the landfill cells, the soil production area, wheel wash and the site access.

The Officer reported orally that further representations had been received from an objector with regard to vibrations being experienced at properties near to the site and by the applicant in relation to the proposed conditions 13, 19 and 28.

Full details of the above together with the advice of the officers in relation to such, together with additional amendments to the conditions and the imposition of an additional condition in relation to wheel cleaning measures were set out in the Update Sheet circulated at the meeting. (Copy set out at Annex A to the Minutes).

Ms Hollowell, a local resident, addressed the committee objecting to the application. Ms Hollowell informed the committee that the field purchased by the applicant for land raising was being portrayed as a former clay pit to justify the recycling activities. However, the land raising was taking place in a field and not the quarry. Concern was also raised with regard to the mud and dust being tracked out of the site. Ms Hollowell called for an additional condition to be imposed to ensure the wheel wash was cleaned out every week to prevent silt being tracked out onto the roads.

Mr Raynor Porter, Site Manager of the Westby Landfill Site addressed the committee and made the following summarised points in support of the application:

- The site provided work for 25 employees and various contractors and helped to support the local economy.
- The recycling activities helped to divert waste away from landfill

- The importation of inert waste to the site would assist in restoring the land to the agreed levels.
- The site was well screened from the road.
- The application had attracted ten letters of support.
- Fylde Borough Council, the Environment Agency and the LCC's Highways had raised no objection to the application.

The applicant also mentioned that landfill cells 1 and 2 had already been completed and capped.

Following debate and questions to officers with regard to the time extension and the increased number of vehicle movements associated with the application, it was Moved and Seconded that:

"The Development Control Committee visit the site prior to determining the application".

On being put to the vote the Motion was Lost.

Following further discussion, the committee agreed that an additional condition be imposed requiring the existing wheel wash to be cleaned out on a weekly basis. It was also suggested that the local liaison committee be reconvened.

In response to the concerns raised with regard to the wheel wash, the officer explained that the applicant had been asked to review the wheel cleaning measures at the site. Whilst they considered that the existing wheel cleaning measures were adequate, the applicant had mentioned that if a further planning permission was forthcoming, they would undertake further improvements to the internal site roads including increasing the amount of surfaced road. It was considered that this would improve the cleanliness of vehicle wheels to the benefit of the local environment. It was therefore considered that the further condition as set out in the Update Sheet (Condition 12) would address the local resident's concerns.

Despite the additional measures outlined above and the advice of the officer, Members reaffirmed their wish for an additional condition to be imposed requiring the wheel wash on the site to be cleaned out on a weekly basis following which it was:

**Resolved:-** That subject to the amendments to conditions 2, 3, and 13, the deletion of condition 28, the inclusion of condition 12 as set out in the 'Update Sheet' and the imposition of an additional condition requiring the wheel wash on the site to be cleaned out on a weekly basis, planning permission for the variation of condition 1 of planning permission 05/09/0152 to allow the period for landfill/recycling/waste transfer operations to continue until 01 June 2028 be **granted** as set out in the report to the committee.

**5. Preston City and Fylde Borough: Application number. LCC/2016/0046**

**Development of new highways including Preston Western Distributor Road, Cottam Link Road and East West Link Road. The development includes a new motorway junction to the M55 together with temporary soil storage and contractor areas, cycle track alongside all highways, water attenuation ponds, diversion/stopping up of public rights of way, landscaping and ecology mitigation areas, construction of two bridges, two viaducts, two underpasses, a cattle creep and diversion of the Hodder Aqueduct. Land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston**

A report was presented on an application for the development of new highways including Preston Western Distributor Road, Cottam Link Road and East West Link Road on land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston.

The committee was reminded that at their meeting held on 4 October 2017, they had resolved to approve the application, subject to the signing of a section 106 agreement in relation to the provision and retention of off-site bat mitigation measures.

In the meantime, the applicant had undertaken further design work on the proposed highway and associated mitigation measures and proposed a number of amendments to the previously submitted scheme. These included a proposed diversion route for the Hodder Aqueduct, noise mitigation measures and details of the mitigation measures for bats.

The report included the views of the county council's Specialist Advisor (Ecology) and Natural England.

It was also reported that since the application was considered in October 2017, a landowner had served a pre action protocol letter on the county council giving details of their intention to apply to the High Court for a judicial review of the Preston Western Distributor Road scheme.

The council's response to the issues raised in the pre action protocol letter were set out in the committee report.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of each section of the proposed highway and the nearest residential properties. The committee was also shown illustrations of the proposed diversion route of the Hodder Aqueduct together with photographs of each section of the proposed highways.

The officer reported orally that since the report had been published two further letters of representation have been received from DPP, a consultant working on behalf of Tom Barron Farms Ltd, a land owner at the northern end of the scheme.

A summary of the issues and the response to the issues raised was set out in the 'Update Sheet' circulated at the meeting (Copy set out at Annex A to the Minutes)

Mr Purser of DPP Planning addressed the committee on behalf of his client. He advised that his client did not wish to frustrate the development provided that their land was not rendered inaccessible to the bypass. Their support for the scheme was conditional upon securing a direct roundabout access south of M55 Junction 2. They felt that such a roundabout would not only serve their land, but it would render the delivery of the scheme considerably cheaper and would furthermore facilitate a future expansion of North West Preston as a strategic development site. Mr Purser also reiterated the issues set out in the pre action protocol letter in relation to his client's view that the scheme should be promoted through a Development Consent Order rather than a planning application. It was also felt that the county council should undertake a revised screening assessment of the project in the light of recent case law regarding the impacts of developments on European wildlife sites.

The officers reiterated their response to the above issues as set out in the committee report. The officers also advised that the county council's response had been confirmed by the legal advice from their own Counsel and therefore the landowners view was not supported. In response to requests for clarification from members, officers explained that a judicial review application had been lodged by Tom Barron Farms Ltd but that even if the committee approved the planning application today, it would be some time before commencement of development which would allow time for the matters in dispute to be determined by the courts. It was also explained that there may in the future be an opportunity to construct a further roundabout to facilitate additional development as proposed by Tom Barron Farms Ltd but this would need to take the normal course of an application to Preston City Council.

Officers responded to questions raised by the members with regard to the impact of the scheme on the Guild Wheel, following which it was:

**Resolved:** That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and subject to a section 106 agreement relating to the provision and retention of off-site bat mitigation measures, planning permission be **granted** subject to the conditions set out in the report to the committee.

**6. 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 on 12 September 2018, thirteen 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

**7. Urgent Business**

There were no items of urgent business.

**8. Date of Next Meeting**

**Resolved:** That the next meeting of the Committee be held on Wednesday 12 December 2018 at 10.30am.

L Sales  
Director of Corporate Services

County Hall  
Preston

## Development Control Committee

Meeting to be held on 12th December 2018

Electoral Division affected: Skelmersdale East
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### **West Lancashire Borough: Application number LCC/2018/0055**

**Construction of an electricity generating facility of up to 5MW from five generators powered by mains gas, and associated plant and equipment consisting of five radiators, five transformers, a high voltage (HV) client building, a gas kiosk, a distribution network operator (DNO) building, an oil tank, an amenity cabin and closed-circuit television (CCTV) on three x four metre high support posts all enclosed by 2.4m high palisade fencing to form a compound area. West Quarry Railway Pad, Appley Lane North, Appley Bridge.**

Contact for further information:

Rob Jones, 01772 534128

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### **Executive Summary**

Application - Construction of an electricity generating facility of up to 5MW from five generators powered by mains gas, and associated plant and equipment consisting of five radiators, five transformers, a high voltage (HV) client building, a gas kiosk, a distribution network operator (DNO) building, an oil tank, an amenity cabin and closed-circuit television (CCTV) on three x four metre high support posts all enclosed by 2.4m high palisade fencing to form a compound area. West Quarry Railway Pad, Appley Lane North, Appley Bridge.

### **Recommendation – Summary**

That the Development Control Committee visit the site before determining the application.

### **Applicant's Proposal**

The application is for a gas powered standby facility for the generation of electricity to be fed into the national grid during periods when there is a high demand for electricity. The facility would have a generating capacity of 5MW. It would be located within part of an existing fenced compound on the edge of the West Quarry Railway Pad.

The facility would consist of the following:

- Five generators each to be housed in containers measuring 14m x 4m x 3.5m high. Generator exhaust chimneys would protrude from the top of the containers to a height of 10m above the adjacent ground level.

- Five radiators to each measure 4.9m x 2.5m x 2.7m high.
- Five transformers to each measure 2.5m x 2.3m x 2.7m high.
- A HV client building to measure 3.2m x 3.2m x 2.8m high.
- A gas kiosk to measure 4m x 2.5m x 2.4m high.
- A DNO building to measure 3.6m x 2.5m x 2.2m high.
- An oil tank to measure 2.5m x 1.8m x 1.3m high.
- An amenity cabin to measure 6.1m x 2.4m x 2.4m high.
- CCTV mounted on three x 4m high support posts.
- 2.4m high palisade fencing with 5.5m wide double vehicle access gates to enclose the electricity generating facility.

All plant and machinery would be finished in an 'Olive Green' colour, except for the radiators, transformers and CCTV support posts that would have a galvanised finish.

The gas would be supplied via an underground connection to link with the gas main located in the pavement along Appley Lane North.

### **Description and Location of Site**

The proposed development would measure approximately 75m x 25m to cover an area of 0.15 hectares within a part of a fenced compound previously used to accommodate electricity generators powered by landfill gas sourced from the adjacent West Quarry landfill site. The compound is on the north side of a larger concrete hardstanding that covers an area of approximately 1.1 hectares (350m long by 45m wide as its widest point) and which was previously used to transfer waste imported by rail onto HGV's for transport to the adjacent landfill areas.

The former railway pad is located on the north side of the Manchester-Southport railway line and on the south and west sides of Appley Bridge. The restored West Quarry landfill site is immediately to the north of the site with a fish farm located to the west. An industrial area is located 35m away on the south side of the railway line beyond which is the Leeds-Liverpool canal. The closest residential properties to the site are located on Appley Lane North 300m to the north-east beyond the restored West Quarry landfill site and 340m to the south-east beyond the aforementioned industrial area.

The site is accessed via a private road on the west side of Appley Lane North.

### **Advice**

The proposal is for a gas powered standby electricity generating facility, commonly referred to as a Short Term Operating Reserve. The facility would form part of a network of such facilities across the country which generate electricity to be fed into the national grid during periods of peak demand for electricity. The facility would typically run for an average of 1500 hours per year. The most common peak demand periods occur during the evening between 16.30 and 21.00, and rarely at night and weekends. However, the plant would be available for generation on request from National Grid at any time of day or night and any day of the week. The facility would be powered by gas and would allow electricity to be produced when required during

periods when sources of renewable energy, such as wind and solar are not available to instantly provide electricity.

The proposal raises issues in relation to the acceptability in policy terms of the proposed development on the application site, visual impact, highway impacts and safety, emissions and odour, noise and safeguarding of watercourses and surface and foul water drainage.

The proposal has attracted some interest in the local area. County Councillor John Fillis has also requested that the Development Control Committee visit the site before determining the application.

### **Recommendation**

That the Development Control Committee visit the site before determining the application.

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

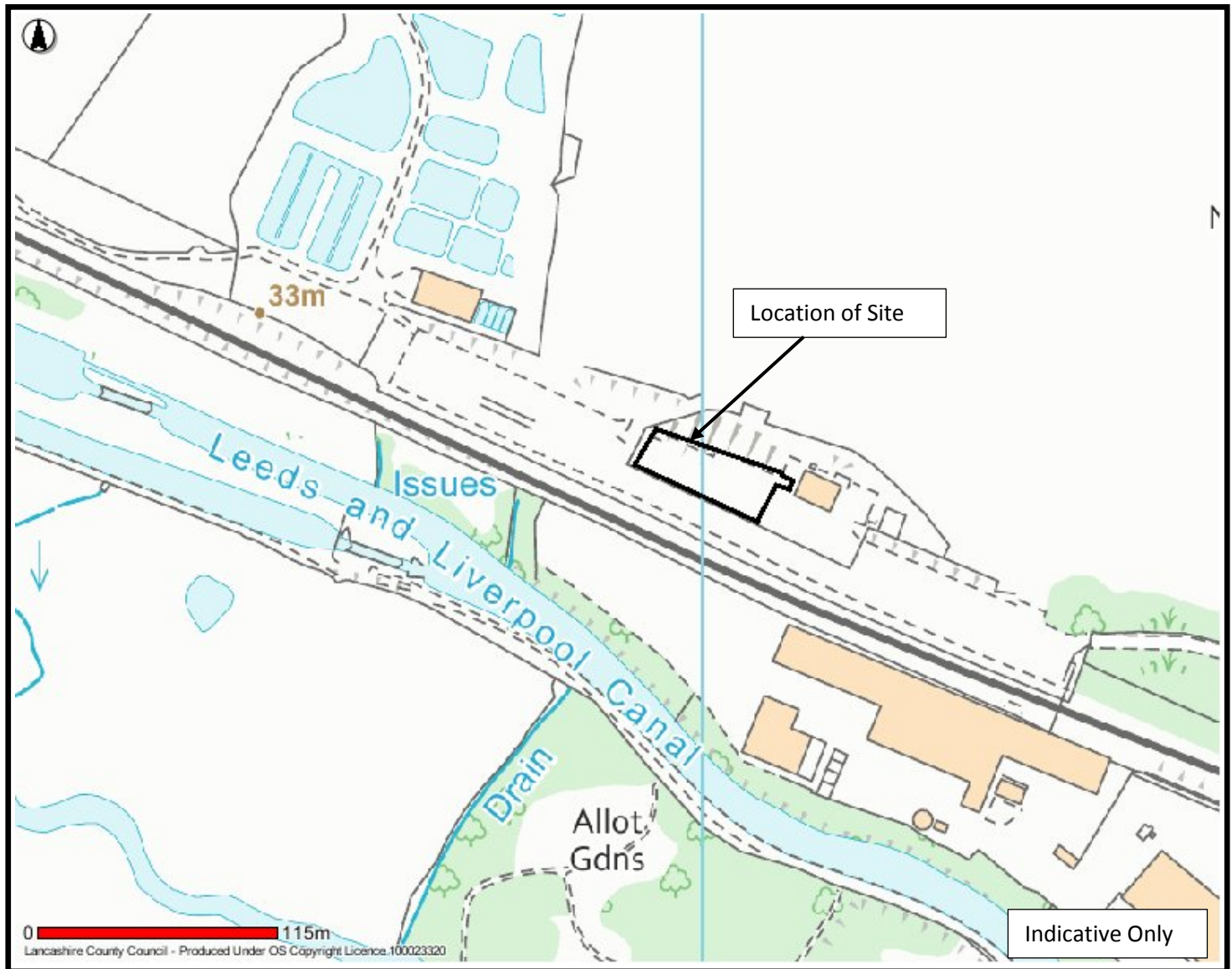
Paper	Date	Contact/Tel
Development Information Folder LCC/2018/0055		Rob Jones/ Planning and Environment 534128

Reason for inclusion in Part II, if appropriate

N/A



**COMMITTEE SITE VISIT FOR APPLICATION LCC/2018/0055 CONSTRUCTION  
OF A 5MW GAS FIRED POWER PLANT. APPLEY LANDFILL SITE, APPLEY  
LANE NORTH, APPLEY BRIDGE**



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## Development Control Committee

Meeting to be held on 12<sup>th</sup> December 2018

Electoral Division affected: Ribble Valley South West
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### **Ribble Valley Borough: Application Number. LCC/2018/0028**

**Two single storey extensions with link corridors to the main building. Extension to the existing car park, the provision of an all-weather multi use games area and 2.4 metre high security fencing.**

**St Mary's RC Primary School, Whalley Road, Langho, Blackburn.**

Contact for further information:

Faiyaz Laly, 01772 538810

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### **Executive Summary**

Application - Two single storey extensions with link corridors to the main building. Extension to the existing car park, the provision of an all-weather multi use games area and 2.4 metre high security fencing.

St Mary's RC Primary School, Whalley Road, Langho, Blackburn.

### **Recommendation - Summary**

That planning permission be granted subject to conditions controlling time limits, working programme, hours of working, building material, fencing colour, landscaping, drainage and highway matters.

### **Applicant's Proposal**

The proposal is for the erection of a single storey extension and a single storey modular building with link corridors to the existing building, a car park extension, provision of a multi-use games area and new fencing. The development proposals would allow the yearly intake at the school to be increased from 40 to 45 pupils in each year group. This would increase the total number of pupils at the school from 265 to 315.

The single storey extension would measure approximately 22m x 11m with a varying height from 3.3m to 4.5m due to the sloping ground. The external walls would be constructed from blockwork with a cream render finish with a flat reinforced PVC roof with fascia panels coloured grey. The building would be finished with timber doors and PVC windows with obscure glazing. The total floor space of the extension would be approximately 182m<sup>2</sup>.

The modular building would measure approximately 20m x 9.4m with an approximate height of 4.3m. The building would be constructed from timber cedar board cladding with a mono pitched steel fascia roof. The total floor space would be

approximately 139m<sup>2</sup>. Both extensions would be located on the north west side of the existing school building in close proximity to residential properties on Whalley Road.

The development proposals also include the creation of a multi-use games area which would be sited on part of the school playing field. The multi-use games area would measure approximately 37m x 18.5m and would be sited to the south of the existing school buildings on part of the school field and would have 3m high heavy duty mesh fencing coloured (Green - RAL 6005) situated around its perimeter. It is also proposed to extend the existing car park with 18 additional car parking spaces, increasing the total number of parking spaces at the school to 25 spaces. Additional 2.4m high security fencing would be erected (Green - RAL 6005) to the south east of the proposed car parking area, separating the car park area from the school playing field and would measure a total linear distance of 20m.

### **Description and Location of Site**

St Mary's Primary School is located off Whalley Road in the centre of Langho approximately 3.5km southwest of Whalley and 3.5km northwest of Great Harwood. The school site is accessed via Whalley Road (A666). The school is bounded by residential properties on all sides with York Lane located to the south, St Marys Drive and Tudor Close located to the east and Whalley Road to the north. The existing school comprises of a range of building designs and materials and the proposals intend to incorporate these materials to complement the existing design of the school.

The majority of the school buildings and existing car park are located to the north eastern side of the school site with the school playing field located to the south. The single storey extension would be located approximately 3.85m from the boundary of the nearest houses at 70 - 72 Whalley Road, the boundary in this area consisting of a 1.8m high fence.

The single storey modular building would be located approximately 10m away from the nearest properties (64 - 66 Whalley Road), the boundary in this area consisting of a 2.1m high conifer hedge.

The extension to the car park would be located on the eastern edge of the school in close proximity to residential properties on Tudor Close. The Multi Use Games Area would be sited immediately south of the existing school building on part of the school playing field and at its closest point would be approximately 30m from the nearest house. The proposed 2.4m high security fencing would be situated along the southern edge of the extended car park.

### **Background**

The site is an established educational facility.

Planning permission was granted in May 2015 for the installation of a mono pitched canopy at the school. (LCC/2015/0042)

## **Planning Policy**

### **National Planning Policy Framework**

Paragraphs 11-14, 94, 97, 102 - 107 124 - 132 are relevant with regards to the definition of sustainable development, the need for new school places, open space and recreation, promoting sustainable transport and achieving well designed places.

### **Ribble Valley Core Strategy**

Policy DMG1 - General Considerations

Policy DS1 - Development Strategy

Policy DS2 - Sustainable Development

Policy DME1 - Protecting Trees and Woodlands

Policy DME3 - Site and Species Protection and Conservation

Policy DMB4 - Open Space Provision

Policy DMI2 - Transport Considerations

Policy EN2 - Landscape

## **Consultations**

Ribble Valley Borough Council - Objection raised as the Borough Council consider that the single storey extension would have an overbearing impact and affect residential amenity of nos. 70 - 72 Whalley Road.

Billington & Langho Parish Council - No observations received.

County Ecology Service - No objection, the site is generally of limited biodiversity value, such that the proposals will not result in any significant harm to biodiversity interests. No habitats of significant conservation value will be lost.

Lancashire County Council Highways Development Control - No objection, a construction method statement and travel plan should be submitted and approved by the Local Planning Authority. Wheel cleaning facilities should be made available and an electrical supply for charging points should be provided in two car parking spaces.

Sport England - No observations received.

Representations - The application has been advertised by site notice and neighbouring residents informed by individual letter. Four objections have been received from local residents which are summarised as follows:-:

- The proposed car park area is in close proximity to the nearest houses on Tudor Close which would disrupt residential amenity.
- Flooding impacts from the proposed development to nearest houses.
- The Multi Use Games Area would affect residential amenity with potential floodlights and out of school hour's usage.
- Traffic impacts associated with the increase in pupil numbers and closure of the main school access during construction will cause disruption on other roads such as St Marys Drive and York Lane.

## Advice

The primary aim of the proposal is to increase the capacity of St Mary's RC Primary School through the erection of a single storey extension and a single storey modular building, both with link corridors to the existing school building to allow the yearly intake at the school to be increased from 40 to 45 pupils in each year group. This would increase the total number of pupils at the school from 265 to 315.

Lancashire County Council has a statutory duty to provide a school place to every child of statutory school age living in Lancashire. The need for the new primary school places has been identified through a basic needs assessment which has been undertaken to establish the future demand for primary school places in this area. On 5 November 2015, the Cabinet Member for Children, Young People and Schools approved a capital improvement programme that would provide additional places to regularise admission numbers in areas of growth. At the time, the Langho and Whalley planning area was identified as an area where local primary schools had admission numbers that were difficult to manage and where the significant level of housing development planned in the area within the next five years combined with new births would result in a shortage of primary school places. The pupil projections have been monitored and, as a result, a shortfall in school places is anticipated to occur in September 2019.

As a result, it was agreed that proposals should be put forward to increase the number of pupils admitted to Reception Class at the following primary schools which serve the Whalley area:-

- Langho and Billington St Leonard's Church of England (CE) Primary School from 40 to 45 pupils from Reception Class onwards with effect from September 2018 and for each subsequent year. An extension to the school was granted planning permission in November 2017.
- Whalley CE Primary School from 40 to 45 pupils from Reception Class onwards, with effect from September 2019 and for each subsequent year. The school was granted planning permission in May 2018 for additional classroom space to accommodate an increase in their pupil numbers.
- Langho St Mary's Roman Catholic (RC) Primary School from 40 to 45 pupils from Reception Class onwards, with effect from September 2019 and for each subsequent year.

Paragraph 94 of the National Planning Policy Framework states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities and Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. Also they should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

The County Council's general strategy towards providing new education provision is to provide additional places at existing schools rather than construct new schools in

order that new places can be delivered more quickly and to achieve best value for money by reducing infrastructure and land acquisition costs. However, it is also important to balance the need for the proposal against the impacts of the development which relate to traffic and associated impacts on traffic, highway safety and protecting residential amenity to the nearest houses.

Policy DMG1 of the Ribble Valley Core Strategy identifies the general considerations that development proposals must comply with. This includes a high standard of building design, which is sympathetic to existing and proposed land uses in terms of size, intensity, nature, scale, style and use of building materials. There should be consideration of traffic and parking issues, and there should be no adverse effect on local amenity and the environment or heritage assets. There should be no net loss of important open space including playing fields. The policy also requires that consideration should be given to the likely effect on existing trees and other natural features on the site, visual appearance and in relation to surroundings and local landscapes and landscaping.

The majority of the school buildings and existing car park are located to the north eastern area of the school site. No trees or any form of landscaping would be removed to facilitate the proposed development. However the proposed single storey extension and proposed modular building are sited in close proximity to residential properties on Whalley Road. The extensions have been proposed in this area to improve access into the existing school building and improve staff accommodation.

Concerns have been raised by Ribble Valley Borough Council that the close proximity of the proposed single storey extension would result in an unacceptable impact on the nearest residential properties which are nos. 70 and 72 Whalley Road.

The application originally proposed the single storey extension being located approximately 2.5m away from the northern boundary of the school. The applicant has since moved the building to increase the separation to the boundary to 3.85m to minimise impact on the houses on Whalley Road. Due to the existing layout of the school buildings and the proposed use of the extension which would form as a new entrance and reception area it would not be possible to locate this extension elsewhere on the school site, without impacting existing teaching space.

House numbers 68, 70 and 72 Whalley Road were informed of the application by letter but no representations have been received from any of these properties. Currently the boundary in this area consists of a 1.8m high fence and the applicant has proposed further hedging to be planted along the boundary of properties 68, 70 and 72 Whalley Road to minimise impacts on residential amenity. It is also proposed to use obscuring film on the windows that face the houses to minimise overlooking on the nearest properties. It should also be noted that this extension would not be used as teaching space but as staff accommodation facilities. Provided that the boundary treatment and control of the design of the windows on the north west elevation is controlled through planning condition, it is considered that the impact of the single storey extension on the nearest properties is acceptable and the objection raised by Ribble Valley Borough Council is therefore not supported.

The applicant has also revised the location of the proposed modular building which has increased the distance of the modular building to the boundary from 6m to 10.5m. This increase would allow an existing sycamore tree to be retained. It is considered that the increase in standoff from the boundary would result in acceptable impacts on residential amenity when also considering the screening provided by the existing 2.1m high conifer hedge on this part of the boundary with the nearest properties. Ribble Valley Borough Council have raised no objection to this aspect of the proposal.

This proposal also raises impacts in relation to traffic and impacts on highway safety. The development proposals would allow the yearly intake at the school to be increased from 40 to 45 pupils in each year group. This would increase the total number of pupils at the school from 265 to 315. Even though this is not a significant increase in pupil numbers and would be a gradual increase, the impacts of the additional traffic arising from the expansion of the school on highway safety and residential amenity are matters of concern to the residents who live near to the school.

The issues raised by representations include that the additional pupils will worsen an already unacceptable traffic problem on the local highway network. Highways Development Control have not raised an objection to the application but request a condition to be added asking for further details of traffic management during construction of the development, for the school to submit a school travel plan promoting other forms of transport during peak times and for wheel cleaning facilities to be available during construction. They have also requested that two of the parking spaces have an electrical supply installed to provide for electric vehicle charging points.

Any parking issues that are currently experienced by residents close to the school would not be made materially worse by the development and the increase in pupils would probably only extend existing parking impacts over a slightly wider area than currently occurs. It should also be recognised that these impacts occur for a comparatively small part of the day and that it would take a number of years for the full traffic impacts of the development to materialise as the additional classroom accommodation is utilised. Also the school is located within the main urban area of Langho and is therefore proximate to the locations where many 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 school also propose to extend the existing school car park with 18 extra car parking spaces, increasing the total number of parking spaces at the site to 25 which would relieve some of the existing parking deficiencies at the school and would reduce the likelihood of staff needing to park on local roads. During the construction phase of the proposed development which is expected to last between 9 - 12 months, the applicant proposes to restrict the existing main access onto Whalley Road to use by building contractors. The secondary access to the rear of the school off St Marys Drive would be left open for pupils and pedestrians. This would reduce congestion and traffic impacts during construction by providing separate entrances for parents and contractors. St Marys RC Church which is located south west of the school site off St Marys Drive and York Lane have agreed to let staff park in their car

parking during construction which would accommodate approximately 35 parking spaces. Whilst this is not a matter that can be secured through planning controls, a similar system was used during a previous building contract at the school and was effective in managing traffic impacts during construction works. Highways Development Control have requested signage on Whalley Road to the temporary access during construction and for measures to improve highway safety to be implemented on St Marys Drive during the temporary construction period. These matters can be the subject of planning conditions.

Overall there will be some impacts on the highway and the amenity of local residents. However, these would only occur for relatively short periods in each day and are not considered to be of such severity that the development is unacceptable. Whilst these impacts cannot be fully mitigated, due to the scale of the development it is considered that the need for the additional school places carries substantial weight which is sufficient to outweigh the highway impacts of the development. The traffic impacts during the construction phase are temporary and it is considered that these can be adequately managed and mitigated through the use of planning conditions.

With regard the installation of electric charging points, the school have requested that such facilities are not installed as part of this application due to their cost. There is no requirement within the National Planning Policy Framework or in local policy that requires such facilities to be installed as part of car parking developments.

The proposal also provides for the construction of a multi - use games area with 3m high mesh ball stop fencing which would provide an enhancement to the existing sports and recreation provision at this school. The development is intended to provide an area for ball games during periods when the school field is unusable. Paragraph 97 of the National Planning Policy Framework states 'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the Open Space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.'

The proposed games area would be relatively small and it would have limited impact upon the openness of the area. Also due to the nature of the development there would be limited impact on the green space as the development would be at ground level and covering a small area of land. The development would also comply with policies within the National Planning Policy Framework due to it providing an alternative sports and recreation facility during times when the playing field is unusable due to wet conditions.

At its closest point the multi-use games area would be approximately 30m from the nearest house. The multi-use games area would also be partially screened by a hedge on the nearest site boundary and its use would not be expected to raise any amenity impacts for local residents especially considering that this area is already in use as a school playing field with play equipment and hard play areas in and around this part of the school. The applicant has confirmed that the development would only be used during schools hours therefore no floodlighting would be needed to facilitate the use of the development. This can be the subject of a planning condition.

Policy DME6 of the Ribble Valley Core Strategy requires that development includes Sustainable Drainage Systems (SuDS). Concerns have been raised by local residents that the proposed increased areas of hardstanding could result in increases in surface water run off to the nearest houses. To address this issue, a condition is recommended requiring further details of drainage to be submitted and implementation as part of any approved design.

### Conclusion

Lancashire County Council has a statutory duty to provide a school place to every child of statutory school age, living in Lancashire who requests one. A combination of sustained increase in the number of births together with the development of new housing in the area is resulting in an increase in demand which current primary schools in the area cannot accommodate. The provision of the additional school places should be given great weight and there is a lack of alternative sites. The impacts in terms of highways would have a comparatively short duration and are not considered to be of such severity that the development is unacceptable.

The layout, scale and design of the development would ensure a suitable educational setting. The new car parking arrangements would relieve some of the existing parking deficiencies at the school to reduce the need to park on local roads. Overall through the imposition of planning conditions, the impacts on local residents from the proposed development would be minimised and would be acceptable. It is therefore considered that the proposal is acceptable in terms of the policies of the Development Plan.

In view of the scale, location and nature of the development it is considered that no Convention Rights 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.*

## **Working Programme**

2. The development shall be carried out in accordance with the following documents:

a) The Planning Application received by the County Planning Authority on 18th January 2018.

b) Submitted Plans and documents:

Drawing No - A01 / Site & Location Plan

Drawing No - A05 (Rev E) / Elevations as Proposed

Drawing No - A04 (Rev G) / Plan as Proposed

Drawing No - A06 / Plan as Proposed New Build EYFS Unit

Drawing No - A07 (Rev E) / Elevations as Proposed New Build EYFS Unit

Drawing No - A08 (Rev D) / Site & Location Plans as Proposed

Drawing No - L04 / Proposed Extent of Tarmac Resurfacing Works

*Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy DMG1 of the Ribble Valley Core Strategy.*

## **Hours of Working**

3. No construction development shall take place outside the hours of:

08.00 to 18.00 hours Monday to Friday (except Public Holidays),  
08.00 to 14.00 hours on Saturday.

No construction development 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 and land users and to conform with Policy DMG1 of the Ribble Valley Core Strategy.*

4. The multi-use games area shall only be used between the hours of 08.00 - 18.00 Mondays to Fridays and at no other times. No floodlighting shall be erected to illuminate the multi-use games area.

*Reason: To protect the amenities of local residents and to conform with Policy DMG1 of the Ribble Valley Core Strategy.*

## **Building Materials**

5. No development of the single storey extension shall commence until details of the glazing to be fitted to the windows on the north west elevation of the single

storey extension have been submitted to and approved in writing by the County Planning Authority.

Thereafter only those materials approved shall be used in the development. The approved glazing methods shall be retained in these windows thereafter

*Reason: To protect the amenities of local residents and to conform with Policy DMG1 of the Ribble Valley Core Strategy.*

## **Fencing**

6. The 2.4m and 3m high fencing as shown on 'Drawing No - A08 (Rev D) / Site & Location Plans as Proposed' shall be coloured Green (colour code RAL 6005) and retained in that colour thereafter.

*Reason: In the interests of the visual amenities of the area and to conform with Policy DS2 of the Ribble Valley Core Strategy.*

## **Landscaping**

7. Within six months of the date of this planning permission a scheme and programme of landscape screening on the boundary with adjacent properties at nos 70 - 72 Whalley Road shall be submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include details of location of planting, numbers, sizes and types of species, planting techniques and protection measures.

The approved landscaping works shall be undertaken in the first planting season following completion of construction works and shall thereafter be maintained for a period of five years including weed control, replacement of dead and dying trees and maintenance of protection measures.

*Reason: In the interests of visual and local amenity and the local environment and to conform with Policy EN2 of the Ribble Valley Core Strategy.*

8. Trees and hedges on the boundaries of the site shall be retained and protected from damage throughout the duration of construction works as detailed in the BS5837 Tree Survey with Constraints submitted on 25th October 2018 (Job Ref - 1201).

*Reason: To protect existing trees within or adjacent to the site in the interests of the visual amenities of the area and to conform with Policy DME1 of the Ribble Valley Core Strategy.*

## **Drainage**

9. No development of the car park extension or multi use games area shall commence until details of a surface water sustainable drainage system for

these areas have been submitted to and approved in writing by the County Planning Authority. The details shall include:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site.
- b) Details of flood water exceedance routes, both on and off site;

Thereafter the construction of the car park extension and multi-use games area shall be carried out in accordance with the approved details and the surface water sustainable drainage system shall be retained, managed and maintained in accordance with the approved details.

*Reason: To seek to ensure that drainage from the site can be adequately controlled and to minimise flood risk and to conform with Policy DME6 of the Ribble Valley Core Strategy.*

## **Highway Matters**

- 10. No development shall commence until a construction management plan has been submitted to and approved in writing by the County Planning Authority. The construction management plan shall contain details of the following:-
  - a) details for the routing of construction vehicles to the site
  - b) measures to be taken to control the routing and timing of HGV movements to avoid school opening and closing times
  - c) details for the parking of construction traffic during construction activities
  - d) Details of the measures to be implemented to safeguard highway safety during the period when the St Mary's Road access is being used as the main staff and pupil access to the school.

The measures contained in the approved scheme shall be implemented prior to construction works commencing and retained at all times during the duration of construction works.

*Reason: In the interests of highway safety and local amenity and to conform with Policy DMI2 of the Ribble Valley Local Plan.*

11. Measures shall be taken at all times during construction works 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 local amenity and to conform with Policy DMI2 of the Ribble Valley Core Strategy.*

12. Within three months of the development being brought into use, a School Travel Plan, as defined by this permission, shall be submitted to the County Planning Authority for approval in writing

The School Travel Plan shall include details of the measures to be implemented to reduce the highway impacts of the school and to encourage sustainable modes of travel and shall include:

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

The measures contained in the approved travel plan shall thereafter be implemented throughout the operation of the school.

*Reason: In the interests of highway safety and to conform with Policy DMI2 of the Ribble Valley Core Strategy.*

## **Definitions**

**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).

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

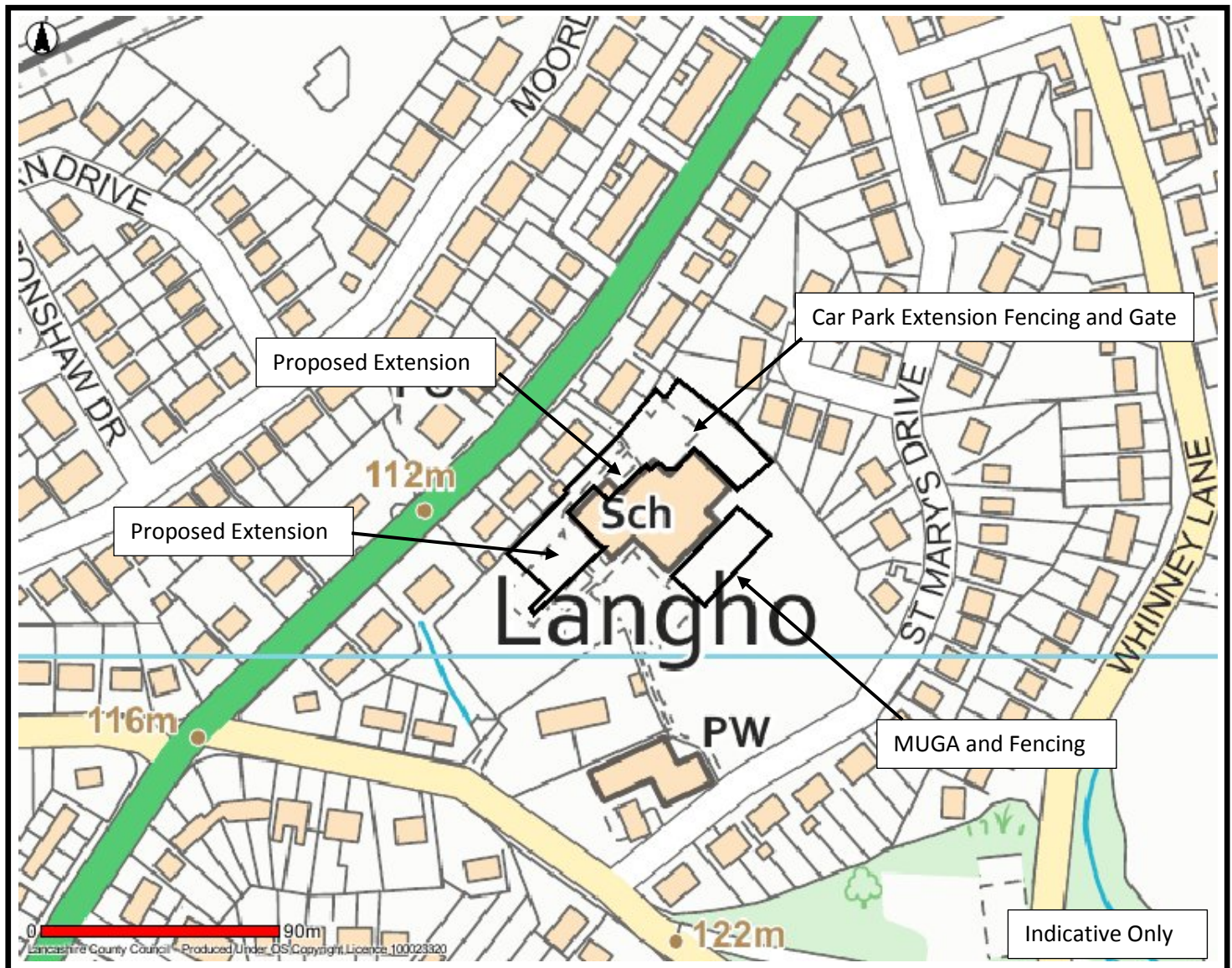
None

Reason for Inclusion in Part II, if appropriate

N/A



**APPLICATIONS LCC/2018/0028 TWO SINGLE STOREY EXTENSIONS WITH LINK CORRIDORS TO THE MAIN BUILDING. EXTENSION TO THE EXISTING CAR PARK, THE PROVISION OF AN ALL WEATHER MULTI GAMES AREA AND 2.4 METRE HIGH SECURITY FENCING. ST MARY'S RC PRIMARY SCHOOL, WHALLEY ROAD, LANGHO, BLACKBURN**



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## Development Control Committee

Meeting to be held on 12<sup>th</sup> December 2018

Electoral Division affected: Lancaster South East
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### **Lancaster City: Application Number. LCC/2018/0040**

**Change of use of land to educational use comprising of school playing area outdoor amenity and play space.**

**Recreational land to the east of Barton Road, Lancaster**

### **Lancaster City: Application Number. LCC/2018/0041**

**Erection of 2.1m ball stop fencing and gates.**

**Recreational land to the east of Barton Road, Lancaster.**

Contact for further information:

Faiyaz Laly, 01772 538810

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

## **Executive Summary**

Application - Change of use of land to educational use comprising of school playing area outdoor amenity and play space.(application LCC/2018/0040)

Application - Erection of 2.1m ball stop fence and gates (application LCC/2018/0041)

at recreational land to the east of Barton Road, Lancaster.

## **Recommendation - Summary**

That subject to the Secretary of State not calling in the application for his own consideration, application LCC/2018/0040 be **granted** subject to conditions controlling time limits and working programme and;

That subject to the Secretary of State not calling in the application for his own consideration, application LCC/2018/0041 be **granted** subject to conditions controlling time limits, working programme, protection of vegetation, colour and design of fencing and community use agreement.

## **Applicant's Proposal**

Two planning applications have been submitted on a parcel of land (playing field) located off Barton Road, Lancaster. The whole playing field measures approximately 280m x 145m, covering an area of 3.6ha.

The planning applications are as follows:-

- A change of use of the playing field to educational use. The site area is currently designated as open space in the Lancaster City Local Plan but is owned and maintained by Lancashire County Council (LCC/2018/0040)
- The erection of 2.1m high ball stop fence and gates coloured Green (RAL 6005) to provide a secure area for the pupils that would be using the field. The fencing would have a total linear distance of approximately 570 m providing a total fenced off area of 17370m<sup>2</sup> (LCC/2018/0041)

### **Description and Location of Site**

The application site is an area of grass playing field located on the south east side of Barton Road in a residential area approximately 2km to the south of the centre of Lancaster. The boundary with Barton Road is formed by a low hedgerow with a number of mature trees within the pavement. Houses on the north side of Barton Road overlook the application site.

Burrow Beck, a designated main river flows in a southerly direction along the eastern boundary of the application site. The proposed fence would be erected at least 8m away from the Burrow Beck Brook to retain access to the watercourse. Part of the application site is located within a flood zone 2 and 3 area next to the Brook.

Barton Road Community Centre is located directly adjacent to the playing field and Moorside Primary School is located approximately 260m east of the playing field.

Members visited the site on 30<sup>th</sup> October 2018.

### **Background**

There is no relevant planning history.

### **Planning Policy**

National Planning Policy Framework

Paragraphs 11 - 14, 54 - 57 96 - 101 and 124 are relevant with regards to the requirement for sustainable development, planning conditions, protection of open and recreation space and good design.

Lancaster District Core Strategy

Policy SC1 - Sustainable Development  
Policy SC5 - Achieving Quality in Design  
Policy SC8 - Recreation and Open Space

Lancaster City Council Development Management Document (2014)

Policy NPPF 1 - Presumption in favour of Sustainable Development.

Policy DM25 - Green Spaces and Corridors  
Policy DM26 - Open Space, Sports and Recreational Facilities  
Policy DM29 - Protection of Trees, Hedgerows and Woodland  
Policy DM35 - Key Design Principles  
Policy DM38 - Development and Flood Risk  
Policy DM38 - Surface Water Run-Off and Sustainable Drainage

Lancaster City Strategic Policies and Land Allocations DPD (Submission version)

Policy SC3 - Open space, recreation and Leisure  
Policy SC4 - Green Space networks

## **Consultations**

Lancaster City Council - Object to the application as they consider that the proposed fencing would prevent informal recreational use and restrict public access to a designated outdoor sports facility, open space and part of the Green Space Network containing a public right of way. Consequently the City Council consider that the proposal is contrary to policy SC4 and SC3 of their strategic policy and land allocations DPD and policies DM25 and DM26 of the Development Management DPD. The City Council also consider that the length, height and location of the proposed mesh fencing would represent an overbearing, stark and incongruent form of development contrary to policy DM35 of their Development Management policies DPD. The City Council also state that application fails to address the need to protect trees and boundary hedge within and immediately adjacent to the site contrary to Policy DM29 of the Development Management policies DPD.

Public Rights of Way - No observations received.

Environment Agency - No objection.

Sport England - Objection raised - The proposed fence position impacts on the ability to reintroduce sport and potentially expand the sports uses at the site. Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy and would propose the fencing line is expanded around the site boundary.

LCC Highways Development Control - No objection - conditions should be added in regards to the applicant being aware that they cannot obstruct a public right of way, wheel cleaning facilities should be used during construction and gateposts shall be positioned as shown on the submitted plan.

LCC Lead Local Flood Authority - No observations received.

Representations - The application has been advertised by site notice and neighbouring residents informed by individual letter. A large number of representations have been received in relation to both applications which can be summarised as follows:-

Application LCC/2018/0040 - A total of 130 objections and 9 letters of support have been received raising the following issues:-

- This playing field is allocated as green open space that has been used for many years by the general public. By changing its use and fencing the field, the proposal would be contrary to policy.
- The proposal would exclude members of the public from this valuable green open space within the local community. It is used daily for dog walking and for recreational activities by both adults and children. Other public uses include golf, jogging, drone / kite flying, football, cricket etc., therefore the proposal would have significant detriment to the local community.
- Even though it is important for primary school children to be able to exercise safely between 9.00 and 15.00 40 weeks of the year it is more important for everyone of all ages to be able to access the facility 24 hours a day 365 days a year. A reasonable agreement could be made without going through this type of planning process.
- Only Moorside Primary School should be taken into account in the assessment of need for playing field space as other schools in the local area have no intention of using the playing field.
- Moorside Primary School would be left without any designated playing field space if the nearest areas of open land to the school are registered as a town green. Therefore the proposals are required for the school to carry out their duties.

Application LCC/2018/0041. A total of 138 objections and 8 letters of support have been received raising the following issues:-.

- The area is bounded by hedges and woodland and is a safe place for people and wildlife. The proposed fence would further damage the environment including birds and bats. The fencing would have a detrimental impact on visual amenity for residents on Barton Road.
- Only Moorside Primary School should be taken into account in the assessment of need for the play space as other schools in the local area have no intention of using the playing field.
- According to the Department of Education's guidelines the whole of Barton Road playing field would not be needed to provide replacement recreational area for that lost due to the Town Green application. The calculations of the required amount of replacement space incorrectly interpret Government guidance
- The fencing would prevent local people using the field when it is not required by the school
- The site is located within a flood zone and the erection of fencing would increase the flood risk of the Burrow Beck.
- The fence would obstruct a footpath leading onto Bowerham Road. Restricting public access would cause further traffic movements in the local area.
- Child safety should be paramount and a fenced area for the school would help ensure this.
- The fencing is a stepping stone to the land being sold off for development

County Councillor Erica Lewis - Objects to the application as she considers that the area specified in the application is far in excess of the current size of the Moorside Primary School playing fields. The fence is so close to the beck that it will impede maintenance and may also increase flood risk in other areas. Additionally, the fence is so close to the beck that it may become unstable due to erosion/channel migration. The proposal would not accord with the Lancaster Local Plan and would prevent access to a public right of way.

### **Advice**

The objective of the applications is to provide a secure and safe area for sport and recreational and outdoor learning activities for the pupils of Moorside Primary School located off Bowerham Road. Moorside Primary School is a large establishment providing for reception and key stage 1 and 2 children in the south Lancaster area. Planning permission was recently given for significant extensions to the school to increase capacity to 3 form entry, a total of 630 pupils.

The school currently has access to an area of land directly to the south west of the school buildings for outdoor recreation and learning activities. This land is comprised of a marked out grass pitch area enclosed by fencing together with a larger area of grass land which is not formally managed.

The land currently available to the school as outdoor play and recreation space was subject to an application for Town Green status in 2010. The Commons Act 2006 provides that any person may apply to the relevant commons authority (in this case Lancashire County Council) to register land as a Town or Village Green. The application for Town Green status was referred to the Planning Inspectorate for decision due to the registration authority being Lancashire County Council who are also owners of the land. After hearing evidence in relation to the history of public use of the land, the Inspector considered that the majority of the application land should be added to the register of Town / Village Greens. The total area of land considered to benefit from Town green status equates to approximately 27400m<sup>2</sup>. The County Council has challenged this decision through the courts but the decision by the Planning Inspectorate has been upheld. The outcome of the application and subsequent legal process is therefore that the areas currently used by Moorside Primary School for outdoor sport and recreation benefit from Town Green status and therefore the public have a legal right of access to this land for dog walking, exercise and general recreational use.

The granting of Town Green status over this land means that the school can no longer provide sufficient secure and safe space for children to play and to use as part of curricular activities. The Department for Education Statutory Guidance 'Keeping children safe in Education' (September 2018) states that 'all staff have a responsibility to provide a safe environment in which children can learn'. In order to comply with their safeguarding responsibilities, the school proposed to create an alternative area for the school which can be enclosed by fencing thereby excluding dog walking, littering and other activities which might prejudice the ability to provide a safe and secure area for pupil's play and recreational activities.

The main issues relate to the principal of the development, the relationship with the policies of the local plan, visual and residential amenity impacts of the fencing, and potential flooding impacts.

#### Justification for the size of the fenced area

The Department of Education's Guidelines for the Disposal or Change of use of Playing Field and School Land provides guidelines for the calculation of areas required for outdoor play and recreation space at education facilities. To calculate the area of new space required to compensate for that lost to the Town Green application, these guidance levels have been applied based only on Moorside Primary School. There are other primary schools in the local area including immediately adjacent to Moorside but the pupils at these establishments have not been accounted for in the assessment as it is understood that they do not use the areas subject to Town Green registration.

The Department of Education's guidance states that the calculation of area needed should be comprised of two elements; a base area and area per pupil which is adjusted for the age of the pupils. The base area for primary schools is 2000m<sup>2</sup>. In terms of the calculation per pupil, Moorside Primary School has a total theoretical capacity of 630 pupils. The guidelines provide for some flexibility and potential growth in pupil numbers and the calculation for outdoor space is therefore based on 105% of the current pupil capacity, or forecast pupil numbers.

Ninety of the pupils at the school are within the Early Years Foundation stage which according to the Department of Education's Guidelines, do not have to be considered when calculating areas for playing field space.

Currently there are 180 pupils at Key Stage 1 stage. The guidelines state the number of pupils should be multiplied by 1.05 which equates to 189 pupils. This is then multiplied by 11m<sup>2</sup> per pupil for Key Stage 1 pupils which gives a total requirement of 2,079m<sup>2</sup>.

There are 360 pupils at Key Stage 2. This provides a total of 378 pupils when applying the 1.05 multiplier. This is then multiplied by 50m<sup>2</sup> which is the allowance per pupil for Key Stage 2 pupils. The calculation used for playing field space for these pupils gives a requirement of 18,900m<sup>2</sup>.

With the addition of the base area and the area required per pupil, the total amount of outdoor play and recreational space for Moorside primary school is 22,979m<sup>2</sup>. However, it is necessary to deduct the areas of existing external play space which are not subject to town green registration which total approximately 3744m<sup>2</sup> leaving a shortfall of 19235m<sup>2</sup> according to the guidelines. The fencing proposed by the applicant would provide an area totalling 17370m<sup>2</sup> which would be below the shortfall in provision according to the guidelines.

A representation has been received which states that the existing areas of external play space available to the school outside the Town Green areas considerably exceeds the 3744m<sup>2</sup> which the applicant claims and that there are many areas of green space and play area around the school that should have been taken into

account in the calculation. However, it is considered that the calculation should only take into account land which is capable of being used for such activities and should not include small areas of ancillary grassland, land which is outside the school perimeter fencing and other areas of the school which are not used for play and recreation purposes.

Taking into account the above calculation, it is considered that there is justification for the principle of the development and that the area that would be enclosed by the proposed fencing is not greater than that suggested by the relevant Government guidance.

### Planning Policy Issues

The City Council and a number of local residents consider that the proposals are contrary to the policies in the National Planning Policy Framework and local Development Plan relating to the protection of open space and recreational facilities.

Paragraph 97 of the National Planning Policy Framework states:

*'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- An assessment has been undertaken which has clearly shown the Open Space, buildings or land to be surplus to requirements; or*
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.'*

The City Council states that they retain a presumption towards the protection of green spaces and green assets particularly where it can be demonstrated that they provide value, either economically, environmentally or socially to the community they serve. The protection of such spaces is achieved through Policies DM25 and DM26 of the Lancaster Local Plan Development Management Document

Policy DM25 addresses Green Infrastructure and states that the integrity and connectivity of the Green infrastructure network will be managed, maintained, protected and enhanced. Any development proposals which involve the loss of designated green spaces will be resisted

Policy DM26 states that 'Open space which the council views to have an environmental, economic or community value will be protected from development proposals which would result in their loss, either partially or fully. Should the council accept that exceptional circumstances exist in relation to the re-use or redevelopment of open space, high quality re-provision will be required which provides equal or better provision than currently exists. Any improved provision should seek to serve both existing users of the space and any uplift in users associated with the development proposed'.

Lancaster City Council consider that the proposal would be contrary to this policy and that the proposed fencing would prevent informal recreational use and restrict public access to a designated outdoor sports facility. They also consider that the development would be contrary to two policies (SC3 and SC4) in their Strategic Policies and Land Allocation DPD (replacement local plan). However, these policies are currently only at submission stage and therefore do not form part of the adopted development plan.

It is accepted that this part of Barton Road playing fields is well used by local residents as a recreational and leisure facility. However, the proposed fencing would not totally prevent access to the area. The fencing would be positioned so that it would still be possible to walk around the perimeter of the field and on the south eastern side there would be a substantial stand off from the Burrow Beck and a woodland area to the north would also not be enclosed. For dog walkers and runners who tend to use the perimeter of the field, access and use of these areas would be unimpeded. However, it must be acknowledged that the extent of the fencing would result in a loss in ability for the public to freely use the full extent of the area as is currently the case. The applicant does understand the value of this area to the local population and is prepared to allow use of the fenced area by arrangement with the school during times when the area is not required for use by the school. This can be the subject of a planning condition. Notwithstanding this, there would be an impact on the recreational value of the site to the general public and there it is considered that the proposal is contrary to Policy DM26 of the Lancaster Local Plan Development Management Document.

#### Residential / Local Amenity

A number of objections have been received from local residents concerned about the visual impact of the fencing. Lancaster City Council also object on the basis that the fencing would represent an overbearing, stark and incongruent form of development that would cause unacceptable harm to the street scene on Barton Road contrary to policy DM35 of their Development Management Development Plan Document. The City Council also state that the application would fail to protect the trees and boundary hedge which contribute to the visual amenity and character of the area.

The fencing would be visible from the houses on the northern side of Barton Road which overlook the site. The boundary of the playing field with Barton Road is formed by a low hedgerow approximately 1 metre high with a number of large street trees in the pavement along Barton Road. The proposed fencing would not require the removal or pruning of either the hedge or the trees which would remain in situ and which would provide some screening to offset and soften the visual impacts of the fencing. The applicant has lowered the height of the fencing from 2.6 metres to 2.1 metres which would also reduce its visual impacts. Whilst the fencing would still be clearly visible from the houses and from Barton Road itself, its impact would be mitigated by the retention of the existing vegetation and the mesh design and colour of the fencing itself. The applicant has agreed to also modify the style of fencing so that a more open mesh style would be used instead of the prison mesh design originally proposed. This matter can be the subject of a planning condition and would further reduce the visual impacts of the proposal.

It should also be noted that the applicant could erect a fence up to 2 metres in height under permitted development rights (without the need for planning permission) and therefore the visual impacts of the fencing should be viewed in the context of this fall-back position. Taking into account these issues, it is considered that the visual impacts of the fencing are acceptable and the objections of the City Council on this point are not supported.

A representation has been received stating that the proposed fencing position does not provide adequate room to allow maintenance of the road side hedge and area of grass that would lie between the hedge and the fence. This matter has been raised with the applicant who confirms that sufficient gap would be retained to allow access for grounds maintenance staff.

The fencing would be located on managed recreational grassland and its construction would not have any material impact on wildlife.

### Flooding Issues

Part of the fenced area is located within a flood risk area (Flood Zone 2 and 3). Policy DM38 of the Lancaster Development Management DPD states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk and where development is necessary, it should be designed to make it safe without increasing flooding elsewhere.

When the planning application was originally submitted the fencing line was situated around the boundary of the whole playing field including close to the Burrow Beck. The fencing line has now been relocated to allow for an 8m easement from the Burrow Beck to allow maintenance of the watercourse. The fencing would still be within the flood zone but the proposed open mesh fence design would not result in any significant increase in flood risk on the site or elsewhere. The foundations of the fencing are proposed to be set below ground level such that there would be no restriction or impedance of the normal function of the flood plain. The development is therefore considered to be acceptable from a flooding perspective. The change of use proposal would have no material impact on flooding issues and is acceptable in relation to Policy DM38 of the Lancaster Development Management DPD.

**Public Right of Way:** A large number of objections received from local residents state that the proposed development would prevent residents from using a public right of way across the site. There is an application for a Definitive Map Modification Order in relation to a claimed public right of way across the site between Barton Road and Bowerham Road. However, this Order has not been confirmed and therefore there is no definitive right of way across the site at present. In any event the proposed fencing alignment would still permit a public right of way between these two roads in the event that the existence of the right of way is proven.

Sport England consider that the fencing should be extended around the whole of the playing field so that there would be no impact on the ability to reintroduce formal marked out pitches onto the playing field in future. However, the fencing has to be located away from the brook to preserve the Environment Agency's flood easement

and a fencing alignment that covered a greater area of the field would not be justified in terms of the requirement for secure play and recreational space at the school. The objection by Sport England is therefore not supported. However, given that Sport England have objected to the proposal, prior to granting planning permission, it will be necessary to refer the matter to the Secretary of State to provide him with the opportunity of calling in the applications for his own consideration.

### Conclusions

Section 36(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this case it is considered that the proposal would conflict with certain of the policies in the Lancaster City Council Development Management Policies Development Plan Document as it would restrict open access to an area that is designated and protected for such uses within the local development plan.

However, it is also important to consider the need for primary school children to have access to a clean and safe area where the physical education requirements of the curriculum can be delivered. The registration of the Town Green will mean that Moorside Primary School will no longer be able to ensure that the areas currently used for such purposes are clean and safe for children. In order to meet Government standards in terms of the provision of play / recreation space, alternative provision is needed. The land off Barton Road is close to the existing school and is already of an appropriate standard. The proposal would therefore secure provision to allow the school to meet the required standards for clean and safe play and recreation space. The land take is also less than that indicated by the relevant standards. It is considered that these factors outweigh the protection given to the playing fields by the policies of the development plan particularly given that the proposal would not totally remove the ability of local people to use the field and that the school is willing to allow use of the fenced area in a controlled manner.

The visual impact of the fencing is considered acceptable and the fencing would not increase flood risk.

On balance the proposals are considered acceptable when considered against the policies of the development plan and other material considerations.

Human Rights Considerations ; The application raises issues in relation to the convention rights identified in Article 8 of the Human Rights Act. Article 8 establishes that everyone has the right to respect for private and family life and that there shall be no interference with such rights except in accordance with the law and such is necessary in the interests of national security, public safety, economic wellbeing, prevention of crime and disorder, protection of health or for the protection of the rights and freedoms of others.

It is considered that the rights in Article 8 could extend to the rights of local residents to use and enjoy areas of open space for recreation and exercise. The proposed fencing by restricting access to such areas, could impact upon these rights. Interference in these rights is therefore only permitted where the exemptions set out

in Article 8 apply. However, there is a legal basis for interfering in the Article 8 rights and the children educated at Moorside Primary School will also have Article 8 rights in relation to their freedom to have an education that is conducted in a safe and clean environment. It is considered that these rights outweigh the limited impact upon the rights of residents.

## **Recommendation**

- i) **That subject to the Secretary of State not calling in the application for his own consideration, application LCC/2018/0040 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.*

### **Working Programme**

2. The development shall be carried out in accordance with the following documents:

a) The Planning Application received by the County Planning Authority on 23rd August 2018.

b) Submitted Plans and documents:

Drawing No - A01 / Existing Plan / Submitted 15th October 2018

Drawing No - A02 / Proposed Plan / Submitted 15th October 2018

*Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy NPPF1 of the Lancaster City Council Development Management Document.*

- ii) **That subject to the Secretary of State not calling in the application for his own consideration, application LCC/2018/0041 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.*

### **Working Programme**

2. The development shall be carried out in accordance with the following documents:

- a) The Planning Application received by the County Planning Authority on 3rd September 2018.

- b) Submitted Plans and documents:

Drawing No - A01 / Existing Plan

Drawing No - A02 / Proposed Fence Line - Rev E

Drawing No - A04 / Existing and Proposed Areas - Rev B

*Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy DM35 Lancaster City Council Development Management Document (2014)*

### **Landscaping**

3. No trees or hedges shall be removed, pruned or trimmed during the erection of the fencing.

*Reason: In the interests of the visual amenities of the area and the amenities of local residents and to conform with Policy DM29 of the Lancaster City Council Development Management Document (2014).*

4. No fencing shall be erected until details of the design of the fencing have been submitted to the County Planning Authority for approval in writing. The fencing shall thereafter be erected in accordance with the approved details.

*Reason: In the interests of the visual amenities of the area and to conform with Policy DM35 of the Lancaster Development Management Policies DPD.*

5. Outside of school opening times, the fenced area shall be made available for use by the local community in accordance with a Community Use Agreement which shall be submitted to and approved in writing by the County Planning Authority prior to the commencement of development. The Community Use Agreement shall contain details of how public access to the fenced area will be allowed outside of the times when it is being used for school use including administration and conditions of booking arrangements, security and times of use.

The provisions in the Community Use Agreement shall be implemented at all times.

*Reason: To secure controlled public access to the fenced area and to conform with Policy DM25 and DM26 of the Lancaster City Council Development Management DPD.*

## **Notes**

The grant of planning permission does not entitle a developer to obstruct a right of way.

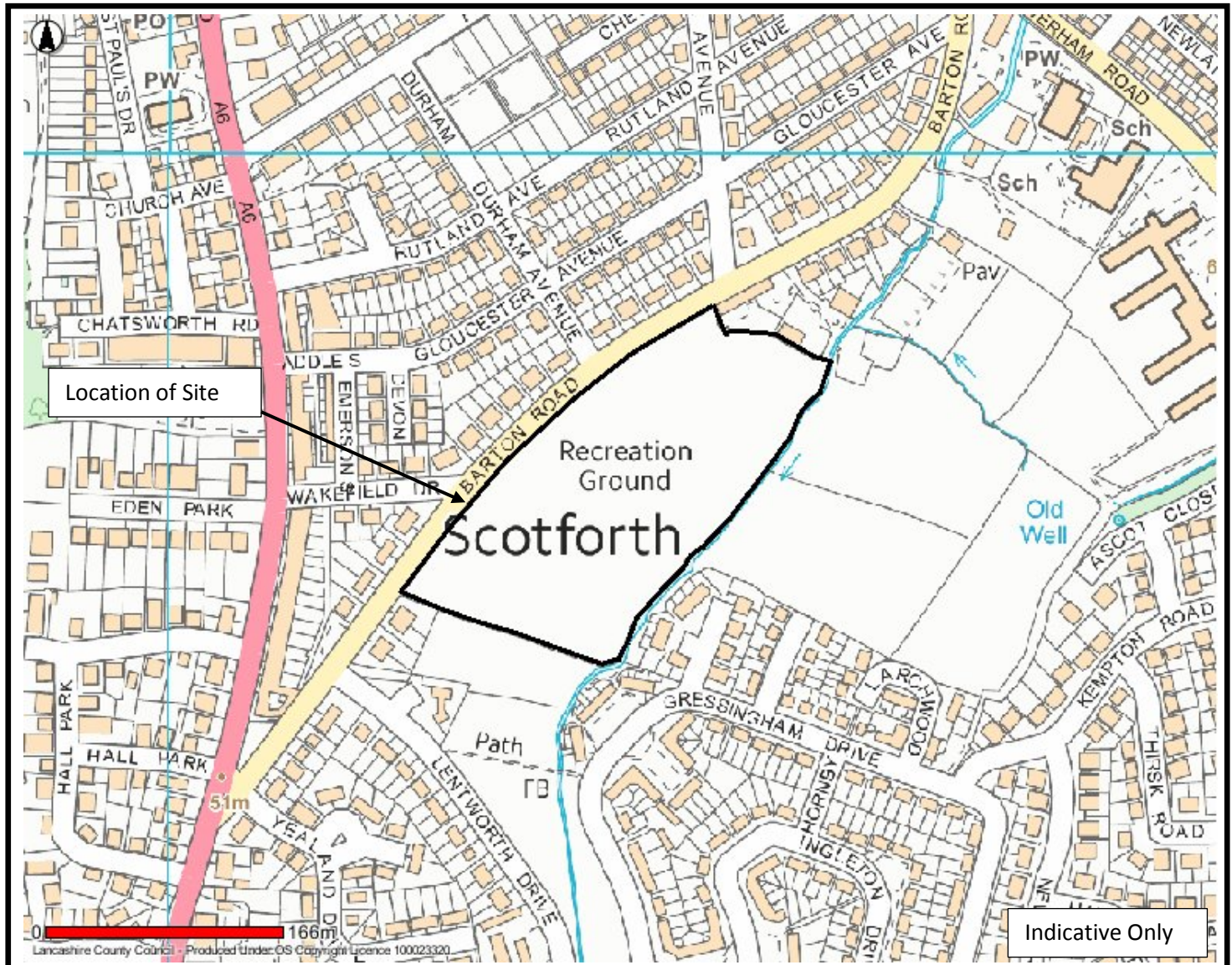
## **Local Government (Access to Information) Act 1985 List of Background Papers**

None

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



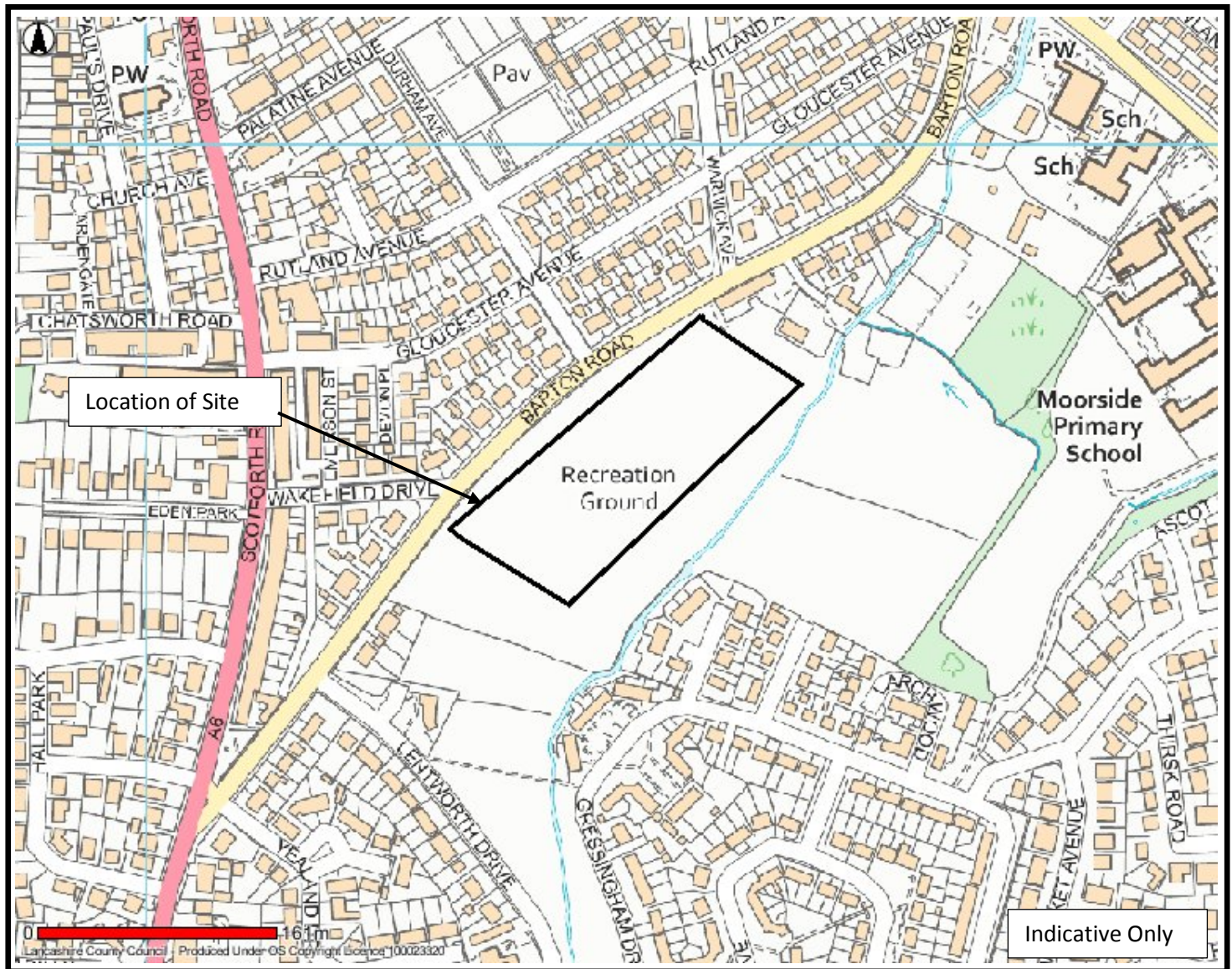
**APPLICATIONS LCC/2018/0040 CHANGE OF USE OF LAND TO EDUCATIONAL  
USE COMPRISING OF SCHOOL PLAYING AREA OUTDOOR AMENITY AND  
PLAY SPACE. RECREATIONAL LAND TO THE EAST OF BARTON ROAD  
LANCASTER**



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**APPLICATIONS LCC/2018/0041 ERECTION OF 2.6M SECURITY MESH FENCING AND GATES. RECREATIONAL LAND TO THE EAST OF BARTON ROAD LANCASTER**



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## **Development Control Committee**

Meeting to be held on 12th December 2018

Electoral Division Affected: All
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### **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  
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#### **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 14 November 2018, the following decisions on planning matters have been taken in accordance with the County Council's Scheme of Delegation.

#### **Lancaster**

SCP/2018/0003

Lancaster West Business Park, Off Imperial Way, Heysham

Scoping Request for an Environmental Impact Assessment for an energy recovery facility

#### **Chorley**

Application: No. LCC/2017/0094/2

Astley Park School, Harrington Road, Chorley

Compliance with Condition 5 of permission LCC/2017/0096 - Landscaping

#### **Recommendation**

That the report be noted.

### **Local Government (Access to Information) Act 1985**

## List of Background Papers

None