

Development Control Committee
Meeting to be held on 16 October 2013

Electoral Division affected: Morecambe North

Lancaster City: Application ref 01/13/0944
Provision of farm access track and sheet pile protection in association with the proposed Heysham to M6 Link, at the proposed milestone canal bridge. Lancaster Canal, north of Hammerton Hall Bridge. Lancaster

Contact for further information:
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Executive Summary

Provision of farm access track and sheet pile protection in association with the proposed Heysham to M6 Link, at the proposed milestone canal bridge. Lancaster Canal, north of Hammerton Hall Bridge. Lancaster

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling commencement, working programme and protection of nesting birds.

Applicant's Proposal

Planning permission is sought to construct a farm access track and associated 15m extension to the proposed sheet piling protection to support the integrity of the (east) side of the Lancaster Canal bank. The works are required in association with the proposed Heysham to M6 link road.

The track would measure 4.5m wide x 30m long and would be surfaced in a 300 mm thick layer of crushed stone.

Description and Location of Site

The application site currently forms part of an open field which is used for grazing and which adjoins the east of the Lancaster Canal located approximately 2 km north of Lancaster city centre. The nearest road is Hammerton Hall Lane, some 250m to the south of the application site.

The proposed alignment of the Heysham to M6 Link Road crosses the canal immediately to the south of the application site.

The Lancaster Canal is designated as a Biological Heritage Site.

Background

History

Planning permission for the completion of the Heysham to M6 Link was made by the Secretary of State following a public inquiry in 2008 (ref 1/05/1584).

A Development Consent Order for the construction of a revised road scheme was issued by the Secretary of State in March 2013.

Planning Policy

National Planning Policy Framework (NPPF):

Paragraphs 6 - 16, 17, 18 - 2, 29 – 32, 109 – 125, 126 – 141 of the NPPF are relevant with regard to the definition of sustainable development, core planning principles, building a strong competitive economy, promoting sustainable transport, and conserving and enhancing the natural and historic environment.

Lancaster Local Plan

Policy T1 Transport Strategy
Policy E6 Agricultural land
Policy E7 Watercourse protection
Policy E10 Ecology

Lancaster Core Strategy

Policy SC1 Sustainable Development
Policy E1 Environmental Capital
Policies E2 Transportation Measures

Consultations

Lancaster City Council - No observations received.

Slyne-with-Hest Parish Council – No objection.

LCC Assistant Director (Highways) - No observations received.

Environment Agency - No objection

Canal and River Trust – No observations received.

Natural England - No objection. The application site is in close proximity to Morecambe Bay Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, providing the proposed development is carried out in strict accordance with the details of the application as submitted, there will be no damage or destruction to interest features.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. No representations have been received.

Advice

Planning permission is sought for the construction of a farm track and additional 15m length of sheet pile protection to the east side of the Lancaster Canal. The works are required in association with the construction of the Heysham to M6 Link Road. The link road would run across farm land belonging to Hammerton Hall Farm and would result in land to the north of the road being inaccessible from the farm. It is therefore necessary to provide a farm access below the proposed bridge over the Lancaster Canal in order to allow agricultural access to the land to the north of the road. The proposed sheet pile protection is designed to support the canal once the agricultural access track is constructed.

The Secretary of State has recently made a Development Consent Order for the construction of the Heysham to M6 Link, although this is currently the subject of a legal challenge. However, the area required for the farm track and extended sheet pile protection lies outside of the Development Consent Order boundary and therefore planning permission is required and which is sought through this application.

Policy SC1 of the Lancaster Core Strategy seeks to achieve Sustainable Development, policy E1 seeks development and stakeholder actions which strengthen the positive qualities of our Environmental Capital and enhance biodiversity. Policy E2 seeks to achieve Transportation Measures by providing efficient and attractive transport choices as sustainably as possible.

The proposed sheet pile protection would simply support and maintain the side of the Lancaster Canal and would be a northerly extension of that already proposed where the new road would cross the Lancaster Canal. The sheet piling would be installed with minimum disruption to the sides of the canal and therefore the existing visual and ecological value of the canal would not be affected. The farm access track would be 4.5m wide and surfaced from crushed rock. Below the bridge the track would be edged with kerbing in order to contain vehicles. The track would only be required in conjunction with the implementation of the Development Order Consent in the event the legal challenge is unsuccessful and the consent is implemented. The proposed track would maintain agricultural access and the proposed piling would support such being an extension of permitted piling. In view of the proposed works affecting the canal which is designated as a Biological Heritage a condition is proposed that seeks to protect nesting birds. The proposed works would be visually acceptable. It is therefore considered that the proposed works comply with the policies of the NPPF and Policies SC1, E1 and E2 of the Lancaster Core Strategy

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

Recommendation

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

Time Limits

1. The development shall commence not later than 3 years from the date of this permission and shall only be implemented in conjunction with the Development Order Consent for the Heysham M6 Link Road in March 2013.

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 and supporting statement received by the Director of Transport and Environment on 4th September 2013
 - b) Submitted Plans and documents:

Plan 11063 / PAO813 / 001 Sheet 1 of 2
Plan 11063 / PAO813 / 001 Sheet 2 of 2

Reason: To minimise the impact of the development on the amenities of the local area, and to conform with policy SC1 and E1 of the Lancaster District Core Strategy.

3. There shall be no clearance of trees or hedgerows or works to the banks of the Lancaster Canal between 1 March and 31 July inclusive unless such features have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

Reason: To protect nesting birds and to conform with Policies E10 of the Lancaster Local Plan.

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

Paper	Date	Contact/Directorate/Ext
01/13 /0944	4th September 2013	J Manfield/ ENV/ 31942

Development Consent Order made by the Secretary of State in March 2013

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