

Lancashire County Council

Development Control Committee

Wednesday, 23rd January, 2019 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 12 December 2018 (Pages 1 - 6)

The Committee are asked to agree that the Minutes of the last meeting held on 12 December 2018 be confirmed and signed by the Chair.

4. West Lancashire Borough: Application number. LCC/2018/0055 (Pages 7 - 24)

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 three no. closed-circuit television cameras (CCTV) posts all enclosed by 2.4m high palisade fencing to form a compound area. West Quarry Railway Pad, Appley Lane North, Appley Bridge.

5. **Preston City: Application Number. LCC/2016/0085** (Pages 25 - 46)
Change of use / conversion / extension of the former Park Hotel building from offices (Class B1) back to a hotel (Class C1). Erection of a new build single storey pavilion building and demolition of the existing JDO building and its replacement with an office building / extension to the hotel. Change of use / conversion / part demolition and rebuild of No 8 East Cliff from offices (Class B1) to health spa (Class D1) and remodelling of existing car parking and landscaping works. Former Park Hotel Complex, East Cliff, Preston.
6. **Ribble Valley Borough: application number LCC/2018/0047** (Pages 47 - 58)
Single storey extension to rear, new canopy and non-floodlit multi-use games area (MUGA) at Barrow Primary School, Old Row, Whalley Road, Barrow, Whalley
7. **Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.** (Pages 59 - 60)
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 6 March 2019 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, 12th December, 2018 at 10.30 am 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
M Dad	M Pattison
J Eaton	A Schofield
K Ellard	

1. Apologies for absence

None received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor M Pattison declared a non pecuniary interest in agenda item 6 as a member of Lancaster City Council.

County Councillor A Schofield declared a non pecuniary interest in Item 5 as his daughter is a teacher at the school.

3. Minutes of the last meeting held on 14 November 2018

Resolved: That the Minutes of the meeting held on 14 November 2018 be confirmed and signed by the Chair of the Committee.

- 4. 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.**

A report was presented on an application for a gas powered standby facility for the generation of electricity located within part of an existing fenced compound on the edge of the West Quarry Railway Pad, Appley Lane North, Appley Bridge.

The Committee was informed that the proposal had attracted some interest in the local area and that County Councillor John Fillis had requested that the Committee visit the site before determining the application.

Several members of the Committee commented that they had already had the opportunity of visiting the site and its locality on a previous occasion when it was the subject of a separate planning application. It was therefore Moved and Seconded that:

'The request for a site visit to land adjacent to West Quarry Railway Pad, Appley Lane North, Appley Bridge be refused'.

On being put to the vote the Motion was Carried, it was therefore:

Resolved: That the request for a site visit to land adjacent to West Quarry Railway Pad, Appley Lane North, Appley Bridge be refused.

**5. 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.**

A report was presented on an application for two single storey extensions with link corridors to the main building, an extension to the existing car park, the provision of an all-weather multi use games area and 2.4 metre high security fencing at St Mary's RC Primary School, Whalley Road, Langho, Blackburn.

The report included the views of Ribble Valley Borough Council, the County Ecology Service, Lancashire County Council's Highways Development Control and details of 4 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 an illustration of the proposed development and photographs of the site.

The officer advised that it was proposed to amend condition 5 as follows to make it clear that the window glass should be opaque glazing rather than just a film attached to the glass:

- '5. No development of the single storey extension shall commence until details of the opaque 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 glazing materials approved by the County Planning Authority shall be used in the development. The approved glazing materials shall be retained in these windows thereafter.'

In response to questions raised by the Committee, officers advised that the installation of fire sprinklers was subject to building regulations and not the planning application process. Following further discussion, it was agreed that officers would write to the applicant to enquire about installing sprinkler systems in new buildings and circulate the response to Committee Members.

Resolved:- That subject to the amendment to condition 5 above, planning permission be granted subject to the conditions set out in the report to the committee.

- 6. 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.

A report was presented on an application for the change the use of land to educational use comprising of school playing area outdoor amenity and play space (application LCC/2018/0040) and the erection of 2.1m ball stop fence and gates (application LCC/2018/0041) at recreational land to the east of Barton Road, Lancaster.

The report included the views of Lancaster City Council, the Environment Agency, Sport England, the County Council's Highways Development Control and details of 139 letters in respect of application LCC/2018/0041 and 138 letters in respect of application LCC/2018/0040. The report also included the views of County Councillor Erica Lewis.

The Committee visited the site on 30 October 2018.

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 from various aspects.

It was reported that the school currently uses an area of land directly to the south west of the school buildings for outdoor recreation and learning activities. However, that land was currently the subject of an appeal to the Supreme Court over whether it should be designated as a Town Green. If the appeal were to be dismissed, this would leave the school without any designated playing field

space; the current fencing would have to be removed from the land and it would then become fully accessible to the public once again. Therefore, in order to comply with their safeguarding responsibilities, the school was proposing to create an alternative fenced-off area on recreational land to the east of Barton Road for pupil's play and recreational activities.

The Officer informed the meeting that the applicant was willing to defer the linked application - LCC/2018/0041 (erection of 2.1m ball stop fencing and gates), pending further discussions with the community.

The Officer also informed the meeting that the Members had received a presentation from the Moorside Fields Community Group on Monday 10 December 2018. Full details of the presentation were set out in the Update Sheet circulated at the meeting (copy set out at Annex A to the Minutes). The Update Sheet also included details of a number of further representations, including one from County Councillor Susie Charles, the Cabinet Member for Children, Young People and Schools. The officer advice in relation to such was also included in the Update Sheet.

County Councillor Erica Lewis, Lancaster City Councillor Anne Whitehead and three local residents addressed the Committee. They objected to the application for the change of use of the land for the following summarised reasons:

- The proposal would prevent informal recreational use and restrict public access to a designated outdoor sports facility and area of open space.
- The land in question was too far from the school to be used for school purposes and far in excess of the current size of the Moorside Primary School playing fields.
- It is important for primary school children to be able to exercise safely, however, it was more important for everyone of all ages to be able to access the facility.
- The designation of Town Green would not preclude the school from using the fields.
- The proposal would not accord with the Lancaster Local Plan and would prevent access to a public right of way.
- The current situation would not have arisen if the school had not restricted access to a well-used footpath. The school should open up dialogue with the community.
- A reasonable agreement could be made without going through this type of planning process. Other legal avenues could be explored including an ability to exchange the Barton Road field for the existing school playing field. This would `give the school a secure playing field which was easily accessible.

The Committee was urged to reject both applications and seek a more practical solution such as a land swap.

The Head Teacher of Moorside Primary School and a parent of one of the pupils at the school addressed the Committee and spoke in support of the application.

The parent reiterated the implications for the school should the appeal at the Supreme Court prove unsuccessful and maintained that the proposal would provide a viable alternative to Moorside Primary School's current playing field if the school loses its current legal appeal.

The Head Teacher emphasised how important it was for the school to have their own secure outdoor space where they are able to secure access and ensure the safety of pupils. He explained that Moorside Primary School would be left without any designated playing field space if the nearest areas of open land to the school were registered as a Town Green. OFSTED also expect schools to manage the safeguarding of pupils and without secure playing fields, the school would not be able to meet its requirement to provide safe and secure outdoor space and a balanced curriculum. He added that the school would be willing to allow continued access to the proposed site outside of school hours and was looking forward to working with the Council and community groups to reach an understanding.

Following debate and questions to the Officers by the Members in relation to the proposed Public Right of Way, the appeal to the Supreme Court and the implications for the school, it was:

Resolved: 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 conditions set out in the report to the committee.

ii) That consideration of application LCC/2018/0041 be deferred pending further discussions with the community.

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

It was reported that since the last meeting of the Committee on 14 November 2018, two planning applications had been granted planning permission by the Head of Service Planning and Environment in accordance with the county council's Scheme of Delegation.

Resolved: That the report be noted

8. Urgent Business

There were no items of Urgent Business.

9. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 23 January 2019 at 10.30am.

L Sales
Director of Corporate Services

County Hall
Preston

Development Control Committee

Meeting to be held on 23rd January 2019

Electoral Division affected: Skelmersdale East

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 three no. closed-circuit television cameras (CCTV) 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:

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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 three no. closed-circuit television cameras (CCTV) 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 planning permission be **granted** subject to conditions controlling time limits, working programme, noise, air quality, safeguarding of watercourses and drainage, highway matters, floodlighting and landscaping.

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 extend 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 distribution network operator 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.
- Three CCTV cameras on 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 disused fenced compound located on the north side of the disused West Quarry Railway Pad. The pad is a concrete hardstanding measuring 350m by 45m as its widest point to cover an area of approximately 1.1 hectares. The railway pad was previously used to transfer waste imported by rail onto HGV's for transport to the former West Quarry landfill site.

The disused compound area measures 110m x 30m and contains an existing maintenance building and a car parking area all with a concrete surface surrounded by 2m high palisade fencing. The area was previously used to accommodate generators used to produce electricity from landfill gas sourced from the former West Quarry landfill site.

The railway pad is located on the north side of the Manchester-Southport railway line and on west side of Appley Bridge. The restored West Quarry landfill site is immediately to the north of the application site with a fish farm located to the west. An industrial area is located 35m to the south side of the railway line beyond which is the Leeds-Liverpool canal. The closest residential properties to the site are located along Appley Lane North, being 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 from Appley Lane North.

A very small part of the planning application area is located within the Green Belt. However, the development would all be located on the existing concrete pad which is not in the green belt.

Background

History: West Quarry has a long history of mineral extraction and subsequent landfill operations.

Planning permission for an alternative restoration scheme providing for temporary retention of a rail terminal and pad and gas/ leachate management facilities was granted in September 1999 (ref. 8/99/206).

Planning permission for the installation and operation of a 5MW bio liquid to power generation facility was granted in April 2013 (ref. 08/13/0140).

A non-material amendment to planning permission 8/13/0140 to allow the use of tallow along with cooking oil as a bio liquid for the use of energy generation on site and to amend condition 10 to allow no more than a total of 5 HGV's delivering waste cooking oil and tallow to the site per day was approved in December 2013 (ref. 08/13/0140/NM1).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 7 – 11, 47, 54 – 55, 80 – 84, 108 – 110, 117 - 118, 120 – 121, 124, 127, 170, 180 and 183 are relevant with regard to achieving sustainable development and the presumption in favour of sustainable development; decision making, determining applications and planning conditions; building a strong, competitive economy; promoting sustainable transport and considering development proposals; making effective use of land; achieving well designed places; and conserving and enhancing the natural environment, and ground conditions and pollution.

National Planning Practice Guidance

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP)

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM2 Development Management

West Lancashire Local Plan 2012-2027 Development Plan Document (DPD)

Policy SP1 A Sustainable Development Framework for West Lancashire
Policy GN1 Settlement Boundaries
Policy GN3 Criteria for Sustainable Development
Policy IF2 Enhancing Sustainable Transport Choice
Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment

Consultations

West Lancashire Borough Council – No objection subject to the imposition of the following two conditions on the granting of any planning permission:

- The rating level of noise emitted from the site during operation shall not exceed 5dB(A) below the existing LA90 background noise level at the facade of any of the nearby residential premises. All measurements and assessments shall be done in accordance with BS4142:2014.
- The development shall operate in accordance with the details provided in the submitted Dispersion Modelling Assessment ref. AQ106350R3 and dated October 2018 (operating for a maximum of 1,500 hours per calendar year).

Wrightington Parish Council – Object as the proposed use would prohibit the use of the disused West Quarry Railway Pad and hence would be contrary to Policy IF2 of the West Lancashire Local Plan. This policy states that developments which would prejudice the use of the site for small scale rail based uses will not be permitted. The Parish Council also have concerns about the potential detrimental impact from noise and air quality on the health and well-being of the residents of Appley Bridge and wildlife in the locality of the development.

LCC Highways Development Control – No objection subject to the imposition of the following two conditions on the granting of any planning permission:

- The development shall be carried out in accordance with the details provided within the submitted Construction Transport Management Plan.
- No part of the development shall be commenced until all the highway works (temporary signing) have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Environment Agency – No objection subject to the imposition of a condition that no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority.

Network Rail - No objection.

Canal and River Trust - No observations received.

Coal Authority - No observations received.

Health and Safety Executive – No comment as the proposed development does not lie within the consultation distance of a major hazard site or major accident hazard pipeline.

Representations – The application has been advertised by site and press notice and neighbours notified by letter. Five representations have been received, that are summarised as follows:

One representation of support

- The proposal would make good use of a vacant site previously used to generate electricity. The use should help to ensure continuity of supply to industrial and

domestic users in Appley Bridge. The work should cause little disruption during the installation phase on Appley Lane North.

Three representations of objection

- There will be an increase in traffic on Appley Lane North. It is a small road already suffering more traffic than it was designed to handle. There is a school on this road and the increase in traffic would cause great hazard for these children and be detrimental to the quality of life to residents living along the road. The road is already heavily congested due to other local businesses and railway parking. This has already been recognised by Lancashire County Council who have introduced parking restriction measures to ease sight lines and access and egress issues for local residents.
- The bridge over the railway line was not designed for this level of use or weight of the trucks.
- The emissions could be harmful to the health of the whole community.
- The proposed site for this facility should have been removed on completion of the landfill.
- A previous application has already been rejected for a similar facility and this has protected the general environment and health of local residents from potential harmful emissions, noise, dust and increased traffic, thus protecting the general amenity of the village for local residents, which surely must set a precedent.
- The proposal would be contrary to Policy IF2 of the West Lancashire Local Plan, so the site is not a suitable brownfield site as is claimed.
- The applicants claim that the proposal is to generate additional fast response electricity to support the local supply. However, Electricity North West, who are the District Network Operator for this area, do not take this view as this area is currently fully and sufficiently supplied for electricity generation. They predict that it is not until 2050 that this area is likely to require additional local, fast-response generation to stabilise the local voltage supply. Consequently this additional generation provision is based on false premises.
- Gas is a fossil fuel that adds to global warming and should not be used to generate electricity. It will not help the UK to meet its carbon-emission reduction targets.
- Wildlife could be affected by emissions, noise and light pollution.

Advice

Planning permission is sought for the installation of five electricity generating units to be powered by natural gas to provide 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.

A gas powered standby electricity generating facility is commonly referred to as a Short Term Operating Reserve and is encouraged by the Government as a part of the national energy strategy. The facility would form part of a network of such facilities across the country to generate electricity to be fed into the national grid during periods when there is a high demand for electricity when sources of renewable energy, such as wind and solar, are not available to instantly provide electricity. The facility would typically run for an average of 1500 hours a 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.

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

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and the West Lancashire Local Plan 2012-2027 Development Plan Document.

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, air quality, noise, landscaping, and safeguarding of watercourses and surface and foul water drainage.

Planning policy issues and Visual Impact

The proposed site is on part of a large concrete hardstanding located between the former West Quarry Landfill site and the Manchester to Southport railway line.

The concrete pad was originally constructed as part of the operation to restore West Quarry and Parbold Hill Quarry through the importation of waste which took place in the 1980's. Municipal waste was imported to these sites by rail from Greater Manchester in containers. A siding was constructed off the main rail line and the containers were then off loaded onto the concrete pad to allow the containers to be transported to the quarry sites for landfilling of the contents.

At the time of the landfill operations, the concrete pad along with the adjacent landfill site was designated as Green Belt and therefore the planning permissions for the waste development required restoration of the landfill and pad area upon cessation of the landfill activities. A further planning permission was granted which permitted use of part of the pad for plant associated with the extraction of landfill gas and its utilisation to generate electricity. The permission for this plant required restoration of the pad upon cessation of commercial electricity generation.

As part of the former Lancashire Structure Plan, a number of rail sidings around Lancashire (including that at West Quarry) were safeguarded in order to comply with Central Government policy at that time relating to the need to promote movement of freight by rail whenever possible. As a result of the policy in the Structure Plan, the previous edition of the West Lancashire Local Plan removed the area of the pad from the Green Belt and included a policy safeguarding the site for small scale rail based uses. The safeguarding of the site for this purpose has been continued in the present edition of the Borough Local Plan (Policy IF2).

Policy IF2 of the West Lancashire Local Plan DPD states that development that would prejudice the use of the site for small scale rail based uses will not be permitted unless there has been a conclusive demonstration that such a use is unviable.

The proposed site is located on the northern edge of the railway pad within an area previously used for generators that produced electricity from landfill gas. All these generating sets have now been removed as levels of landfill gas have declined such that it is no longer an economically viable operation. The location and scale of the development would be such that it would not prejudice the use of the remaining part of the railway pad and therefore there would be no conflict with Policy IF2. It should be noted that West Lancashire Borough Council have not objected to the application.

However, the requirements of Network Rail in relation to the safe undertaking of all operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, and a Basic Asset Protection Agreement, should be included as an advisory note to any decision notice.

The main view of the site would be from the industrial estate on the opposite side of the railway line to the south. The restored West Quarry landfill site would screen the site from the north, east and west. No permanent or fixed lighting is proposed at the site but lighting will be used occasionally when required, such as during essential site visits and repairs. To ensure that any lighting used would create minimal light pollution, it is recommended that a condition is imposed to control the lighting on the site. Subject to the imposition of this condition, the development would accord with Policy DM2 Joint Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

A small area of the application site is located within the green belt. However, the actual development is to be located on the existing concrete pad which is outside of the green belt and therefore there would be no impact on the openness of the green belt.

Highway Impact

The installation of the electricity generating plant would take place over a period of approximately 14 weeks. HGV movements during construction would be restricted to 10 per day (in and out). The designated route for construction traffic would be from the M6 to the A5209 and then to Appley Lane North, heading south to enter the site. The access to the site was constructed to serve the adjacent landfill site and is considered adequate in terms of width and visibility requirements on Appley Lane North.

LCC Highways Development Control comment that the development proposal would have its greatest impact on the highway network during its construction period. Once complete there would be minimal vehicle movements associated with the development. The level of vehicle movements throughout the construction period are at a level where there would be no highway capacity issues and as such, providing suitable access arrangements during the construction period are provided, the highway authority have no objections.

The Construction Transport Management Plan submitted with the application includes a number of measures to ensure that the impact of construction traffic associated with the development is kept to a minimum. These measures are considered acceptable and can be the subject of a planning condition should planning permission for the development be granted.

Given the scale, number of HGV movements and duration of the construction period, it is considered that the proposed development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. Conditions should be imposed on any planning permission to require the development to be carried out in accordance with the details provided within the submitted Construction Transport Management Plan. Subject to the imposition of these conditions, the development is acceptable in terms of the safety and capacity of the local highway network.

Air Quality

The Dispersion Modelling Assessment submitted with the application highlights that the main emissions from the development would be nitrogen dioxide and carbon monoxide. West Lancashire Borough Council's Environmental Health Department have commented that the assessment concluded that predicted long term and short term concentrations of nitrogen dioxide at all sensitive receptors could be classed as insignificant in accordance with the Environment Agency criteria. Subject to the imposition of West Lancashire's recommended condition that the development shall operate in accordance with the details provided in the submitted Dispersion Modelling Assessment ref. AQ106350R3 and dated October 2018, then the emissions associated with the development are considered to be acceptable and would not create pollution. An operating restriction of a maximum of 1,500 hours per calendar year is considered not to be required as the assessment demonstrates that the emissions from the facility would not be harmful. Subject to the imposition of these conditions, the development would accord with Policy DM2 Joint Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

In response to Network Rail's request, the applicant advised that there would not be any flammable emissions and hence Network Rail's electrification apparatus would not be affected.

Noise

A Noise Impact Assessment submitted with the application provides a BS4142:2014 assessment which shows that the rating level of noise from the plant will fall below the background noise level at all nearby residential receptors at all times of the day. West Lancashire Borough Council's Environmental Health Department have agreed with this view and request that a noise level condition be imposed. Given the location and nature of the development, it is considered that noise impacts are very unlikely. A condition controlling noise to address the Borough Council's observations can be imposed but it is considered that the condition requested by the Borough is unreasonable and unenforceable as it requires noise from the site to be below the background level. An alternative condition is proposed that would still provide

appropriate protection of local amenity. A condition can also be imposed requiring the generators to be fitted with effective silencing and sound proofing equipment. With such conditions, any noise associated with the development is considered to be acceptable and would accord with Policy DM2 Joint Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

Ecology and Landscaping

The site is a concrete surfaced hardstanding except for the north-west corner of the site where there is a small area of scrub that would be removed. The Preliminary Ecological Appraisal submitted with the application advises that the development would have a negligible impact on protected species but that birds may nest in the scrub. To avoid any potential impact on birds, the imposition of a condition would be appropriate to require that any vegetation removal associated with the site is undertaken outside of the breeding bird season (March to August inclusive). However, should these works be required within the breeding bird season, then a check for breeding birds should be required to be undertaken by a suitably experienced surveyor prior (within 24 hours) to works commencing. If a nest (or nest in construction) is found, a suitable stand-off area should be maintained until the young have fledged.

The gas would be supplied via an underground connection to link with the gas main located in the pavement along Appley Lane North. This may involve utilising an existing gas connection point within the application site but, if this is not possible, then a new underground gas connection from the site to Appley Lane North would be required. The route of this would be partly along the private road that connects the site with Appley Lane North and where there is a belt of mature trees. To avoid a situation where trees could be detrimentally affected by a potential gas connection, it is considered prudent to include a condition on any planning permission to require that all hedges and trees near to the route of any gas connection should be protected from any damage. Subject to the imposition of conditions, the development would accord with Policy EN2 of the West Lancashire Local Plan.

The requirements of Network Rail in relation to trees are included as an advisory note to the applicant as part of the recommendation.

Safeguarding of Watercourses, and Surface and Foul Water Drainage

The Environment Agency comment that the previous use of the proposed development site as a landfill site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon Secondary B aquifer and close to watercourses and the Leeds and Liverpool Canal.

They comment further that an assessment of the potential impacts associated with the proposals has not been submitted. The EA have subsequently confirmed that they have no objection subject to the imposition of a condition that no development shall commence until a remediation strategy to deal with the risks associated with

contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority.

In response to the Environment Agency, the applicant has stated that the proposed development site is not located within the area of the West Quarry Landfill Site, but within a compound used for the generation of electricity from landfill gas extracted from the adjacent landfill site. The compound is a part of the concrete hardstanding of the West Quarry Railway Pad and not the landfill site. The construction works for the proposed development site will utilise the existing concrete pads and infrastructure of the previously approved landfill gas electricity generators and hence there will be minimal new excavation works. The development will not involve deep or shallow piling works. The Environment Agency note this response and agree that in these circumstances it would not be necessary to undertake a contaminated land assessment.

To ensure that there would be safeguarding of watercourses, the proposed use of double skinned oil storage tanks, and the dual containment of all oil pipework, would be acceptable and should be the subject of a condition. Subject to the imposition of this condition, the development would accord with Policy DM2 Joint Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

In conclusion, the location and nature of the development and the imposition of conditions would ensure that there would be no adverse impacts from the development. The development would therefore accord with the policies of the National Planning Policy Framework and the Development Plan.

Human Rights

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

If this application were to be approved, given the distance from residential properties and the screening of the site that already exists the development would be unlikely to generate such an impact on neighbouring properties which would breach those rights.

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, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application received by the County Planning Authority on 30 October 2018, and the email and associated drawing received from the applicant on 28 November 2018.
 - b) Submitted Plans and documents received by the County Planning Authority on 30 October 2018:

Appley Bridge Block Location Plan
Drawing No. ABB-PSP-01 - Proposed Site Plan
Drawing No. GEN-SP-01 - Gas Kiosk Specification
Drawing No. GEN-SP-02 - DNO Building Specification
Drawing No. GEN-SP-03 - Oil Tank Specification
Drawing No. GEN-SP-04 - Radiator Specification
Drawing No. GEN-SP-05 - HV Client Specification
Drawing No. GEN-SP-06 - Typical Fence/Gate Detail
Drawing No. GEN-SP-08 - Typical Transformer
Drawing No. GEN-SP-09 - Amenity Cabin
Drawing No. GEN-SP-10 - CCTV
Drawing No. GEN-SP-11 - Gas Engine

Submitted Plan and document received by the County Planning Authority on 28 November 2018:

Email dated 28 November 2018
Route of gas connection from application site to Appley Lane North

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies SP1, GN1, GN3, IF2 and EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Control of Noise

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

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

4. The rating level of noise emitted from the site during its operation shall not exceed 5dB(A) above the existing LA90 background noise level at the facade of any residential properties. All measurements and assessments shall be done in accordance with BS4142:2014.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Air Quality

5. Measures shall be taken at all times during the construction phase, operation and maintenance of the development to minimise the generation of dust and prevent its migration off site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

6. The development shall operate in accordance with the details provided in the submitted Dispersion Modelling Assessment ref. AQ106350R3 and dated October 2018.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Safeguarding of Watercourses and Drainage

7. The double skinned oil tanks used on site shall conform to the specification shown on Drawing No. GEN-SP-03 - Oil Tank Specification. All pipework must be dual contained.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and

Highway Matters

8. The development shall be carried out in accordance with the details provided within the submitted Construction Transport Management Plan. The signage proposals contained within section 6 of the Construction Management Plan shall be implemented prior to deliveries to the site commencing and maintained in position throughout the duration of construction works.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Floodlighting

9. Any lighting erected at the site shall only be illuminated during any essential maintenance operations that are undertaken during the hours of darkness Any lighting shall be angled into the site, downwards and shaded to minimise light spill.

Reason: To minimise light spill beyond the boundaries of the compound and to safeguard the amenity of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Landscaping

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

Reason: To protect nesting birds and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policy EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

11. No trees or hedges shall be removed in order to construct the gas connection to the main in Appley Lane North.

Any hedges and trees which are either removed or damaged, become diseased or which die at any time during the development, as provided for in

this permission shall be replaced during the first available planting season, as defined in this permission, after which such condition is discovered with trees of a similar type, number and species so affected.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policy EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

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 comments of Network Rail:

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the boundary with Network Rail. However, where this is unavoidable, Network Rail's Asset Protection Engineer must be consulted; crane working diagrams, specification and method of working must be submitted for review and agreement prior to work(s) commencing on site. Details of crane types, positions, crane base design, slew radii, collapse radii, method statement and risk assessment shall be submitted to Network Rail for review. Any request to over-sail Network Rail's property must be submitted in good time for consultation to take place. Guidance on the main controls for tower cranes can be found in attached CPA Guidance describing Requirements for Tower Cranes Alongside Railways Controlled by Network Rail. Although this guidance is concerned with tower cranes, the same principles apply to other cranes including mobile cranes. Please refer to CPA requirements attached including section 2.3.2. which outlines the requirement to down rate cranes alongside Network Rail infrastructure.

Summary as below in accordance with CPA:-

The crane should de-rated to 75% of maximum capacity in accordance with CPA guidance.

The base design loads should be uprated by 1.33 as per 2.3.3 in accordance with CPA guidance and crane down rated as 2.3.2.

Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

As the proposal includes works which may impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be

liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

Local Government (Access to Information) Act 1985

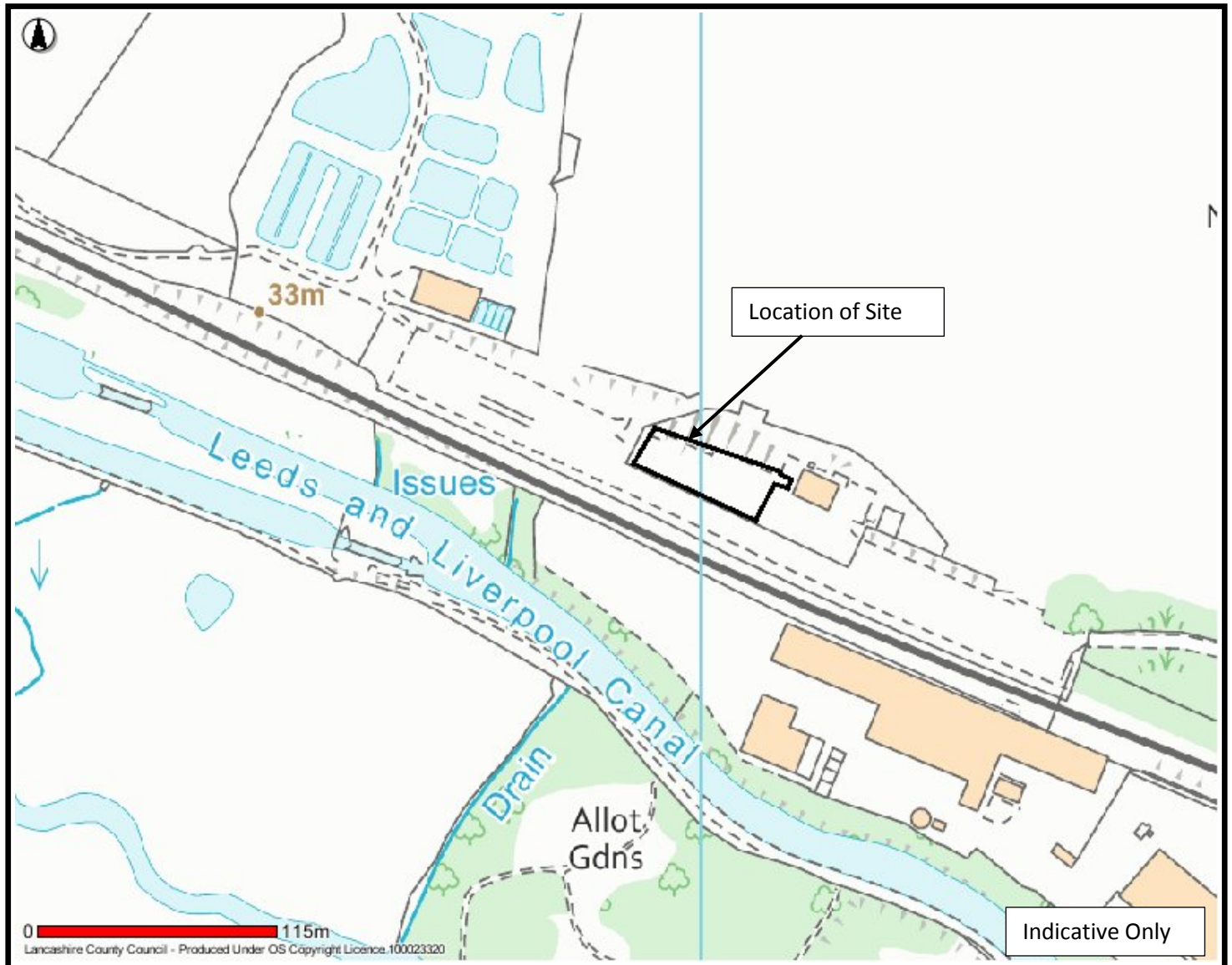
List of Background Papers

Paper	Date	Contact/Ext
LCC/2018/0055	30 October 2018	Rob Jones/Planning and Environment/34128

Reason for Inclusion in Part II, if appropriate;

N/A

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 23rd January 2019

Electoral Division affected: Preston City
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Preston City: Application Number. LCC/2016/0085

Change of use / conversion / extension of the former Park Hotel building from offices (Class B1) back to a hotel (Class C1). Erection of a new build single storey pavilion building and demolition of the existing JDO building and its replacement with an office building / extension to the hotel. Change of use / conversion / part demolition and rebuild of No 8 East Cliff from offices (Class B1) to health spa (Class D1) and remodelling of existing car parking and landscaping works.

Former Park Hotel Complex, East Cliff, Preston.

Contact for further information:

Faiyaz Laly, 01772 538810

DevCon@lancashire.gov.uk

Executive Summary

Change of use / conversion / extension of the former Park Hotel building from offices (Class B1) back to a hotel (Class C1). Erection of a new build single storey pavilion building and demolition of the existing JDO building and its replacement with an office building / extension to the hotel. Change of use / conversion / part demolition and rebuild of No 8 East Cliff from offices (Class B1) to health spa (Class D1) and remodelling of existing car parking and landscaping works.

Former Park Hotel Complex, East Cliff, Preston.

Recommendation - Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, landscaping, hours of construction, building materials, drainage, highways, noise and archaeology.

Applicant's Proposal

Planning permission is sought for a number of development proposals relating to the site of the Park Hotel and East Cliff Offices buildings on East Cliff, Preston. The proposals include:

- A change of use application to convert the Park Hotel building from its existing use as offices (Class B1) back to a hotel (Class C1). Due to its original use as a hotel, the only external alterations needed in order to put the

building back into hotel use are minor in scale with a new external fire escape and new staircase proposed. It is also proposed that the doors to the existing external fire escapes would be removed and replaced with windows to match existing. The conversion of the building from offices to a hotel would mostly consist of internal works to provide the building with dining rooms for approximately 200 guests, meeting and conference rooms and a total of 71 guest rooms.

- A change of use of No.8 East Cliff from offices (Class B1) to a health spa (Class D1). No 8 East Cliff is a listed building and Listed Building Consent was granted in December 2016 by Preston City Council for the part demolition and rebuild in order to carry out the proposed works required to convert the building to a new use.
- The demolition of the Joint Divisional Office (JDO) building and its replacement with a 5 storey office / hotel building in a similar location. It is proposed that the lower two floors of the building would house Lancashire County Council's Pension Fund staff whilst the upper three floors would provide an additional 44 guest rooms to be used in conjunction with the adjacent Park Hotel. Due to the space constraints on the site the building would be 'L' shaped, with the longest sides measuring approximately 42m and 38m with a width of 15m. The building would have a height of approximately 19m which is approximately 7m lower in height than the existing Park Hotel building. The replacement building would have a link corridor connecting to the Park Hotel building. The external elevations of the new five storey building would mainly consist of red and grey bricks and with large glazed windows. The main entrance to the building would be glazed to allow light into the entrance space.
- Part of the proposal includes the erection of a pavilion building which would be located immediately to the east of the Park Hotel building overlooking Avenham and Miller Park. This would be used as a banqueting suite and an additional kitchen area. There would also be a link corridor which would connect the proposed pavilion building to the Park Hotel building. The pavilion building would measure approximately 37m x 15m with a height of 6.5m. There would also be a link corridor which would connect the proposed pavilion building to the Park Hotel building. Red brick cladding with natural stone panelling would be used on the proposed pavilion to match the adjacent hotel. It is proposed that the recessed walls would be red brick with the piers and parapets in stone cladding.

Description and Location of Site

The application site is situated at the western end of East Cliff to the south west of Preston City Centre. The application site consists of the existing Grade II listed No 8 East Cliff building, the red brick Park Hotel building which is not listed and the Joint Divisional Offices (JDO) office building. The JDO office building is a concrete 7 storey structure constructed in the 1960's. To the west of the JDO building is the west coast main railway line.

The whole site lies within the Avenham Conservation area. To the south is Avenham and Miller Park which is Grade II* listed on the Register of Historic Gardens. There is also a large surface car park on the northern side of the site which is accessed from East Cliff via a narrow bridge called Vicars Bridge.

Other buildings close to the site on East Cliff include an office building at No.7 and a probationary hostel at No 6 East Cliff. Beyond these to the east, located off East Cliff are residential buildings and retail uses. The nearest residential properties from the proposed site are located 140m away at East Cliff Gardens.

Background

History

The Park Hotel and the JDO building were last used by the County Council as office buildings.

Listed Building Consent was granted in December 2016 by Preston City Council for the part demolition and rebuild of No 8 East Cliff. (06/2016/1135)

Planning permission was granted in November 2016 by Preston City Council for the demolition of existing Vicars Bridge, East Cliff and erection of new bridge. (06/2016/0687)

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 and 12, 85 - 90, 124 - 132, and 189 - 197 of the NPPF are relevant with regards to achieving sustainable development, ensuring the vitality of town centres, achieving well designed places and proposals affecting heritage assets.

Preston Local Plan

Policy V1 - Model Policy
Policy ST2 - General Transport Considerations
Policy EN8 - Development and Heritage Assets
Policy EN9 - Design of New Development
Policy EN11 - Species Protection

Preston City Centre Area Action Plan

Policy - CC1 Model Policy
Policy - EV0 Employment

Central Lancashire Core Strategy

Policy 11 - Retail and Town Centre Uses and Business Based Tourism
Policy 16 - Heritage Assets
Policy 17 - Design of New Buildings

Consultations

Preston City Council - The City Council's Environmental Health Officer considers that the recommendations within the submitted Noise Impact Assessment should be implemented. Doors and windows that open directly to external areas should be kept shut and a noise limiter should be installed whilst entertainment is taking place in the proposed pavilion building. The EHO also considers that consideration should be given to the provision of an acoustic lobby on the south facing façade of the pavilion building to prevent noise escaping from the building. The City Council's Conservation Officer considers that the design of the replacement office building is a standard approach which doesn't take into account the landscape setting. Objection is also raised to the size of the pavilion building with the design and materials chosen needing to be revisited.

County Ecology Service - No objection. The garages located next to no.8 East Cliff have some low potential for bat roosting, therefore the buildings should be checked by hand for such species before demolition. Final checks on trees should be carried out just prior to removal of any tree to confirm the continued absence of bats. Standard measures for protection of nesting birds and retained trees should be sought through planning conditions. Replacement planting should also be secured as part of a planning condition to compensate for the loss of trees on site. Avoidance of additional illumination of wildlife habitat should be secured.

Lancashire Archaeological Advisory Service - No objection. The impacts of the proposals on the designated heritage assets are considered acceptable. A condition should be added requiring that no development should take place until the applicant has secured the implementation of a programme of archaeological recording and analysis to be approved by the Local Planning Authority.

County Landscape Service - Any trees to be retained will require a Root Protection Area during construction.

LCC Highways Development Control - No objection. The highway authority can support the application on assumption that all planning conditions are satisfied and advised measures provided under a S278 agreement. The East Cliff Bridge replacement which has already been given planning permission should be replaced prior to the development being brought into use. A pedestrian route should be maintained into Miller Park from the East Cliff site and should be available for all members of the public to use. Also traffic calming measures are needed at the junction of East Cliff with Ribblesdale Place and extending onto East Cliff (a scheme should be submitted). A construction method statement should also be submitted prior to the commencement of development together with an annual Travel Plan.

LCC Lead Local Flood Authority - No observations received.

The Victorian Society - Welcome the principle of the scheme, but objection is raised to the design of the proposed development and state that a more contextual and coherent approach to the redevelopment is required.

Historic England - Objection was initially raised to the design of the proposed office building and suggest that a less dominant palette of materials should be used. The objection has been removed following submission of a revised design.

Network Rail - No objection in principle. However, the site is in close contact with Network Rail assets and measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. The development must ensure the proposal, both during construction and after completion doesn't affect the safety, operation or integrity of the railway. A number of schemes should be submitted to Network Rail in order to carry out the development to minimise the risk to Network Rail assets.

Representations - The application has been advertised by press, site notice and neighbouring residents informed by individual letter. Four representations have been received raising concerns regarding noise impacts from the wedding - function venue and noise impacts whilst construction works are taking place. Objections have also been received stating the proposed development would affect the surrounding highway network which would not be able to cope with the additional traffic that would arise from the proposed development. Comments have also been received that a footpath should be retained that currently allows members of the public to walk to and from the Miller / Avenham Park towards the City Centre.

Advice

The application is for the redevelopment and reuse of the East Cliff complex through a combination of conversion and new build proposals. The proposals include a change of use application to convert the former Park Hotel building from its existing use as offices back to a hotel use together with a new pavilion building to provide an additional function room. A change of use of No.8 East Cliff is proposed to change the use of the building to a health spa (Class D1) to be used in association with the hotel. The proposal also includes the demolition of the existing Joint Divisional Offices building and its replacement with a new building incorporating office space and hotel rooms.

The former Park Hotel building would also hold a public bar at ground level, a dining area capable of seating approximately 150 guests and a total of 71 guest rooms. It is proposed that the lower floors of the new building would house Lancashire County Council's Pension Fund staff whilst the upper floors would provide additional accommodation to the Park Hotel to provide a further 44 guest rooms.

The Preston City Centre Area Action Plan was adopted in 2016 and sets out a number of opportunities and issues for Preston city centre which need to be addressed if Preston is to achieve its aspirations for growth. One of the three main issues identified in the Plan is the limited leisure, culture and tourism offer. The Plan recognises that there is a significant opportunity to attract more staying visitors given Preston's ideal geographical location.

The Preston Hotel Needs Assessment has indicated a requirement for approximately 500 additional rooms over the period 2013 to 2027. The assessment also found that 'Preston is not, recognised as a key conference and event destination at present'. However, the site is located in the city centre and is close to the existing railway station and therefore occupies a central location and there is therefore no reason why Preston could not capitalise on its location by providing such facilities. To improve the commercial viability of the scheme, the applicant wishes to create a conference and event space facility. A room of sufficient size is not currently available within the existing Park Hotel and therefore the pavilion building is proposed to provide such a facility.

The site is not designated under any local planning policy other than as being part of Preston's City Centre and located in a conservation area. In the adopted Preston Local Plan and Preston City Centre Plan the site has no specific land use allocation. However, policy 11 of the Central Lancashire Core Strategy states that development for tourism and visitors will be supported in the city centre.

It is therefore considered that the overall development has the potential to add significantly to the vitality of the city centre and to building a strong and competitive economy as supported by sections 6 and 7 of the National Planning Policy Framework.

The main issues relate to the impact of the development on the existing heritage designations, highways and amenity impacts.

Heritage Impacts

The main issues in terms of heritage relate to:

- The impacts of the new pavilion building on the setting of the Grade II listed building at no 8 East Cliff.
- The impacts of the whole development including the new office / hotel buildings on the setting of Avenham and Miller Park which is listed Grade II*.
- The impact on the character of the Avenham Conservation Area.

The applicant has included a full assessment on the impact on heritage issues in the planning application. This outlines that even though the proposed development would change the character and context of the application site, these changes would be largely positive and serve to restore some of its original grandeur of what was the Park Hotel and its environment. The applicant considers that there would be minimal detrimental impacts upon the heritage assets and the development would sit comfortably alongside both existing historic and more recent contemporary development within the Avenham Conservation area.

The whole site lies within the Avenham Conservation Area which was originally designated in 1975. The site immediately overlooks the Avenham and Miller Park which is Grade II* listed on the Register of Historic Gardens. The former Park Hotel building is a non - designated heritage asset and No 8 East Cliff which is proposed to be converted from offices to a Spa facility is a Grade II listed building.

Paragraph 189 - 192 of the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Also in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality
- c) the desirability of new development making a positive contribution to local character and distinctiveness

The National Planning Policy Framework requires that great weight should be given to the conservation of heritage assets and the more important the asset, the greater the weight should be. This policy applies irrespective of whether any potential impact amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 195 of the National Planning Policy Framework states that where a proposed development would lead to substantial harm to a designated heritage asset, permission should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or all the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site.
- No viable use of the heritage asset can be found in the medium term through appropriate marketing that will enable its conservation.
- Conservation by grant funding or some form of not for profit, charitable or public ownership is demonstrably not possible.
- The harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimal viable use.

The proposed pavilion building would be located to the rear of No.8 East Cliff which is listed (Grade II) for its design, appearance, materials and internal staircase. All these elements will be retained as an essential element of the proposed change of use and the only impact will be to the setting of the building due to the construction of the pavilion to its rear. All the internal changes and removal of the external fire escape have been considered by Preston City Council as part of a Listed Building Consent granted in December 2016.

The pavilion building would be a single storey structure measuring approximately 37m by 15m located to the rear of No.8 East Cliff. It would also include an attached kitchen area which would occupy much of the space between No.8 East Cliff and the

main Park Hotel building. The area was last used as a car park and is also currently occupied by a number of small buildings / sheds. From East Cliff, the new kitchen area would be seen adjacent to No.8 but it would be a single storey structure that would retain some separation from the listed building. It is considered that No.8 East Cliff would retain the distinctive symmetry of its frontage and its setting would not be unduly affected by the new development. To the rear of No.8 East Cliff, the new pavilion would occupy much of the existing car park but would retain some separation to the existing building. From this side of the site, views of the building are only really appreciated from the adjacent park. This is set at a considerably lower level than the floor level of the proposed pavilion and the banking forming the edge of the park is occupied by substantial trees and shrubs which serve to obscure views of the No.8 East Cliff from the park. It is acknowledged that the pavilion building would have a substantial floor area but due to its single storey height, its impact on the setting of the listed building when seen from the south would be limited.

Design and Scale of the new office / hotel building

The Joint Divisional Office building is a grey concrete structure built in the 1960's and is not considered to be of any particular heritage interest or importance. As a later addition to the site it is considered that its demolition and the erection of a modern, high standard office and hotel extension building in its place is appropriate and, provided that the design of any new building is acceptable, would provide an overall enhancement to the area.

The new office building would be 5 storeys in height which is two storeys less than the existing Joint Divisional Office building and due to the topography of the site and the high ceiling heights of the Park Hotel itself, it is considered the proposed new building would be subservient to the original hotel. Due to objections being received from the City Council and amenity societies regarding the scale, massing and chosen materials for the proposed office building, the applicant has made a number of changes to reduce the impact on the new building. These include removing a full storey from the proposed office building, setting back the upper floor to reduce its visual presence even further and so that it is aligned with the eaves line of the Park Hotel building and using more glazing on the proposed office building. Also due to the space constraints on the site the replacement office building would be 'L' shaped, with the longest sides measuring approximately 42m and 38m with a width of 15m. The building would have a height of approximately 19m which is approximately 7m lower in height than the existing Joint Divisional Offices building.

The proposed new buildings have been designed to be subservient to the existing buildings and to complement the local area. The materials have been chosen to reflect the existing red brick materials used elsewhere on the site and as well introducing a modern element with a mixture of stone cladding, grey brick and glazing.

Preston City Council have raised concerns that the design of the replacement office building is a standard approach which doesn't take into account the landscape setting and also object to the size and massing of the pavilion building. The proposed pavilion has been sited in this location to utilise the views over the historical park. The City Council's comments are acknowledged but Historic England

are in support of the proposed design of the building. They consider that the overall development would cause less than substantial harm to the grade II* listed park and consider the revised amendments to the design of the development to be positive. It should be noted that the pavilion building is required to widen the offer of the site therefore improving the commercial viability of the overall proposal.

In terms of the impact on the setting of Miller and Avenham Parks, the existing hotel and Joint Divisional Office buildings are visible from certain locations within the park. However, views are generally well screened by the mature trees and shrubs that are located on the banking forming the northern edge of the park. The distinctive design of the existing Park Hotel particularly the chimney stacks and other vertical elements of the building are prominent in some views as they project above the tree line given the elevation of the hotel building above the park. The proposed new office / hotel building would have a less dominant impact than the existing Joint Divisional Office building by reason of its reduced height and more appropriate materials which would result in the distinctive outline of the Park Hotel building being the more prominent structure when viewed from the park. The pavilion given its limited height would also not have a substantial harmful effect on the setting of the park.

Similar conclusions can be drawn in relation to the impact on the character of the Avenham Conservation Area. The proposed pavilion building by reason of its height and location would not markedly affect the appearance of the Conservation Area and the materials and dimensions for the replacement office / hotel building would give rise to an enhancement to the current situation especially when viewed from locations in Preston city centre where the existing joint divisional office building is prominent against the more traditional design of the Park Hotel. Taking these considerations into account, the development is therefore considered to be acceptable in terms of the character of the Conservation Area.

Due to its original use as a hotel, very few external alterations are required to the Park Hotel building to convert it back to a hotel use. The external alterations include a new external fire escape and staircase. It is also proposed that the doors to the existing external fire escapes would be removed and replaced with windows to match existing.

To conclude on heritage issues, it is considered that the development would have a less than substantial impact on the heritage assets that are within and adjacent to the site. Whilst there would be some impacts, paragraph 197 of the National Planning Policy Framework indicates that in such circumstances a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Ecology

An Extended Phase 1 Ecology Survey and Bat Inspection was submitted with the application. The development site consists of a number of car parks and buildings and the only habitats of ecological value are the scattered trees and shrubs. The survey has concluded there would be no negative impacts on existing habitats across the site. However it recommends that if any trees are to be removed they are replaced at a 3:1 ratio and measures should be put in place to protect all retrained

trees on site whilst construction is being carried out on site. Bat surveys were carried out on trees and buildings impacted by the proposed development. The tree inspection found there to be no potential for bats in the trees on site.

According to the visual building inspection, those parts of the Park Hotel affected by the development proposals do not have potential for roosting bats. The roof of No. 8 East Cliff and neighbouring garage were found to have low potential to be used by bats. No works are required to the roof of no. 8 East Cliff and given the low potential for bats in any of the garage buildings, it is not considered that a specific condition is required requiring a hand search of the building prior to any demolition taking place.

Traffic Issues

Policy ST2 (General Transport Considerations) of the Preston Local Plan specifies that all development proposals will need to show that road safety and the efficient and convenient movement of all highway users (including bus passengers, cyclists and pedestrians) are not prejudiced, and that appropriate provision is made for public transport services and pedestrians, cyclists and the needs of disabled people are fully provided for.

The site is accessed via East Cliff which links the site with Preston City Centre. East Cliff is a single carriage way road with two way traffic movements with a road width of 5m. There is a section of East Cliff which narrows to a single lane as it crosses over the Vicars Bridge which requires oncoming vehicles to give way in order to cross the bridge. Planning permission was granted in November 2016 by Preston City Council for the demolition of the existing Vicars Bridge and erection of new bridge which would provide improved access into the site. The replacement bridge would provide a 5m wide carriageway with a pedestrian footway on the northern side similar to the existing bridge. Objections have been received stating that the proposed development would impact the surrounding highway network and would not be able to cope with the traffic volumes that would arise from the proposed development.

Even though the application site is not currently in use, the buildings previously functioned as offices for Lancashire County Council. The applicant has undertaken a Traffic Forecasting and Highway Impact assessment which has assessed and surveyed traffic movement's on similar sites around the country (excluding greater London). According to the assessment the proposed development, would generate approximately 74 two way trips in the AM peak and 39 two way trips in the PM peak period. The site has a historic use as offices which would have generated a substantial level of vehicle movements. It is important to recognise that the site is in a highly sustainable location as it is close to the railway station and other transport facilities in Preston city centre. LCC Highways raise no objection provided that the bridge is replaced prior to any use of the development commencing on the site and subject to conditions relating to submission of a travel plan and a scheme of traffic calming measures at the junction of East Cliff and Ribblesdale Place. With regard to the bridge, it is considered that the condition should require the bridge replacement to take place prior to any development including demolition works being carried out given the level of HGV movements that would be derived from the demolition of the existing office buildings. With such conditions, it is not expected that the

development would have an unacceptable impact on the surrounding highway network.

The location of the site in the city centre would provide accessibility by a variety of means of transport, including by public transport, bicycle and walking. There are a number of off-road cycle routes near to the site which include routes to Moor Park that extend onto the Guild Wheel. Preston railway station is located 300m north of the site and is well placed for visitors and employees of the hotel / offices.

There are currently 219 car park spaces available on the site but due to the construction of the proposed pavilion building this would be reduced to 124 spaces. Policy ST1 of the Preston City Local Plan includes car parking standards which gives a parking requirement of 157 spaces for this proposal given the number of hotel rooms and area of office space. This is greater than the level of parking that would be provided on the site. However, the policy states that lower levels of provision will be appropriate on sites well served by public transport. It is considered that a lower level of provision on this site would be acceptable given its sustainable location and close proximity to other car parks in the city centre. Also in close proximity to the site is the Fishergate shopping centre which provides further car parking facilities.

A representation has also been received requesting that a footpath that currently allows members of the public to walk to and from the Miller / Avenham Park towards the City Centre should be retained. There are no Public Rights of Way through the site and the footpath is only an informal route. However, the applicant has confirmed that the location of the new office / hotel building would allow space for an informal footpath to be provided on the land between the building and the railway line. The details of this can be included within a condition relating to the general landscaping of the site.

Residential Amenity

The proposed pavilion building would provide a new function room, bar and kitchen area. The applicant proposes this additional space in order to provide a new event and function suite which cannot be provided within the existing Park Hotel building. This facility would broaden the offer of the new hotel and would therefore add to its commercial viability.

The southern elevation of the building includes a number of glass doors which could be opened up to allow access to two outside terrace areas providing views over Miller Park. A noise impact assessment has been submitted by the applicant to determine the predicted noise levels from the proposed pavilion building to the nearest residential properties which are located approximately 120m away from the proposed site and the nearest proposed hotel bedroom in the Park Hotel building. As part of the noise survey, noise monitors were located on the proposed site over a five day period to record existing background noise levels and to allow an assessment of noise impacts from the use of the venue including playing of music. Objections have also been received from local residents regarding noise impacts from events taking place in the proposed pavilion building.

To mitigate the impacts of noise, the applicant proposes to incorporate a sound ceiling as part of the design of the pavilion building. The sound ceiling and directional speakers located over the dance floor would help minimise noise escaping the room. Preston City Council's Environmental Health Officer has requested conditions requiring the applicant to close windows and doors whilst live entertainment is taking place within the venue. However, the outdoor terrace would be an integral part of the venue and it is considered that any conditions requiring doors and windows to remain closed would detract from the use of the venue and would be very difficult to enforce. The Environmental Health Officer has also suggested that an acoustic lobby should be incorporated into the design of the pavilion so that noise from the interior of the building would be better contained. However, the applicant does not wish to incorporate a lobby as it would remove much of the outdoor space overlooking the park which is considered to be an important feature of the development.

The nearest residential properties are located at East Cliff Gardens which are approximately 130 metres from the proposed pavilion. Other properties to the west of the site are located on South Meadow Lane around 300 metres from the site. The noise assessment shows that during the daytime period, noise complaints are unlikely due to the level of background noise. However after midnight, the assessment recommends that playing of music at the site is terminated due to predicted exceedances in low frequency and broadband noise. Although this site is located in the centre of Preston, it is important to recognise that the area to the south of the hotel and many of the other properties in this area is comprised of the park, River Ribble and agricultural fields where there are few sources of noise.

Noise levels at these facades will therefore be lower than those often found in urban areas particularly at night when noise from the west coast main railway line will be less prominent. To ensure that noise impacts from the playing of music do not create amenity impacts for local residents, it is considered that conditions should be imposed which prevent the playing of music after 12.00 midnight and to require to installation of the acoustic ceiling within the pavilion building. In addition it is considered that a condition is also required requiring a noise limiter to be installed and used whenever live or pre - recorded music is being played in the building. With such conditions it is considered that noise levels can be controlled to acceptable levels such that they would not have unacceptable impacts on local amenity.

Flooding Impacts

Policy 29 of the Central Lancashire Core Strategy seeks to improve water quality and water management to reduce the risk of flooding by using a number of measures including managing the capacity and timing of development to avoid exceeding sewer infrastructure capacity and encouraging the adoption of Sustainable Drainage Systems. The site is located within a flood zone 1 area, which has been assessed as having minimal 0.1% change of flooding from rivers in any given year.

The proposed development would not increase flood risk on or off site as the impermeable areas of the site would not increase. However, where possible new development should incorporate sustainable drainage systems and as details of attenuation have not been provided it is considered that a condition should be

attached to any permission for the proposed development requiring the applicant to submit full details of attenuation for surface water run-off prior to the commencement of development. A further condition should also be added requiring the applicant to submit details of how surface water and pollution prevention would be managed during construction of the proposed development.

Conclusion

The proposal would deliver a hotel - led development which would ensure the long term vitality and viability of a vacant heritage asset that would support Preston City Centre town centre policies to secure competitive, vital and viable town centre environments, including the introduction and retention of main town centre uses. Whilst some new development is required to support and ensure the viability of the new use, it is considered that the new buildings are of a scale and design where they respect the setting and historical interest of the existing heritage assets in this area. Therefore the proposed development is acceptable in terms of visual amenity and impacts on heritage assets.

The existing buildings on the site have a historic and established use as offices and the use of the site for a hotel would not give rise to significantly greater traffic movements than previously occurred. Conditions can be imposed to manage any residual traffic issues on the highways leading to the site. Any impacts on local amenity through the extended use of the hotel facilities can be managed through appropriately worded planning conditions such that noise can be controlled to acceptable levels.

In conclusion the proposed development is considered to accord with the policies of the National Planning Policy Framework and the Development Plan and the impacts of the development can be adequately mitigated through the use of planning conditions.

Human Rights

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

This application if approved would be unlikely to cause such impact on neighbouring properties which would breach those rights. The conditions relating design, highway matters, and control of hours and level of noise will protect the amenity of local residents and the development would not have a disproportionate impact on the peaceful enjoyment of neighbouring residents.

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 November 2016 as amended by the letter and amended details from Cassidy and Ashton dated 31st October 2018.

b) Submitted Plans and documents:

Drawing No - L01 / Location Plan
Drawing No. L13 / Proposed Site Plan
Drawing No - L05 / Elevations as Proposed Front and Rear
Drawing No - L07 / Elevations as Existing
Drawing No - L08 / Elevations as Existing
Drawing No - L09 / Elevations as Existing
Drawing No - L10 / Elevations as Existing
Drawing No - L13.1 / Proposed Elevation Office
Drawing No - L13.2 / Proposed Elevation Office
Drawing No - L14.1 / Proposed Elevation Office
Drawing No - L14.2 / Proposed Elevation Office
Drawing No - L26 / Elevations as Proposed
Drawing No - L27 / Elevations as Proposed
Drawing No - L28 / Elevations as Proposed
Drawing No - L30 / Elevations as Proposed

c) All schemes and programmes approved under the requirements of this permission.

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policies EN9 of the Preston Local Plan.

Landscaping

3. Within three months of the commencement of development, a scheme and programme for the design of external works including landscaping shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall include details of:

a) Details for the planting of trees and shrubs including numbers, types and sizes of species to be planted, location and layout of plants, protection measures and methods of planting.

b) Details of cycle and motorcycle parking including location, design and numbers of secure parking facilities to be provided.

c) Details for the design and layout of the car park including number, position and design of disabled parking spaces.

d) Details for the provision of a footpath around the perimeter of the site to link Miller and Avenham Park with East Cliff including route and surfacing.

The approved landscaping works shall be undertaken in the first planting season following the completion of the development 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.

The parking facilities including cycle / motorcycle parking contained in the approved scheme shall be implemented prior to the development being brought into use.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy EN3 of the Preston Local Plan.

Building Materials

4. No development shall commence until details of the building materials to be used for the external elevations of the buildings have been submitted to and approved in writing by the County Planning Authority. The details shall include information on the following:-

a) the brick materials that are to be used to convert door openings on the Park Hotel building to windows and the design and materials of any new windows to be fitted.

b) the materials to be used for the external elevations of the new office / hotel building including the brick materials to be used, colour of cladding and materials for windows and doorways.

c) the materials to be used for the external elevations of the stair well and lift shaft of the new office / hotel building

d) the materials to be used for the new pavilion structure including the stone cladding materials used on the south facing elevation.

e) details of the lighting to be fixed to the southern elevation of the new buildings including location and type of lights, power and lighting controls.

Thereafter the materials and lighting design contained in the approved details shall be used in the construction of the buildings.

Reason: In the interests of the visual amenity and design of the adjacent heritage assets and to conform with Policy 17 of the Central Lancashire Core Strategy.

Drainage

5. No development shall commence until details of the sustainable drainage measures to be incorporated within the construction of the replacement office / hotel building have been submitted to and approved in writing by the County Planning Authority. The approved measures shall be installed as part of the construction of the building and shall be maintained in full working order thereafter.

Reason: In the interests of the prevention of flooding and to conform with Policy 29 of the Central Lancashire Core Strategy

Highway Matters

6. No development including demolition of the existing JDO Building shall take place until the existing bridge on East Cliff (Vicars Bridge) has been replaced in accordance with the design approved under planning permission ref 6/16/687.

Reason: In the interests of highway safety and local amenity and to conform with policy ST2 of the Preston Local Plan.

7. No development shall commence until a scheme of traffic calming measures to be implemented on East Cliff has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:
 - a) measures to reduce vehicle speeds on East Cliff
 - b) measures to control on street parking on East Cliff between its junctions with Ribblesdale Place and East Cliff Road.
 - c) a timetable for the implementation of the above traffic calming measures.

Reason: In the interests of highway safety and local amenity and to conform with Policy ST2 of the Preston Local Plan.

Construction and Demolition Works

8. No trees or shrubs shall be removed or buildings demolished during the period between 1st March to 31st July unless such vegetation or buildings have been previously checked in accordance with Natural England Guidance for the presence of breeding or nesting birds. If the presence of any such breeding or nesting activity is detected an exclusion zone shall be established around any nest site and no works shall take place within that area until it has

been established that any nesting has been completed and that fledglings have departed the nest.

Reason: In the interests of ecology and to conform with Policy 22 of the Central Lancashire Core Strategy.

9. No demolition or construction operations shall take place until a construction management plan has been submitted to the County Planning Authority for approval in writing. The construction management plan shall include details of the following:-
 - a) the hours of construction operations including control of HGV movements from the site.
 - b) details for the routing of HGV's to and from the site including the measures to be taken to inform hauliers of the approved routes to the site. Hauliers should be advised that they should not approach the site via Lune Street and Fishergate.
 - c) the measures to be taken to protect the railway during the demolition of the JDO building and construction of the new hotel / office building. The proposed measures shall address the matters raised in the letter from Network Rail dated 20th November 2018.

The measures described in the approved construction management plan shall be implemented during all demolition and construction works.

Reason: In the interests of local amenity and highway safety and to protect the integrity of the railway and to conform with Policy 17 of the Central Lancashire Core Strategy

10. Measures shall be taken at all times during demolition and construction works to minimise the generation of dust.

Reason: In the interests of local amenity and to conform with Policy 17 of the Central Lancashire Core Strategy

11. The hotel and new offices shall not be brought into use until a Travel Plan, as defined by this permission, has been submitted to and approved in writing by the County Planning Authority .

The Travel Plan shall include:

- a) A brief description of the development, its location and a summary of the particular transport and road safety issues at the site;
- b) Evidence and results of consultation with hotel staff and users of the office space;

- c) Measures to minimise the impact of/reduce private car use for the journey to and from the site by hotel staff and users of the office space.
- d) details for the management of car parking including how users of the hotel / office facilities will be informed of the car parking facilities that are available at the site and at other locations in the event that on site facilities are full.
- e) Proposals for monitoring progress of the Travel Plan including a timetable for its implementation and review.

Reason: In the interests of highway safety and to conform with Policy ST2 of the Preston Local Plan.

Control of Noise

12. No construction of the pavilion building shall take place until details of the proposed sound ceiling have been submitted to and approved in writing by the County Planning Authority.

The approved ceiling design shall be installed as part of the construction of the pavilion building and shall be retained thereafter.

Reason: In the interests of local amenity and to conform with Policy 17 of the Central Lancashire Core Strategy.

13. The proposed pavilion building shall not be brought into use until details of the measures to be installed to reduce impacts from any sound amplification equipment has been submitted to and approved in writing by the County Planning Authority. The details shall include:

- a) The design of the speaker system to be installed within the pavilion building

- b) Details of a noise limiting device to be fitted to any PA or amplification equipment used at the site including the noise to which such equipment is to be set. The noise level used shall be based upon a background noise level survey undertaken on the southern boundary of the hotel site between the hours of 23.00 hours and 24.00 hours midnight. The survey shall be undertaken according to the methodology in BS4142.

The level used for the limiting device shall ensure that the noise from the site in each octave band between 63Hz and 4Hz shall not exceed the background level when measured at any noise sensitive property.

- c) The procedure to be followed in the event that there is a complaint about noise from the site including reviewing the levels used on the noise limiting device.

The noise limiting device and approved speaker system shall be employed at any time when PA or amplification equipment is used at the site and shall be set at the level identified under part b) of this condition or any alternative level subsequently approved under the requirements of c).

Reason: In order to control noise in the interests of the amenity of local residents and to conform with Policy 17 of the Central Lancashire Core Strategy.

14. The playing of amplified music within any part of the hotel or pavilion shall not take place after 12:00am midnight on Mondays to Sundays.

Reason: In the interests of the amenities of the area and to conform with Policy 17 of the Central Lancashire Core Strategy.

Archaeology

15. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the County Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings.

Notes

This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the County Council, as Highway Authority, must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Before any works to the access commence you should contact Lancashire Community Services, Cuerden Way, Bamber Bridge, Preston PR5 6BS Tel: 01772 658560 quoting the planning permission reference.

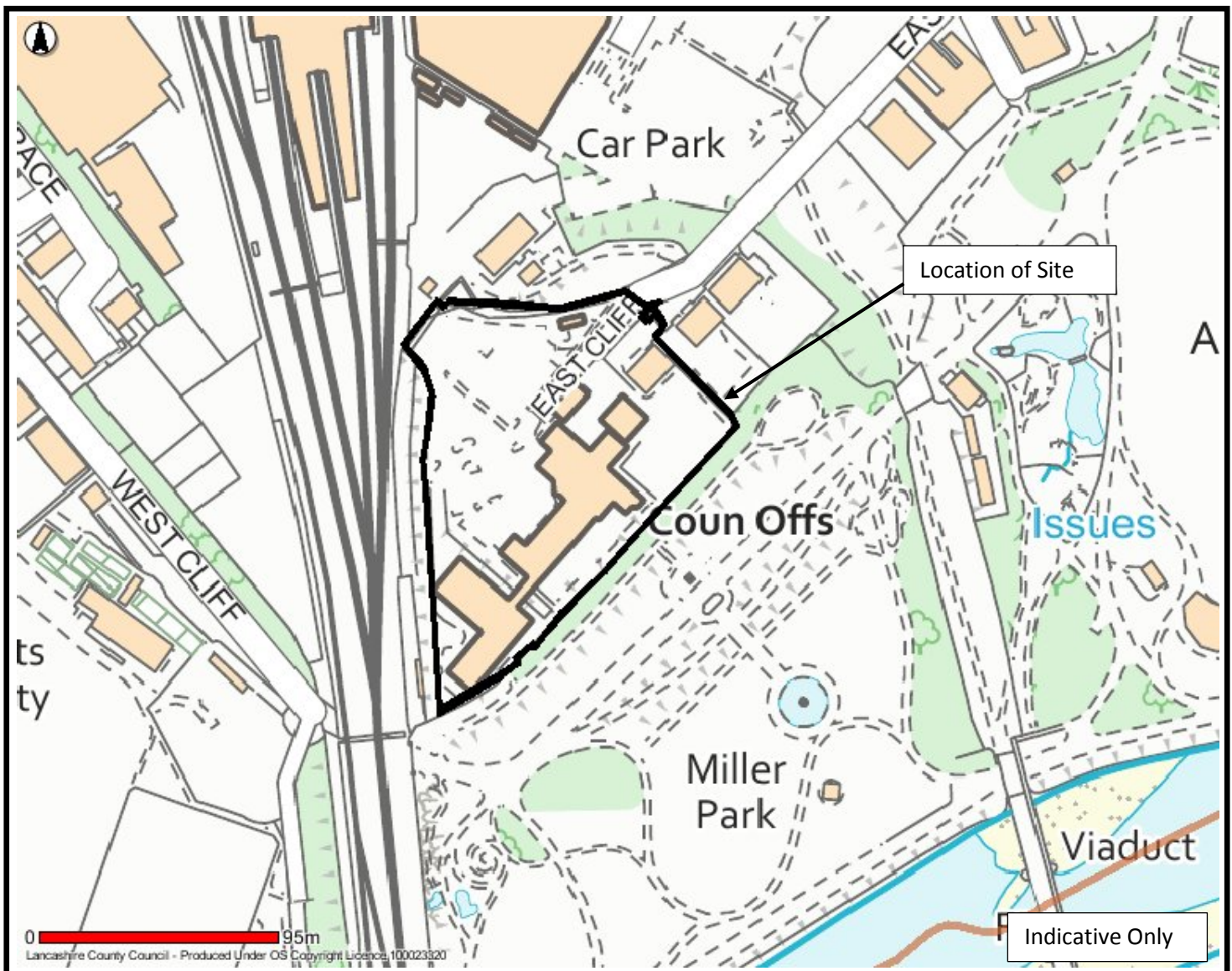
The applicant's attention is drawn to the requirements of the Equality Act 2010 and the British Standards Institution Code of Practice for Design of Buildings and their approaches to meet the needs of Disabled People (BS8300:2009). The design of the building will also need to comply with Part M of the 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

Paper	Date	Contact/Ext
LCC/2016/0085	January 2018	Faiyaz Laly / 01772 538810

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

APPLICATION LCC/2016/0085 CHANGE OF USE / CONVERSION / EXTENSION OF THE FORMER PARK HOTEL BUILDING FROM OFFICES (CLASS B1) BACK TO A HOTEL (CLASS C1). ERECTION OF A NEW BUILD SINGLE STOREY PAVILION BUILDING AND DEMOLITION OF THE EXISTING JDO BUILDING AND ITS REPLACEMENT WITH AN OFFICE BUILDING / EXTENSION TO THE HOTEL. CHANGE OF USE / CONVERSION / PART DEMOLITION AND REBUILD OF NO 8 EAST CLIFF FROM OFFICES (CLASS B1) TO HEALTH SPA (CLASS D1). ALONGSIDE REMODELLING OF EXISTING CAR PARKING AND LANDSCAPING WORKS. FORMER PARK HOTEL COMPLEX, EAST CLIFF, PRESTON.



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Development Control Committee

Meeting to be held on 23 January 2019

Electoral Division affected: Ribble Valley North East
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Ribble Valley Borough: application number LCC/2018/0047

Single storey extension to rear, new canopy and non-floodlit multi-use games area (MUGA) at Barrow Primary School, Old Row, Whalley Road, Barrow, Whalley

Contact for further information:

Robert Hope, 01772 534159

DevCon@lancashire.gov.uk

Executive Summary

Application – Single storey extension to rear, new canopy and non-floodlit multi-use games area (MUGA) at Barrow Primary School, Old Row, Whalley Road, Barrow, Whalley.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling commencement, working programme, hours of construction working, sustainable drainage and a travel plan.

Applicant's Proposal

The planning application is for a proposed single storey extension to the rear of the existing school, a new canopy and non-floodlit multi-use games area (MUGA).

The single storey rear extension would measure approximately 35m x 11m x 7.5m high at roof ridge for a new hall section and 5m high for classroom, kitchen and toilets. The external elevations would comprise reconstituted pitched face sandstone walling with smooth cut quoins, banding, and window and door surrounds with sandstone mortar, and sections of white painted render. The roof would be covered with artificial grey coloured roof slates and ridge tiles, coloured slate grey.

There would be a gazebo style canopy approximately 5m x 6m x up to 4m high made with a red fabric canopy and green steel posts. This would be located centrally within the school site adjacent to the school building.

The multi-use games area would be approximately 39m x 19m comprising a polymeric porous surface surrounded by 4m high grey coloured steel mesh fencing.

Three parking places displaced by the new rear extension would be re-located adjacent to existing parking close to the northern boundary. An additional space would be provided close to the eastern boundary.

Description and Location of Site

Barrow Primary School is situated off Whalley Road (C549), in the village of Barrow, approximately 2km north of Whalley and 2km south of Clitheroe. The school building is attached to a stone fronted church building that forms the frontage to Whalley Road and is adjacent to residential properties that stretch along Whalley Road including 'Old Row'. Properties at Old Row are some 45-50m away from the proposed extension and multi-use games area. Beyond the linear development along Whalley Road is largely agricultural land. Two detached properties known as 'Wigga Vista' and Penrhyn are located beyond the northern boundary of the school site at a distance of approximately 20-30m respectively. The school site includes a large detached building that serves as a nursery. Beyond the school and agricultural land to the south east is a service station area including industrial units and food outlets.

The school site falls within an area designated as essential open space in the Ribble Valley Local Plan.

Background

Planning history

The application relates to an existing school site.

Planning permission was granted in 2003 for a single storey extension (ref 03/03/0372).

Planning permission was granted in July 2007 for the provision of a temporary pre-school building (ref 03/07/0501).

Planning permission was granted in July 2008 for the creation of a playground incorporating permanent play equipment and erection of sail type canopy (ref 03/08/0469).

Planning permission was granted on September 2012 for the conversion of temporary nursery building for permanent use and extension to the building (ref 03/10/0680).

Planning permission was granted on 28 March 2011 for the variation of condition 2 of permission 03/10/0680 to allow for the retention of a flat roof and existing external appearance of an existing building (ref. 03/11/0083).

Planning permission was granted on 23 January 2013 for a single storey extension, car parking area to provide 11 spaces, bicycle store and extended hard play area (ref. 03/12/1050).

Planning Policy

National Planning Policy Framework

Paragraphs 11-12, 94, 97, 108-109 and 124 are relevant with regards to the definition of sustainable development, the need for new school places, open space and recreation, promoting sustainable transport, and requiring good design.

Ribble Valley Core Strategy 2008 – 2028

Policy DS1 – Development Strategy
Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport and Mobility
Policy DME6 – Water Management
Policy DMB4 – Open Space Provision

Consultations

It should be noted that some of the consultation comments below relate to the original planning application which involved the demolition of a chapel building which forms part of the school. The application does not now include this demolition.

Ribble Valley Borough Council – The extension and improvement of the school is supported in principle. However, there are concerns in relation to the loss of the chapel and hall due to their age and contribution to the wider street scene. While not formally listed the buildings are considered to be non-designated heritage assets. Consideration should be given to Paragraph 197 of the National Planning Policy Framework and subject to the necessary policy tests.

Barrow Parish Council – Very much in favour of plans to expand pupil numbers but object to the application because of the proposal to demolish the chapel, the replacement building is not in keeping with nearby properties and because there is a lack of parking provision and traffic management plan. An alternative site for a new school building should be found.

Lancashire County Council Ecology Service – The bat survey has identified that the building to be demolished has high potential to support roosting bats. Presence/absence surveys are therefore required (in accordance with the best practice guidelines) to establish the presence/absence of roosting bats, the extent to which bats might be affected, and the need for mitigation/compensation. In the absence of this further survey, it is not possible to determine whether or not the proposed works would result in a breach of legislation and, if so, whether the proposals would be likely to be licensed.

With the exception of bats, potential impacts on 'other' biodiversity are sufficiently well understood such that, once the outstanding issue of impacts on bats is resolved to the satisfaction of the planning authority, mitigation/compensation for other impacts could be secured by planning condition.

Lancashire County Council Highways Development Control – There are concerns regarding the parking issues currently experienced outside the school. The applicant subsequently provided a transport statement, which makes reference to a travel plan and the potential for a walking bus operating from Barrow Brook. The latter should be a defined objective of the school travel plan, which should be updated to cater for the anticipated pupil increases.

Sport England – The proposed development does not fall within either their statutory remit or non-statutory remit. If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Paragraph 97 of the National Planning Policy Framework.

Lancashire Archaeological Advisory Service – In response to the initial submission there is no heritage statement nor does the Design and Access Statement provide an assessment of the heritage values of the chapel and attached buildings which are proposed for demolition.

No objection is made to the works to the rear of the site but comments are made regarding the history and heritage value of the chapel building at the frontage of the site and the assessment work that will be required should the chapel be proposed for demolition.

In response to the amended application details it is noted that the application appears to have been divided into two phases, with the demolition and redevelopment of the original chapel and hall along the Whalley Road frontage being placed into a second phase [outside the scope of this application]. As noted in the original comments, there are no objections to the works to the rear of the site and as such have no issues with what appears to be the Phase 1 element of the scheme.

Lancashire County Council Lead Local Flood Authority – No comment.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been received stating no objection to the proposed development but wishing to discuss boundary fence issues which are outside the scope of the planning application.

Advice

Barrow Primary School consists of an original school building and a former chapel along with a number of modern extensions to the rear of the school building. The school grounds also contain a Nursery School that is a stand-alone unit. The existing main school entrance and offices are located away from the frontage and are accessed via a side footpath alleyway. Dining provision is currently available in the former church hall but is considered to be extremely restricted and has access issues associated with changing floor levels.

This application originally proposed the demolition of the former chapel, classroom, hall (currently used as a dining hall), and kitchen area followed by the construction of a replacement single storey extension to the front of the school building for classrooms, reception, office area, and also a new main entrance area. However, it

has been established that further survey work is required to confirm the presence or absence of bats within the parts of the school that are to be demolished. This survey work can only be undertaken between May and September in accordance with Natural England guidance. On this basis the applicant has chosen to withdraw the part of the proposal relating to the demolition and rebuilding works. A separate application for the demolition of the former chapel and hall and new single storey extension is now likely to be submitted in summer 2019 following the outcome of the further bat surveys.

The application therefore now only relates to a single storey extension to the rear, a new canopy and a non-floodlit multi-use games area. Therefore concerns raised in relation to the demolition works and potential impacts on bats are no longer relevant.

The primary aim of the proposal is to increase the number of pupils admitted to reception year at Barrow Primary School from 20 to 30 with an additional 10 reception places in September 2019 and for each subsequent year resulting in the school's capacity eventually increasing from 140 to 210 pupils. Staff numbers would increase by 2 during the same period.

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.

It has been identified that Barrow and surrounding areas will be likely to have a shortage of primary school places due to significant levels of planned housing development combined with higher birth rates. However, the actual number of required school places is difficult to forecast as there is no certainty over the timeframe of availability of new housing in the area. Consequently, there is no certainty in the number of children in a locality requiring school places in any new school year. Therefore, the expansion of existing schools is the preferred way to provide viable school places and to disperse the impact of the need for additional school places across several locations.

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.

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 school site is identified as being 'Essential open space' on the allocation plan accompanying the Ribble Valley Core Strategy. Policy DMB4 of the Ribble Valley Core Strategy relates to open space provision and states that the borough council will refuse development proposals which involve the loss of existing public open space, including private playing fields which are in recreational use but consent may be granted because of social and economic benefits that would arise or where replacement facilities are provided. In this instance the loss of a small area of playground and grassed area for a school hall and multi-use games area would be an acceptable use of the land. Sport England has raised no objection principally as the site does not fall within the definition of a statutory playing field. The proposed MUGA would contribute towards improved sporting facilities.

The rear extension would complement elements of the existing school building. The scale and design of the new extension and multi-use games area is acceptable and is considered to comply with the relevant policies of the development plan in this respect. The multi-use games area would provide a new sporting facility for the school to enhance the quality and availability of usable open space. There would be no negative impact on biodiversity or on local amenity given the nature of the existing amenity grassland and the proximity to neighbouring properties. However, a condition is recommended to control construction working to a typical working day to minimise the likelihood of disturbance.

Concerns have been raised in relation to traffic impacts associated with the proposal. Following a request, the applicant submitted a transport statement. The report notes that the school currently has 13 car parking spaces including 1 disability space for staff. Parking provision would be maintained at 13 spaces as part of the development in a slightly altered layout. The report continues by stating that as with most primary school sites there is parent parking demand at the start and end of the school day. However, there are significant areas of on-street parking available in the vicinity of the school and site observations indicate that such parking does not result in any significant operational or safety issues on the local highway network. It is also indicated that there is additional parking capacity available.

Approximately 70% of pupils currently travel by car and a number of pupils attend breakfast and after school clubs, which spreads the parking demand over a longer period. Parking and drop-off demand is further reduced by siblings travelling together. In summary, of approximately 140 existing pupils there are only approximately 70 car journeys to school in the morning and at pick up. The proposed development would incrementally add up to an additional 30-35 journeys in the morning and afternoon after 6 years once the additional classroom space is fully occupied.

In terms of potential improvements, the transport statement states that there could be potential to implement a 'walking bus' scheme with pick-up and drop-off at the recently opened Barrow Brook Services. The owners of the site have agreed to its use. The site is approximately 650m walk from the school.

LCC Highways Development Control have raised concerns in relation to availability of parking on Whalley Road during school pick-up and drop-off. Consequently, it is recommended that the opportunity for a 'walking bus' and other transport initiatives should be explored through a travel plan. A condition is recommended for a school travel plan to seek to promote alternative modes of transportation to the private car.

The only other condition considered necessary to make the proposed development acceptable in highway terms is in relation to ensuring that construction traffic carries no debris onto the highway.

Policy DME6 of the Ribble Valley Core Strategy recognises that there should be a promotion of designs that adopt principles of sustainable construction including Sustainable Drainage Systems (SuDS). The applicant has submitted a drainage study. A feasible sustainable drainage solution would be to provide a below ground cellular storage system with a flow control unit to restrict discharge to main sewer, which is considered to be a suitable scheme.

In conclusion, the proposed development would provide additional teaching areas to enable the primary school to increase the school's admission numbers in accordance with local demand, and to enhance its sporting facilities. The layout, scale and design of the development would ensure a suitable educational setting. The location of the new built development and multi-use games area would have no detrimental impact on neighbouring residents subject to a condition controlling hours of working to reasonable times. It is considered that the proposed development complies with the policies of the National Planning Policy Framework and the development plan.

In view of the scale, nature and design 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, except where modified by the conditions to this permission, in accordance with the following documents:

- a) Submitted Plans and documents:

Drawing no. A01, Rev C1 - Site Location Plan

Drawing no. A18, Rev P4 - Proposed Elevations - Phase 1
Drawing no A19, Rev P4 - Proposed Layout Plan - Phase 1
Drawing no. A21, Rev P3 - Proposed Site Layout Plan - Phase 1

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

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.

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. 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 DMG1 of the Ribble Valley Core Strategy.

5. Prior to the use of the building extension and MUGA, sustainable drainage shall be provided in accordance with the details shown drawing no. A21, Rev P3 - Proposed Site Layout Plan - Phase 1. The sustainable drainage system shall thereafter be retained in full working order.

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.

6. Within 12 months of the date of this planning permission, a School Travel Plan shall be submitted to the County Planning Authority for approval in writing. The Travel Plan shall describe the means by which visitors, staff, parents/carers shall be encouraged to travel to the site by means other than the private car. This shall include exploring the potential for a walking bus operating from Barrow Brook. The Plan as approved shall be monitored and reviewed on an annual basis and a copy of that annual review shall be submitted to the County Planning Authority within 3 months of the completion of the annual review.

Reason: To seek to promote alternative means of transport and to conform with Policy DMG1 of the Ribble Valley Core Strategy.

Local Government (Access to Information) Act 1985

List of Background Papers

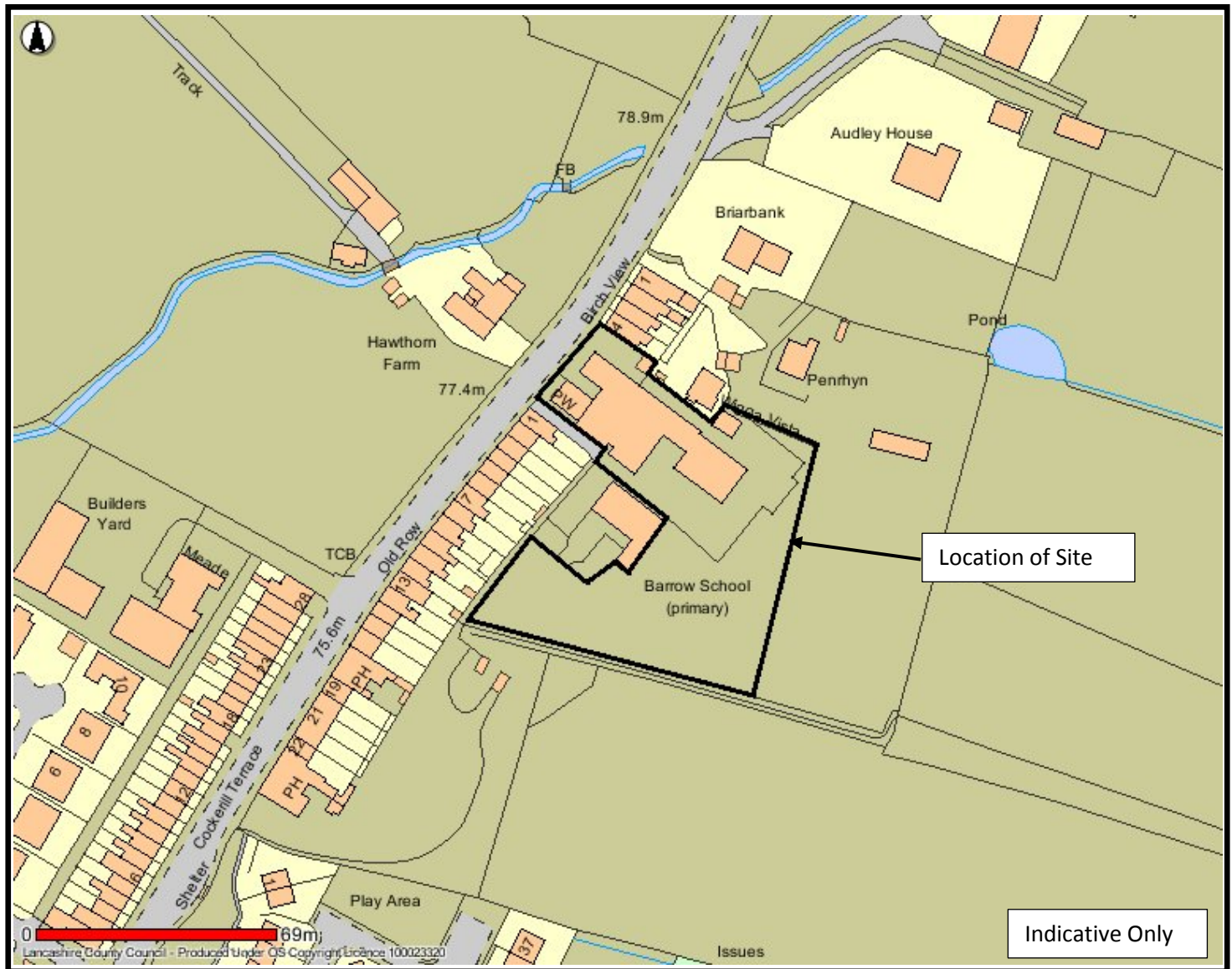
Paper	Date	Contact/Ext
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None		
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Reason for Inclusion in Part II, if appropriate		
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N/A		
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APPLICATION LCC/2018/0047 DEMOLITION OF EXISTING CHAPEL AND HALL, CONSTRUCTION OF REPLACEMENT SINGLE STOREY EXTENSION TO FRONT AND SINGLE STOREY EXTENSION TO REAR, NEW CANOPY AND NON FLOODLIT MULTI USE GAMES AREA (MUGA). BARROW CE PRIMARY SCHOOL, OLD ROW, WHALLEY ROAD, BARROW, WHALLEY



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Development Control Committee

Meeting to be held on 23rd January 2019

Electoral Division Affected: All

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

Contact for further information:
Susan Hurst 01772 534181
DevCon@lancashire.gov.uk

Executive Summary

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

Recommendation – Summary

That the report be noted.

Since the last meeting of the Development Control Committee on the 12 December 2018, the following decisions on planning matters have been taken in accordance with the County Council's Scheme of Delegation.

Fylde

SCR/2018/0003
M55 to Heyhouses Southern Section
Screening request for changes in design of the southern section of the link road

Preston

LCC/2018/0051
Land South of the Old Whittingham Hospital Site, Whittingham, Preston
Change of use of land to operational land for a new waste water pumping station

South Ribble

LCC/2018/0018/1
Blackburn Waste Water Treatment Works, Cuerdale Lane, Samlesbury, Preston
Compliance with condition 11 of permission LCC/2018/0018 - Remediation details to conform with the provisions of planning permission LCC/2017/0029.

LCC/2017/0001/3
Penwortham Bypass - From A582 Broad Oak Roundabout Connecting To A59
Between Howick C Of E Primary School And Blackhurst Cottages.

Compliance with condition 19f and 19g details of the tunnels, culverts, headwalls, retaining walls, acoustic fencing and details of the hardsurfacing materials

Burnley

LCC/2018/0004/1

Hapton Valley Colliery Site, Accrington Road Hapton

Compliance with condition 3 of permission LCC/2018/0004 - surface water drainage system

Recommendation

That the report be noted.

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

Paper

None

Reason for Inclusion in Part II, if appropriate:

N/A