

Development Control Committee
Meeting to be held on 4th March 2020

Electoral Division affected: Lancaster Rural East
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Lancaster City: application number. LCC/2020/0001
Construction of new vehicular access junction and associated access track to
Cloughton Waste Water Treatment Works. North side of A683 Lancaster Road,
Cloughton, Lancaster.

Contact for further information:
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Executive Summary

Application – Construction of new vehicular access junction and associated access track to Cloughton Waste Water Treatment Works. North side of A683 Lancaster Road, Cloughton, Lancaster.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, highway matters, landscaping and noise.

Applicant's Proposal

Planning permission is sought for a new vehicular access to Cloughton Waste Water Treatment Works.

The proposed access would include a new junction off the A683 with entry and exit corner radii of 6 metres that would lead to an access track with a total length of approximately 110 metres.

The new access would have visibility splays to the north of 2.4 metres x 26.3 metres measured to the nearside carriageway edge of the A683 and 2.4 metres x 32.9 metres to the south.

The proposal would involve removing a 22 metre length of existing stone wall along the edge of the highway. Some of the stone would be used to construct a new wall behind the visibility splay to the new access.

The area between where the new wall and the edge of the footway would be tarmacked.

The first 16 metres of the access track from the junction with the A683 would be 5.5 metres wide and have a tarmac surface, with the remaining length being 3.6 metres wide and constructed from compacted stone. A post and rail fence would be located along the edge of the length of tarmac road with a timber field gate located where the tarmac changes to stone.

A number of trees, scrub vegetation, sections of two stone walls (separate to the wall along the edge of the A683) and a dilapidated shed within the application site would have to be removed to accommodate the route of the access track.

Description and Location of Site

The proposed access is located on the north side of the A683 Lancaster Road in Cloughton in the Lune Valley. The site is located within the Countryside Area and Forest of Bowland Area of Outstanding Natural Beauty.

The nearest residential properties are directly opposite the proposed access on the south side of the A683, and at Meadowside approximately 35 metres to the south of the proposed access track. A restaurant (Fenwick Arms) is located approximately 25m to the north of the proposed access track. Low Lane is a narrow track by the Fenwick Arms that provides access to residential properties, and extends alongside the proposed access track. Farleton Old Road is a track located opposite the proposed site access track. The land surrounding Cloughton is agricultural.

There are no priority habitats within or directly adjacent to the site, or any Biological Heritage Site or Sites of Special Scientific Interest nearby. Cloughton Beck is located about 12 metres from the site.

The access would pass through a former farm complex consisting of scrub vegetation with occasional scattered mature and semi-mature trees present. The site is bordered by trees, stone walls and post and wire fencing to the south-east and south-west. There are a number of dilapidated stone buildings immediately adjacent to the north-east. Two stone walls, in addition to the stone wall that fronts the A683, cross the route perpendicular to the direction of the proposed access track. A derelict wooden shed is also directly along the route of the access track.

Background

A planning application for the construction of an improved access including a 110m stone access road to Cloughton Waste Water Treatment Works, was withdrawn by the applicant on the 20 May 2019 following a recommendation from LCC Highways Development Control that the proposal be refused on highway safety grounds (ref. LCC/2018/0049).

Planning Policy

National Planning Policy Framework

Paragraphs 7 - 11, 47, 54 - 55, 80, 102, 109, 118, 124, 127, 130, 170 and 180 are relevant with regard to the following: Achieving sustainable development - the

presumption in favour of sustainable development; Decision making - determining applications and planning conditions and obligations; Building a strong, competitive economy – supporting a prosperous rural economy; Promoting sustainable transport – considering development proposals; Making effective use of land; Achieving well-designed places; and Conserving and enhancing the natural environment – ground conditions and pollution.

National Planning Policy Framework Planning Practice Guidance

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

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

Lancaster City Council Core Strategy (2003-2021) – Adopted July 2008

Policy SC1 Sustainable Development
Policy SC5 Achieving Quality in Design

Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD – Adopted August 2014

Policy NPPF1 Presumption in Favour of Sustainable Development
Policy DM27 Protection & Enhancement of Biodiversity
Policy DM29 Protection of Trees, Hedgerows and Woodland
Policy DM35 Key Design Principles

Consultations

Lancaster City Council - No objection subject to the inclusion of conditions requiring submission of a landscaping scheme, and compliance with the Arboricultural Impact Assessment and protected species mitigation report.

Claughton Parish Council - No observations received.

Environment Agency – No objection.

LCC Highways Development Control - No objection subject to the inclusion of a condition to prevent the erection or planting of anything above one metre in height when measured 2.4 metres back from the give way line of the site access road to a point 32.9 metres in a southerly direction to the nearside kerb of Lancaster Road.

As the development requires works within the public highway, any planning permission should include an informative note to require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority.

LCC Specialist Advisor (Landscape) – Provide the following comments in relation to the amended landscaping scheme:

- The proposal to plant native trees and shrubs is commendable and appropriate for the area's landscape character.
- The location of some of the planting would put nearby post and rail fencing and bitmac surfacing, and an overhead telecom cable, at risk from damage as the trees grow and their canopies spread.
- Given the location of the application site within the Forest of Bowland Area of Outstanding Natural Beauty, the appearance of the bitmac surfacing could be enhanced by rolling in a sandy/reddish coloured aggregate. Resin bound gravel could also be considered as an alternative to bitmac. No details are given for the proposed surfacing materials for the rest of the access track beyond the initial section by the junction with the A683 – an appropriate material would be a grass surface sown within load bearing and free draining interlocking 'pavers'.

Forest of Bowland Area of Outstanding Natural Beauty - No observations received.

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

One objection has been received about the additional risk to an area of road with existing significant traffic issues and where there have been a number of serious road accidents. The scheme will increase the likelihood of further accidents involving both pedestrians and cars.

Advice

Planning permission is sought for a new vehicular access to Claughton Waste Water Treatment Works. The current access to the treatment works is via a narrow track off the A683 and runs between a number of farm buildings where there is a restricted width and potential for site traffic to damage the buildings. The track is also quite narrow and not fully surfaced along sections and hence access for large vehicles, such as tankers, can be difficult during adverse weather and winter conditions. The current point of ingress/egress off the A683 Lancaster Road is located on a blind bend and deemed to be unsafe from the perspective of highway safety. In the vicinity of the site, the A683 is a 40mph route.

The proposed new access road is required to provide a safe vehicular access to Claughton Wastewater Treatment Works which requires regular visits including by HGVs to check the operation of the site, general maintenance and for sludge removal.

The proposed new junction with the A683 would include radii curves of 6 metres along with associated visibility splays. This would lead to an access track with a total length of approximately 110 metres. To facilitate the junction and the laying of the access track, sections of stone walls and a shed would have to be removed.

The proposal is an amended design to planning application ref. LCC/2018/0049 that was withdrawn by the applicant following a recommendation by LCC Highways Development Control that the proposal be refused on highway safety grounds.

To address these concerns, the applicant has made the following changes to the design of the access junction as follows:

- Change in orientation of the access so that it would be perpendicular to the highway.
- Removal of wall along the front of the highway.
- Existing boundary wall to be moved back to provide improved sightlines and the area between this and the edge of the footway to be surfaced in tarmac so that it would be free of obstructions to provide the required visibility splay.
- A timber field gate to be set back 16 metres from the junction with the A683 to allow vehicles to be clear of the highway whilst the gates are operated. This section of the track is to be constructed from tarmac to ensure that no stone or other materials are pulled onto the highway during use of the track.
- Timber post and rail fence along edge of the access back to proposed access gate.
- Removal of the trees along the edge of the highway to provide improved visibility.

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 comprises the Lancaster City Council Local Plan 2011 – 2031 Development Management DPD, the Lancaster City Council Core Strategy (2003-2021) and the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One,

The main issue is highway safety. LCC Highways Development Control are now satisfied with the design of the access subject to the inclusion of a condition to prevent the erection or planting of anything above one metre in height within the visibility splay. In response, the visibility splays would not be within land that the applicant controls and hence such a condition could not be imposed as it would not be enforceable. However, this area would be surfaced in tarmac and would achieve the same objective. To ensure highway safety, conditions should be imposed to require the following: the access and associated access track should not be brought into use until the full length of the track has been hard surfaced as proposed; the access gate shall open away from the highway; all vehicles shall enter or leave the site in a forward direction; and measures shall be taken at all times during the construction of the development to ensure that no mud, dust or other deleterious materials are tracked onto the A683 by vehicles leaving the site. Any planning permission should also include an informative note to require the applicant to enter into an appropriate Legal Agreement with the County Council under section 278 of the Highways Act 1980 as the proposal would require works within the public highway.

A number of trees, scrub vegetation, sections of two stone walls (separate to the wall along the edge of the A683) and a dilapidated shed within the application site would have to be removed to accommodate the route of the access track.

An Arboricultural Impact Assessment and landscaping scheme has been submitted. The LCC Specialist Advisor (Landscape) has not objected but expressed some concerns that the location of some of the planting would put nearby post and rail fencing and bitmac surfacing, and an overhead telecom cable, at risk from damage as the trees grow and their canopies spread. It is, however, considered that the landscaping scheme is broadly acceptable and would provide adequate compensation for the trees and other vegetation that would be lost. In accordance with Lancaster City Council's comments, conditions should require that the approved scheme shall be fully implemented in accordance with the submitted Arboricultural Impact Assessment.

An ecology survey has been undertaken which assesses the potential of the stone walls, shed, and trees and scrub vegetation on site to support bats, nesting birds and reptiles, namely slow worm and common lizard. The survey concluded that the stone walls and shed showed no evidence of use by bats. The survey states the measures that should be undertaken to avoid negative impacts on any nesting birds and reptiles that may be present. Subject to the inclusion of a condition to require that the avoidance measures for any nesting birds and reptiles at the site are undertaken as stated in the ecology survey, then the proposal is acceptable in relation to nature conservation.

There would be increased noise levels during construction. This can be addressed through a condition to require that effective silencing equipment or sound proofing equipment should be used.

Overall, the development would be in keeping with the character of adjacent areas. It is anticipated that the overall visual change resulting from the proposed development would be minor in nature. Subject to the imposition of the suggested conditions, the development would substantially improve traffic safety, and the landscape and ecology impacts would be acceptable. The development would comply with the requirements of the NPPF and the Policies of the Development Plan.

In view of the scale, location and nature of the proposed development it is considered no Convention Rights as set out in the Human Rights Act 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) The Planning Application, Supporting Statement, Ecology Survey Report, Claughton WwTW Site Access Assessment received by the County Planning Authority on 2nd January 2020, and the email and Arboricultural Impact Assessment received by the County Planning Authority on 23rd January 2020.

- b) Submitted Plans received by the County Planning Authority on 2nd January 2020:

Drawing Number B27050AP-DRW-001 Rev. 01 - Proposed Site Access With Visibility Splays

Submitted Plans received by the County Planning Authority on 23 January 2020:

Drawing Number 6364/00/97/9400 Rev. B - Landscape Proposals

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, Policies SC1 and SC5 of the Lancaster City Council Core Strategy (2003-2021), and Policies NPPF 1, DM27, DM29 and DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD.

Highway Matters

3. The vehicular access and associated access track should not be brought into use until it has been surfaced according to the specification as shown on Drawing Number B27050AP-DRW-001 Rev. 01 - Proposed Site Access With Visibility Splays.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy SC5 of the Lancaster City Council Core Strategy (2003-2021) and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD.

4. The re-sited access gates shall open away from the highway.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy SC5 of the Lancaster

City Council Core Strategy (2003-2021) and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD.

5. All vehicles shall enter or leave the site in a forward direction.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy SC5 of the Lancaster City Council Core Strategy (2003-2021) and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD.

6. Measures shall be taken at all times during the construction of the development to ensure that no mud, dust or other deleterious materials are tracked onto the A683 by vehicles leaving the site.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy SC5 of the Lancaster City Council Core Strategy (2003-2021) and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD.

Landscaping

7. The landscaping of the site shall be carried out in accordance with the approved Arboricultural Impact Assessment and Drawing Number 6364/00/97/9400 Rev. B - Landscape Proposals within the first planting season following the new access being brought into use. The landscaping works shall then be maintained for a period of five years including replacement of failed plants, weed control and maintenance of protection measures.

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, Policies SC1 and SC5 of the Lancaster City Council Core Strategy (2003-2021) and Policies DM27, DM29 and DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD.

8. The development hereby permitted shall be carried out in accordance with the approved avoidance and mitigation measures for any nesting birds and reptiles as set out in the submitted 'EcoCheck' report. Where required by the approved mitigation, the measures shall be retained and maintained within the development at all times.

Reason: To protect nesting birds and reptiles and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and

Development Management Policies – Part One, Policy SC1 of the Lancaster City Council Core Strategy (2003-2021) and Policy DM27 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD.

Control of Noise

9. All plant, equipment and machinery used in connection with the construction of the development 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 duration of construction works.

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 DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD..

Definitions

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

Notes

The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact Lancashire County Council Developer Support Team by email developer@lancashire.gov.uk to progress the works.

Local Government (Access to Information) Act 1985

List of Background Papers

None

Reason for Inclusion in Part II, if appropriate

N/A