

**PLANNING AND HIGHWAYS
REGULATORY COMMITTEE**

10.30 A.M.

8TH JUNE 2009

PRESENT: Councillors Evelyn Archer (substitute for Mike Greenall), June Ashworth (substitute for Keith Budden), Eileen Blamire, Ken Brown, Anne Chapman, Chris Coates, John Day, Roger Dennison, Sheila Denwood, Emily Heath, Helen Helme, Val Histed, Andrew Kay, Geoff Marsland (substitute for Joyce Taylor), Joyce Pritchard, Robert Redfern, Peter Robinson, Bob Roe, Sylvia Rogerson and Roger Sherlock

Apologies for Absence:

Councillors Keith Budden (Chairman), Mike Greenall and Joyce Taylor

Officers in Attendance:

David Hall	Development Control Manager
Peter Rivet	Senior Planning Officer
Angela Parkinson	Senior Solicitor
Luke Gorst	Assistant Solicitor
Martin Brownjohn	Environmental Protection District Team Leader
Jane Glenton	Democratic Support Officer

1 APPOINTMENT OF VICE-CHAIRMAN

In the absence of the Chairman, the Senior Solicitor requested nominations for the position of Vice-Chairman.

It was proposed by Councillor Sherlock and seconded by Councillor Redfern:

“That Councillor Blamire be appointed Vice-Chairman of the Planning and Highways Regulatory Committee for the Municipal Year.”

The Senior Solicitor requested further nominations.

It was proposed by Councillor Day and seconded by Councillor Dennison:

“That Councillor Pritchard be appointed Vice-Chairman of the Planning and Highways Regulatory Committee for the Municipal Year.”

It was then proposed by Councillor Heath and seconded by Councillor Coates:

“That Councillor Chapman be appointed Vice-Chairman of the Planning and Highways Regulatory Committee for the Municipal Year.”

Upon being put to the vote, 9 Members voted for Councillor Blamire, 6 Members for Councillor Pritchard and 5 Members for Councillor Chapman.

In accordance with the provisions of paragraph 19.6 - Voting on Appointments, Section 1 of Part 4 of Council Procedure Rules, the Member with the least votes was taken off the list and a new vote was taken.

Upon being put to the vote, 9 Members voted for Councillor Blamire and 11 Members for Councillor Pritchard, whereupon the Senior Solicitor declared Councillor Pritchard Vice-Chairman.

Resolved:

That Councillor Pritchard be appointed Vice-Chairman of the Planning and Highways Regulatory Committee for the Municipal Year.

In the absence of the Chairman, the Vice-Chairman in the Chair.

2 MINUTES

The Minutes of the meeting held on 11th May 2009 were signed by the Chairman as a correct record.

3 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

In accordance with Section 100B (4) of the Local Government Act 1972, the Chairman ruled that the Committee should consider an exempt report as a matter of urgency because an immediate decision was needed to enable enforcement proceedings to be taken (Minute No. 20 refers).

4 DECLARATIONS OF INTEREST

Members were advised of the following declarations of interest:

Councillor Peter Robinson declared a personal interest in A14 09/00348/FUL – 18 Beech Road, Halton, Lancaster - being an application by one of his Group.

5 PLANNING APPLICATIONS

The Head of Planning Services submitted a Schedule of Planning Applications and his recommendations thereon.

Resolved:

- (1) That the applications be determined as indicated below (the numbers denote the schedule numbers of the applications).
- (2) That, except where stated below, the applications be subject to the relevant conditions and advice notes, as outlined in the Schedule.
- (3) That, except where stated below, the reasons for refusal be those as outlined in the Schedule.

(a) NOTE

A	-	Approved
R	-	Refused
D	-	Deferred
A(C)	-	Approved with additional conditions
A(P)	-	Approved in principle
A(106)	-	Approved following completion of a Section 106 Agreement
W	-	Withdrawn
NO	-	No objections
O	-	Objections

CATEGORY A APPLICATIONS

Applications to be dealt with by the District Council without formal consultation with the County Council.

APPLICATIONS SUBJECT TO PUBLIC PARTICIPATION

6 THE LILACS, NETHER KELLET ROAD, OVER KELLET

(Under the Scheme of Public Participation Christine Galbraith spoke to the Committee in objection to the application. Mr. Hacking from D. H. Design Architects spoke in support.)

A8 09/00247/FUL Erection of extensions and KELLETT WARD D alterations for Mr. Paul Jackson

Christine Galbraith addressed the Committee in objection to the application, and expressed concern regarding the potential use of the property as a commercial development, and that the matter had not been satisfactorily dealt with. The Parish Council, herself and others were concerned regarding the enormity of the development, which was incongruous, particularly from the approach road and in the context of her own property, which was over 400 years old, and had been used as a meeting place by the Quakers and was consequently of special interest. The proposed development would dwarf her property, the ground level being higher than her cottage, with large, ugly dormers, which were incongruous. Dormers per se received special attention in a Conservation Area. Due to her cottage having one room downstairs, meals were eaten in the garden. The wall to the proposed development was 5 feet away from the edge of the garden and would take all the sunshine. Screening by yew trees was unsatisfactory. To appreciate the impact of such a huge project on her property, Members were requested to defer the application to enable a site visit to take place.

Mr. Hacking of D. H. Design Architects, agent for the applicant, spoke in support of the application, and told Members that his client's sole purpose in purchasing the property was for its use as a long-term family home, the scale of the proposals being to meet family requirements. The objections from neighbouring properties were that the property would be too big and out of scale. However, there were other dormer properties in Over Kellet, and a number of properties were higher than this one, the variant roofline being an interesting factor, which he felt the Conservation Officer would agree with. The boundary wall was further than 5 feet from existing property, and the building was set back from the

road. The existing building was tired and outdated, and the revised design was intended to make the property more interesting and enhance the Conservation Area.

Members considered the application.

It was proposed by Councillor Brown and seconded by Councillor Helme:

“That the application be deferred to enable a site visit to take place.”

Upon being put to the vote, 12 Members voted in favour of the proposition, 7 against, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the application be deferred to enable a site visit to take place.

7 VACANT WORKSHOPS, SAND LANE, WARTON

***(Under the Public Speaking Scheme, John Hall, Josephine Barnes and Gretl Cook spoke in objection to the application.
Stephen White spoke in support.
County Councillor Sarah Fishwick spoke in objection.)***

A9	09/00322/FUL	Demolition of existing derelict workshops and erection of new office and stores with parking for Lune Valley 2001 Pension Scheme	WARTON	D
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John Hall addressed the Committee in objection to the application and advised Members that he objected to one of the slides that was being displayed at the meeting, as it was outdated and omitted his property. He strongly opposed the construction of a two-storey building with workshop and garage. Should the application be approved, it would tower over existing buildings in the immediate area and impact on privacy. Residents would have to close blinds and curtains to maintain privacy, resulting in a reduction of light. No amount of embellishment could change the workshop aspect, and the development would dominate the view from Warton Crag. It was debatable whether employment would be created or whether staff would be transferred from the existing business in Kendal. Mr. Hall raised concerns regarding the installation of lighting at the premises and pollution from it, and how insurance on adjacent properties would be affected, should the premises be burgled. He questioned the real reasons for the proposed development in a residential area and wondered why there was secrecy surrounding it. The Committee had an opportunity to bow to public opinion when reaching its decision.

Josephine Barnes spoke in objection to the application and the volume of traffic it would generate. There were road safety issues, and the road network was unsuitable for heavy traffic. On the 6th May 2009, the Assistant Area Manager from Lancashire County Council's Environment Directorate had written that County Highways were minded to recommend refusal on highway grounds. There was a speed limit of 30 mph on Sand Lane, and traffic speeds along the road were a problem, with visibility at the access of Sand Lane being substandard. The Carnforth road was already busy, and the railway bridge on the branch line had a height restriction of 3.2m. The road through the village

climbed steeply and was unsuitable for heavy vehicles. The proposed development would bring heavy vehicles with nowhere to turn in Sand Lane, and would create hazards for people, including children, in an AONB.

Gretl Cook addressed the Committee in objection to the application and advised Members that she was speaking on behalf of residents of Sand Lane, who were united in their objection to the application. Excess rainwater from fields and springs flooded drives and gardens, and the development would exacerbate this problem. The previous owner of the site had been forbidden from having deliveries to the premises and had sold as a result of this. Warton was in an AONB of national importance, with a precious landscape of outstanding beauty and abundant wildlife, which was safeguarded nationally by Conservation Groups and individuals. There had been media coverage of the application, attracted by the possible removal of habitat. There were worries that the business would expand and open the floodgate for future development. The applicant should look at siting the business in Carnforth, which sought regeneration, and this would alleviate the concerns of Environmental Health, the Access Officer, Tree Preservation Officer and County Council. The Committee was asked to consider the many letters of objection received, and objections from Geraldine Smith MP, the Village Society and Parish Council in reaching its decision.

Stephen White spoke in support of the application and advised Members that he wished to correct misnomers. The site comprised several derelict buildings. The applicant proposed to build a functional building, designed in limestone with a slate roof to blend in with the environs, which would be screened. Instead of tarmac on the ground, encouraging rainwater run-off, there would be chippings, the car park area just off the road being the only hard surfaced area to ensure accessibility. Rainwater from the roof would feed into a collection tank. The largest vehicles serving the property would be 5 tonne lorries. There would be no radiation risk from plant, as machinery would be left at nuclear sites. Machinery was manufactured in Sweden and, being electric-powered, was quiet. The applicant would maintain wildlife and habitat. The company, which was reasonably sized, had no plans to expand.

County Councillor Sarah Fishwick addressed the Committee in objection to the application and advised Members that residents and the Parish Council were against the application as a whole. The existing, insignificant, small area would increase to twice its size and be visible on journeys from Warton to Silverdale. The business was unsuitable for the area, as was the size of the trailers, which would take up most of the road whilst turning. The previous owner of the premises had only been allowed access by a small vehicle and van twice a day and had never been allowed to park there. Carnforth Market Town Initiative had been looked at with a view to diverting HGVs from Carnforth and only a small number travelled through Warton. The application for a new office and stores with parking had been expanded to include a workshop and garage suitable for commercial vehicles. If granted, the application would be in contravention of planning policy, being over-intensive and in the wrong place. A suitable siting would be in Carnforth near the motorway. In order that Members could view the site, a site visit was appropriate.

It was proposed by Councillor Roe and seconded by Councillor Dennison:

“That the application be deferred to enable a site visit to take place.”

Upon being put to the vote, 17 Members voted in favour of the proposition and 3 against, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the application be deferred to enable a site visit to take place.

8 WEST LINDETH HOUSE, 2 STANKELT ROAD, SILVERDALE

(Under the Scheme of Public Participation, Councillor Sarah Fishwick, Ward Councillor, spoke in objection to applications A11, A12 and A13.)

A11	09/00371/CU	Conversion of former nursing home to 3 dwellings with associated private sewage treatment plant and improved vehicular access for Mrs. B. Lord	SILVERDALE WARD	A(C)
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Councillor Sarah Fishwick, Ward Councillor, spoke in objection to applications A11, A12 and A13, and advised Members that the grounds were an important aspect that should be protected from development, having a number of mature trees, including a monkey puzzle tree. Other parts of Silverdale village had been issued with Tree Preservation Orders, but not this area. There were three separate applications for separate properties, which would use separate access on to the road, when presently only one front access was used through the gateway, resulting in two gateways almost opposite each other. The new properties could potentially have two cars each, and access on to Lindeth Road would be inadequate for the number of dwellings proposed, even with the improvements shown. The highway aspect was dangerous, with a large number of cars traversing and villagers walking and cycling in the vicinity. The development would be over-intensive. The proposed dwellings were in an AONB and would be visible above the wall and over-intrusive particularly on Shore Road. The sewage system could cause problems, and the Environment Agency should be consulted to ensure that it was adequate.

It was proposed by Councillor Dennison and seconded by Councillor Heath:

“That the application be approved.”

Upon being put to the vote, 14 Members voted in favour of the proposition, 4 against, with 2 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the application be approved, subject to the following conditions, as set out in the report:

1. Standard three year condition.
2. Development to be carried out in accordance with the approved plans.
3. Samples of materials used in extension to be agreed.
4. Details of foul drainage plant to be agreed.
5. Trees to be protected from development while development is in progress.
6. Details of any division of the garden surrounding the building to be agreed.
7. Removal of permitted development rights for extensions.
8. Removal of permitted development rights – doors and windows.

9. Vehicular access to be provided before houses are occupied.
10. Provision of turning spaces.
11. Provision of off street garaging/car parking.

and to the following additional condition (suitably worded):

12. Landscaping.

9 WEST LINDETH HOUSE, 2 STANKELT ROAD, SILVERDALE

A12 09/00377/OUT Outline application for the SILVERDALE A(C)
erection of 2 dwellings with WARD
integral garages, sewage plant
and access improvements for
Mrs. Lord

It was proposed by Councillor Dennison and seconded by Councillor Chapman:

“That the application be approved.”

Upon being put to the vote, 14 Members voted in favour of the proposition, 4 against, with 2 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the application be approved, subject to the following conditions, as set out in the report:

1. Standard three year condition.
2. Outline permission – details to be submitted: materials, design, boundary treatment.
3. Houses to be no more than two storeys in height.
4. Development to be carried out in accordance with the approved plans.
5. Contaminated land survey to be undertaken.
6. Construction work to take place only 0800 to 1800 Mondays to Saturdays, with no work on Sundays or public holidays.
7. Details of foul drainage plant to be agreed.
8. Vehicular access to be provided before houses are occupied.
9. Provision of turning spaces.
10. Provision of off street garaging/car parking.
11. Trees to be protected during building works.

and the following additional conditions (suitably worded):

12. Landscaping.
13. Solar Energy.

10 WEST LINDETH HOUSE, 2 STANKELT ROAD, SILVERDALE

A13 09/00378/LB Listed building application for SILVERDALE A
the re-siting of the existing WARD
gate pillars on north side of
access and adjustment of
associated stone wall with
reduced height for Mrs. Lord

It was proposed by Councillor Chapman and seconded by Councillor Dennison:

“That Listed Building Consent be approved.”

Upon being put to the vote, 18 Members voted in favour of the proposition, with 2 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Listed Building Consent be approved, subject to the following conditions, as set out in the report:

1. Standard three year condition.
2. Development to be carried out in accordance with the approved plans.
3. Method statement for removal and re-erection of the entrance pier to be agreed.
4. Details of mortar used in wall to be agreed.

and subject to the following additional condition (suitably worded):

5. The development to be carried out in accordance with the amended plans, showing alterations to the boundary wall.

APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION

11 FANNY HOUSE FARM, OXCLIFFE ROAD, HEATON-WITH-OXCLIFFE

A5 09/00155/FUL WITHDRAWN HEYSHAM W
SOUTH WARD

12 GROSVENOR ROAD GARAGE, HEYSHAM ROAD, HEYSHAM

A6 09/00329/FUL Redevelopment of Bay View HEYSHAM A(C)
Cars site for 9 flats for Bay CENTRAL
View Cars WARD

It was proposed by Councillor Brown and seconded by Councillor Heath:

“That the application be approved.”

Upon being put to the vote, 13 Members voted in favour of the proposition, 4 against, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the application be approved, subject to the following conditions, as set out in the report, and amendment to the Human Rights Act:

1. Standard three year time limit.
2. Development to be built in accordance with the approved plans.
3. Separate system of drainage unless otherwise agreed.
4. The design and constructional details of the highway retaining wall to the Heysham Road and Grosvenor Road frontages to be approved by Lancashire County Council's Bridges Section before any works are commenced on site.
5. The boundary wall on the highway frontage of the site to Grosvenor Road shall not exceed a height greater than 1.0 m above the crown of the adjacent carriageway.
6. Provision and retention of car parking.
7. Parking spaces to remain unallocated and available for residents and visitors.
8. Provision and retention of cycle storage area.
9. Standard Contaminated Land condition.
10. Contaminated Land – importation of soil, materials and hardcore.
11. Contaminated Land – prevention of new contamination.
12. Bunding of Tanks.
13. Asbestos survey to be undertaken prior to works being commenced on site.
14. Hours of construction limited to 0800 – 1800 Monday to Friday and 0800 – 1400 Saturday only.
15. Scheme of dust control.
16. Scheme of noise assessment to be agreed including any piling operations.
17. Ventilation and extraction details to be agreed.
18. External lighting details to be agreed.
19. Notwithstanding the details hereby approved, precise details of the balcony construction and screening to be agreed.
20. Precise details of the energy efficiency/insulation levels to be agreed.
21. 10% Renewable Energy Generation.
22. Precise details of all external materials to be agreed including samples.
23. Boundary treatments to be agreed.
24. As may be required by consultees.

13 ELMS HOTEL, ELMS ROAD, MORECAMBE

A7	09/00158/FUL	Demolition of existing building and erection of new single building to house 44 no. 2 bedroom and 4 no. 1 bedroom assisted living apartments, 2 nurses studios, an undercroft parking area and an undercroft storage facility for use of the apartments for Hay Carr Estates/Mitchells of Lancaster	BARE WARD	D
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It was proposed by Councillor Ashworth and seconded by Councillor Day:

“That the application be deferred to enable a site visit to take place.”

Upon being put to the vote, 13 Members voted in favour of the proposition, 6 against, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the application be deferred to enable a site visit to take place.

14 THE SANDS, CARR LANE, MIDDLETON

A10 09/00339/VCN Application for variation of OVERTON A(C)
conditions 2 and 4 on WARD
permission 07/01673/CU to
allow the continued holiday
accommodation use of the site
between 1st March and 15th
January each year and
continue storing caravans
throughout the winter closed
period for Mr. David Mercer

It was proposed by Councillor Coates and seconded by Councillor Brown:

“That Conditions 2 and 4 of application number 07/01673/CU be replaced.”

Upon being put to the vote, 17 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Conditions 2 and 4 of the application number 07/01673/CU be replaced with the following conditions, subject to amendment of Condition 4:

1. In respect of the details relating to the additional tree planting, the permission relates solely to the application as amended by the letter and plan dated 20th May 2009.
Reason: For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.
2. The caravans hereby approved shall be used for holiday accommodation only and shall not be occupied for any other purpose. In particular, they shall not be used as the sole or principal residence by any of the occupants. No individual, family or group shall occupy a caravan for a period of eight weeks within any one calendar year.
Reason: Use otherwise in accordance with this condition would be inappropriate in this location.
3. No more than 28 touring caravans shall be located within the site hereby approved at any one time.
4. This permission shall only authorise the use of the land for touring style caravans (designed to be towed on the public highway) during the period from 1st March to 15th January of the following year. From 16th January to 28th February inclusive

each year, the caravans may be stored in situ on the site but shall not be used for human habitation.

Reason: For the avoidance of doubt and in the interests of visual amenity.

5. Following the implementation of the approved landscaping scheme, it shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the local planning authority. This maintenance shall include the watering, weeding, mulching and adjustment/removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.

Reason: In the interests of the amenity of the area.

It was noted that Councillor Robinson had previously declared a personal interest in A14 09/00348/FUL – 18 Beech Road, Halton, Lancaster – being an application by one of his Group.

15 18 BEECH ROAD, HALTON, LANCASTER

A14	09/00348/FUL	Erection of dormer extension to the front for Mr. P. Woodruff	HALTON- WITH- AUGHTON WARD	A
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It was proposed by Councillor Dennison and seconded by Councillor Day:

“That the application be approved.”

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the application be approved, subject to the following conditions, as set out in the report:

1. Standard full planning permission timescale.
2. Development to accord with approved plans.
3. Materials to match the existing adjacent elevation.

16 COCKERHAM BOERS, FIELD NORTH OF TARN FARM, GULF LANE

A15	09/00280/CU	Siting of a temporary mobile home to be used as a dwelling for Agricultural workers for Mrs. S. Peacock	ELLELE WARD	A(C)
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It was proposed by Councillor Blamire and seconded by Councillor Sherlock:

“That the application be refused.”

It was then proposed by Councillor Helme and seconded by Councillor Rogerson:

“That the application be approved.”

The proposer of the amended motion spoke in support of her motion and Members debated the matter.

The proposer of the original motion replied to the debate in support of her proposal that the application be refused, which was in accordance with the officer’s recommendation.

Upon being put to the vote, 10 Members voted in favour of the amended motion, 9 against, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the application be approved, subject to the following conditions (suitably worded)::

1. Three year temporary consent.
2. Occupation only in association with agricultural holding (standard agricultural workers condition or a suitable variation thereof).

17 LANCASTER AND MORECAMBE COLLEGE, MORECAMBE ROAD, LANCASTER

A16 09/00306/CU Change of use of car park to mixed use of car parking and car boot sale area (maximum 14 per year) for Lancaster and Morecambe College TORRISHOLME A WARD

It was proposed by Councillor Dennison and seconded by Councillor Ashworth:

“That the application be approved.”

Upon being put to the vote, 19 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the application be approved, subject to the following conditions, as set out in the report:

1. Standard three year condition.
2. Car boot sales to take place on no more than 14 days of each year.

18 DELEGATED PLANNING DECISIONS

The Head of Planning Services submitted a Schedule of Planning Applications dealt with under the Scheme of Delegation of Planning Functions to Officers.

Resolved:

That the Schedule of Planning Applications dealt with under the Scheme of Delegation of Planning Functions to Officers be noted.

19 EXEMPT ITEM

In accordance with Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following item of business on the ground that it could involve the possible disclosure of exempt information as defined in paragraph 6(a) of Schedule 12A of that Act.

20 PROPOSED ENFORCEMENT ACTION AT UNIT 4 KIRKBY LONSDALE STATION SITE

The Head of Planning Services submitted a report to seek Members' support for the commencement of Enforcement Proceedings.

Details of the matter are set out in Exempt Minute No. 20, in accordance with Section 100A of the Local Government Act 1972.

It was proposed by Councillor Sherlock and seconded by Councillor Blamire:

"That Option 3 be approved."

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Option 3 – Serve an Enforcement Notice requiring the cessation of the use, the removal of unauthorised building and plant, where necessary, and the reinstatement of the site to its former condition – be approved.

Chairman

(The meeting ended at 1.03 p.m.)

**Any queries regarding these Minutes, please contact
Jane Glenton, Democratic Services - telephone (01524) 582068 or email
jglenton@lancaster.gov.uk**

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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