

**PLANNING AND HIGHWAYS  
REGULATORY COMMITTEE**

**10.30 A.M.**

**7TH DECEMBER 2009**

**PRESENT:** Councillors Keith Budden (Chairman), Joyce Pritchard (Vice-Chairman), Ken Brown, Anne Chapman, Chris Coates, John Day, Roger Dennison, Sheila Denwood, Mike Greenall (Minute Nos. 116 to 132 only), Emily Heath, Helen Helme, Tony Johnson (substitute for Val Histed), Andrew Kay, Geoff Marsland, Robert Redfern, Peter Robinson (substitute for Paul Woodruff), Bob Roe, Sylvia Rogerson and Roger Sherlock

Apologies for Absence:

Councillors Eileen Blamire, Val Histed and Paul Woodruff

Officers in Attendance:

David Hall	Development Control Manager
Mark Cassidy	Assistant Development Control Manager
Angela Parkinson	Senior Solicitor
Martin Brownjohn	Environmental Protection District Team Leader
Jane Glenton	Democratic Support Officer

**116 MINUTES**

The Minutes of the meeting held on 2<sup>nd</sup> November 2009 were signed by the Chairman as a correct record.

**117 SITE VISIT**

A site visit was held in respect of the following application:

A8 09/00819/FUL    BP Filling Station, Scotforth Road, Lancaster    **SCOTFORTH  
EAST WARD**

The following Members were present at the site visit, which took place on Monday, 30<sup>th</sup> November 2009:

Councillors Keith Budden (Chairman), Eileen Blamire, John Day, Sheila Denwood, Emily Heath, Val Histed, Geoff Marsland, Robert Redfern and Roger Sherlock.

Officers in Attendance:

David Hall	-	Development Control Manager
Martin Culbert	-	Senior Planner
Martin Brownjohn	-	Environmental Protection District Team Leader
Jane Glenton	-	Democratic Support Officer

**118 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN**

There were no items of urgent business.

**119 DECLARATIONS OF INTEREST**

Members were advised of the following declarations of interest:

Councillor Roe declared a personal and prejudicial interest in A5 09/00968/OUT – Land adjacent Kellet Road Industrial Estate, Kellet Road, Carnforth – having been contacted as Ward Councillor regarding the sale of Council land for access at Kellet Road, Carnforth.

Councillor Johnson declared a personal interest in A5 09/00968/OUT – Land adjacent Kellet Road Industrial Estate, Kellet Road, Carnforth – being a member of Carnforth Town Council Planning Committee.

Councillor Heath declared a personal and prejudicial interest in A9 09/00978/FUL - Proposed Contemporary Arts Building, Bowland Avenue North, Lancaster University – being an employee of Lancaster University.

Councillor Pritchard declared a personal and prejudicial interest in A12 09/00982/CU – Dennison Trailers, Caton Road, Lancaster – her brother being an employee of the applicant.

Councillor Denwood declared a personal interest in A15 09/01070/DPA – 7, 9, 11 and 11A Bold Street, Heysham – being acquainted with the applicant.

Councillor Greenall declared a personal and prejudicial interest in A18 – Proposed Ormonde Offshore Wind Farm and the Ormonde Gas Field Development – being an employee of British Energy.

**120 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

**APPLICATION SUBJECT TO PUBLIC PARTICIPATION**

**121 BP FILLING STATION, SCOTFORTH ROAD, LANCASTER**

**(Under the Scheme of Public Participation, David Moorhouse spoke in objection to the application.)**

A8	09/00819/FUL	Redevelopment of petrol filling station including the erection of new canopy, shop building, ATM, pumps islands, storage tanks, car wash, jet wash bays and car vac bays and associated equipment and screening for Bowling Green Service Station	SCOTFORTH EAST WARD	A(C)
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David Moorhouse addressed the Committee in objection to the application and advised Members that he lived in the vicinity of the proposed development. This was the third time he had attended Committee regarding proposals and he was concerned about the intensification of the business. Previous applications had been refused on the grounds that the increase in vehicle movements, noise and disturbance would be detrimental to neighbouring amenities. Committee had refused a previous application, which had subsequently been allowed at Appeal. He was concerned that the shop would become a mini-supermarket, which would result in traffic building up whilst drivers were paying for goods. He was additionally concerned that the proposed wall to the rear of the garage would increase noise for residents, rather than contain it, and cause reverberation. He questioned the reason for increasing the canopy and surmised that it would allow access for heavy goods vehicles, contrary to the policy of preventing heavy goods vehicles into Lancaster

Members considered the application.

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

“That the application be approved.”

During the debate, it was moved by Councillor Kay and seconded by Councillor Dennison, by way of a friendly amendment, that the application be approved, subject to retail use of the shop being restricted.

The proposer and seconder accepted this as a friendly amendment.

Upon being put to the vote, 13 Members voted in favour of the amended proposition, 4 Members against, with 2 abstentions, whereupon the Chairman declared the proposal to be carried.

***Resolved:***

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

1. Standard full permission.
2. Amended plans.
3. Development in accordance with approved plans.
4. Hours of use of site restricted to 0700 to 2300 hours Monday to Saturday and 0800 to 2200 hours on Sunday and no deliveries or other servicing outside these hours.
5. Hours of use of car wash, jet washes, car vac and tyre inflators restricted to 0800 to 1800 hours unless otherwise agreed in writing.
6. Hours of construction and site clearance limited to 0800 to 1800 hours Monday to Friday and 0800 to 1400 hours Saturday. No working on Sundays or Bank Holidays.
7. Retail floor space to be limited to 180 sq. m.
8. Samples of stone, slate and wall copings to be agreed.
9. Details of the stonework coursing and pointing to be agreed.
10. Details of the roof eaves, ridges, flashings and rainwater goods to be agreed.
11. Details of the canopy including fascias and lighting to be agreed.
12. Details of car wash, jet wash, car vac and plant room enclosures, screens and control boxes, including lighting and audio warnings to be agreed.
13. Details of boundary walls and landscaping to be agreed – wall to be a minimum height of 2.5 metres above excising ground levels.

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

14. Retail use of shop to be restricted (shop shall not be divorced from the garage use and no concessions or separate operators shall be permitted).

**APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION**

***It was noted that Councillor Roe had previously declared a personal and prejudicial interest in the following item, having been contacted as Ward Councillor regarding the sale of Council land for access at Kellet Road, Carnforth, left the room during its consideration and did not vote on the matter.***

***It was noted that Councillor Johnson had previously declared a personal interest in the following item, being a member of Carnforth Town Council Planning Committee.***

122 LAND ADJACENT KELLET ROAD INDUSTRIAL ESTATE, KELLET ROAD,  
CARNFORTH

A5 09/00968/OUT Replacement application for CARNFORTH A(C)  
05/00734/OUT to extend the WARD  
time limit for implementation of  
the outline application for the  
formation of Carnforth  
Business Park – provision of  
mixed use scheme falling  
within classes B1, B2 and B8  
for Strong Developments Ltd

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

“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 outline condition.
2. Details to be submitted – siting, design, materials, landscaping.
3. Details of internal highway network to be agreed.
4. Landscaping to be implemented during the first planting season following occupation of first buildings on the site.
5. Pedestrian/cycle link to access road serving existing Kellet Road industrial estate to be provided before any buildings within the development are made available for occupation.
6. Details of perimeter drainage to be agreed.
7. Separators/interceptors to be provided for car park areas.
8. Separated drainage system to be approved.
9. Survey of ecological impact to be carried out and any mitigation measures recommended to be included within the landscaping scheme.
10. Access into site to be no steeper than 5% for the first 30 metres.
11. Details of off-site highway works to be agreed.
12. No buildings within site to be occupied until the off site highway works have been completed.
13. Business Travel Plans to be agreed for premises within the site.
14. No development until section 106 agreement in place covering public transport improvements.

And to the following additional conditions (suitably worded):

15. Limitation on B1, B2 and B8 use classes.
16. Conditions requested by County Highways.

Advice Note

Encourage new footpath provision.

123 OLD HALL CARAVAN PARK, CAPERNWRAY ROAD, CAPERNWRAY

A6 09/00988/CU Change of use of land to KELLETT WARD A(C)  
extend existing caravan park  
to accommodate 45 static  
holiday homes for Mr. & Mrs.  
D. Wightman

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

“That the application be approved.”

Upon being put to the vote, 18 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 (with amendment to condition 6):

1. Standard three year condition.
2. Amended plans reducing number of static vans to 45.
3. Caravans to be for holiday use only.
4. No caravans to be occupied between 11<sup>th</sup> January and 28<sup>th</sup> February of each year.
5. Development to be carried out in accordance with the approved plans.
6. Landscaping scheme to be implemented before any caravans are brought on to the site, *with provision to replace any species that dies within the first five years of planting.*
7. Details of parking provision to be agreed.

And subject to the following additional conditions (suitably worded):

8. Arboricultural method statement.
9. Barrier fencing details.
10. Replacement tree planting to be at least 3:1 ratio.

124 NEW SPATH FARM (FORMERLY KNOWN AS CAPERNWRAY OLD HALL FARM),  
CAPERNWRAY ROAD, CAPERNWRAY

A7 09/00874/CU Change of use of redundant KELLETT WARD A(C)  
farm buildings to caravan  
storage and the demolition of 3  
structures for Mr. & Mrs.  
D. Wightman

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

“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 (with amendment to condition 3):

1. Standard three year condition.
2. Repairs to caravans to be restricted to essential maintenance, to be defined in a Management Plan submitted to the local planning authority prior to the commencement of the use.
3. All towed vehicle movements to be made via the *south-eastern* site entrance.
4. No caravans to be broken up on the site.
5. No sales to take place from the site.

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

6. That the Traffic Management Plan shall be implemented and adhered to at all times thereafter.

Advice Note

With reference to condition 2, the Site Management Plan shall include confirmation that 'essential maintenance' shall be limited to 'roadworthiness repairs only', that all such maintenance shall occur within the buildings (and not externally), and that there is no outside caravan storage.

***It was noted that Councillor Heath had previously declared a personal and prejudicial interest in the following item, being an employee of Lancaster University, left the room during its consideration and did not vote on the matter.***

**125 PROPOSED CREATIVE ARTS BUILDING, BOWLAND AVENUE NORTH, LANCASTER UNIVERSITY**

A9 09/00978/FUL Erection of three storey UNIVERSITY A(C)  
Creative Arts Institute building, WARD  
provision of new access road  
and landscaped attenuation  
ponds for Mr. Alan Haydock

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

"That the application be approved."

Upon being put to the vote, 16 Members voted in favour of the proposition, 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 (with variation to condition 10 and deletion of condition 15):

1. Standard Full Permission.
2. Development in accordance with approved plans.

3. Samples of external materials and finish to be agreed.
4. Submitted landscaping scheme to be implemented.
5. Tree protection fencing.
6. Tree protection method statement to be agreed.
7. No site fires.
8. Separate drainage system.
9. Drainage details to be agreed.
10. Traffic counters to *remain in situ at all times thereafter*.
11. Revised travel plan to be agreed.
12. Car Park management plan to be agreed.
13. Site clearance, demolition and construction plan to be agreed.
14. Servicing strategy to be agreed.

And subject to the addition of:

- (1) The 5 County Highways conditions, limiting use of the LICA building during term time.
- (2) Standard condition regarding at least 10% energy generation from on-site sources.
- (3) The 3 requested land contamination conditions.
- (4) Condition regarding public art installation to be agreed and commissioned prior to occupation of the building, and to be provided within 6 months of first occupation of the building.
- (5) Replacement planting (3:1 ratio).

**126 39 PINWOOD AVENUE, BOLTON LE SANDS, CARNFORTH**

A10 09/01098/FUL WITHDRAWN W

**127 JOHN WILDING LTD, NORTHGATE, MORECAMBE**

A11 09/00974/FUL Erection of new industrial WESTGATE A(C)  
building for accident repair WARD  
centre for Mr. J. Wilding

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

“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 Conservation Area Consent be approved, subject to the following conditions, as set out in the report (with variation to condition 8):

1. Standard Time Limit.
2. Development to be built in accordance with the approved plans.
3. Submission of Contaminated Land Desktop Study.
4. Hours of Construction.
5. Hours of Use.
6. Noise Assessment.



7. Scheme for Odour Control and Ventilation.
8. Secure cycle, *motorcycle and mobility* parking to be agreed and provided, *to be retained at all times thereafter.*

***It was noted that Councillor Pritchard had previously declared a personal and prejudicial interest in the following item, her brother being an employee of the applicant, left the room during its consideration and did not vote on the matter.***

**128 DENNISON TRAILERS, CATON ROAD, LANCASTER**

A12 09/00982/CU Change of use from Class B2 BULK WARD A(C)  
(general industrial) to B2 and  
B8 (general industrial and  
storage/distribution),  
construction of a vehicle  
storage yard together with  
associated highways  
improvements for Mr. Stuart  
Cornthwaite

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

“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, and additional conditions arising from the meeting, as follows:

1. Standard Time Limit.
2. Development to be carried out in accordance with the revised landscaping plan and revised access improvements (once agreed).
3. Development to be carried out in accordance with the approved plans.
4. All highway improvements to be carried out prior to first occupation of the development approved.
5. Implementation of proposed landscaping scheme.
6. Standard tree protection condition.
7. Details of all external lighting to be provided and agreed.
8. Hours of construction.
9. Precise details of the design and layout of the cycle provision.
10. All parking (including cycle provision) to be provided in full prior to occupation and thereafter retained.
11. Any other additional highway conditions and advice notes regarding Travel Plan and possible cycle link.

And subject to additional conditions requested by County Highways and any arising from amended tree and cycle plans.

Advice Note

Applicant is encouraged to explore full cycleway linkage between cycle network and Caton Road.

129 **LOW WEST END FARM, HORNBY ROAD, CLAUGHTON**

A13 09/01007/RCN Retrospective application to LOWER LUNE R  
remove condition number 18 VALLEY WARD  
on 06/00744/CU to remove the  
existing limitation to Use Class  
B1 (Business and Light  
Industry) for Mr. & Mrs.  
Michael Thomas

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

“That the application be refused.”

Upon being put to the vote, 18 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

**Resolved:**

That the application be refused, for the following reason, as set out in the report:

1. The retention of this development without compliance with the requirements of condition no. 18 would allow the unrestricted change of use of the development to uses, namely B1 (a) offices and B8 Storage and Distribution, which the Local Planning Authority consider would be inappropriate in this unsustainable and remote rural location. Such unrestricted changes of use would be likely to generate significant volumes of private car and HGV traffic to and from the site and parking within its restricted cartilage, which could be detrimental to the character and appearance of the AONB, injurious to the residential amenities of neighbouring occupiers and contrary to the interests of highway safety and sustainability. Such changes of use should therefore be the subject of further detailed consideration by the Local Planning Authority in the interests of the proper planning of the area. The removal of Condition No. 18 on permission 06/00744/CU would therefore conflict with the aims and objectives of the advice contained in PPS7 and PPG13 and be contrary to the requirements of Policies SC1, SC2, SC3, E1 and E2 of the Core Strategy to the Lancaster Local Development Framework and Saved Policy E3 of the Lancaster District Local Plan.

130 **TRANSIT SHED, EAST QUAY, VICTORIA TERRACE, GLASSON DOCK**

A14 09/00953/CON Conservation area consent for ELLEL WARD A  
the demolition of existing  
building for Mrs. Helen Loxam

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

“That Conservation Area Consent be granted.”

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 Conservation Area Consent be granted, subject to the following conditions, as set out in the report:

1. Standard time limit.
2. Hours of site clearance restriction.

**CATEGORY D APPLICATIONS**

Proposals for development by a District Council.

***It was noted that Councillor Denwood had declared a personal interest in the following item, being acquainted with the applicant.***

**131 7, 9, 11 AND 11A, BOLD STREET, HEYSHAM**

A15	09/01070/DPA	Demolition of third floor and rebuild roof over second floor to create four bedroom dwellings for Lancaster City Council	HEYSHAM NORTH WARD	A
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It was proposed by Councillor Sherlock and seconded by Councillor Redfern:

“That the application be approved.”

Upon being put to the vote, 14 Members voted in favour of the proposition, 3 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 (with amendment of condition 4):

1. Standard three year time limit.
2. Development to be completed in accordance with the approved scheme.
3. Samples of render and replacement stone/roof slates to be agreed.
4. Detail of renewable energy sources to be agreed – *a minimum* of 10% energy production.
5. Details of railings to be agreed.
6. Details of new front windows to be agreed.
7. Hours of construction 8.00 a.m. to 6.00 p.m. Monday to Friday.
8. As may be required by the consultees.

**132 HAPPY MOUNT PARK, MARINE ROAD EAST, MORECAMBE**

A16	09/01073/DPA	Installation of play equipment for Lancaster City Council	BARE WARD	A
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It was proposed by Councillor Brown and seconded by Councillor Rogerson:

"That the application be approved."

**Resolved:**

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

1. Standard three year planning permission timescale.
2. Development in accordance with the approved plans.
3. Use of the equipment to be restricted to the opening hours of Happy Mount Park.

And subject to the following additional conditions (suitably worded):

4. Boundary treatments to be agreed.
5. Arboricultural conditions.

Advice Note

The approved opening hours shall be reflected within the City Council's bylaws. The bylaws shall also be enforced in relation to prevention of dogs accessing this part of the park and, should this require additional signage to prevent dog owners from accessing the park, then the bylaws should make provision for this also.

**Councillor Greenall left the meeting at this point.**

**133 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 report be noted.

***It was noted that Councillor Greenall had previously declared a personal and prejudicial interest in the following item, being an employee of British Energy. Councillor Greenall had left the meeting prior to its consideration.***

**134 PROPOSED ORMONDE OFFSHORE WIND FARM AND THE ORMONDE GAS FIELD DEVELOPMENT**

The Head of Planning Services presented a report to provide Members with updated information on the progress of the Ormonde Offshore Wind Farm and the on-shore facilities associated with it.

Members were advised that on the 22<sup>nd</sup> August 2005, the Committee had considered a report on the proposal by Eclipse Energy for an offshore electricity generating station to the south west of Walney Island, in the Irish Sea (Minute 102 (2005/06) refers). The proposal was in two parts, one for a gas fired electricity generating plant, exploiting two relatively small gas fields (Ormonde North and Ormonde South), the other for an offshore wind farm with up to 30 turbines.

It was reported that the wind farm part of the proposal was expected to generate enough electricity for 71,000 homes. The cables connecting the plant to the National Grid would connect to it at Heysham. The high voltage power lines needed for its distribution were already in place and served the existing power station complex at Heysham.

The original intention was that the cable connection would follow an underground route at the side of the Morecambe to Heysham railway line between Heysham Port and the nearest available switching station. Network Rail did not, however, regard this as acceptable as it would have implications for the future capacity of the rail link and could create problems with any future proposal to upgrade it.

An alternative route was therefore proposed, which was more circuitous and cut across open land to the south of the railway line and followed the side of Middleton Road at the northern entrance to the former ICI Petrochemical Depot. From there it would run east, then north, to reach the existing National Grid switching station. No further alternative routes for the cable connection had been presented.

The works involved were covered by the permitted development rights associated with electricity infrastructure. The development did not require planning permission and therefore no public consultations had been carried out by the City Council. The developers had undertaken an extensive programme of public consultation before obtaining the approval of the Department of Trade and Industry.

***Resolved:***

That the report be noted.

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Chairman

(The meeting ended at 12.47 p.m.)

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