

**PLANNING AND HIGHWAYS
REGULATORY COMMITTEE**

10.30 A.M.

19TH SEPTEMBER 2011

PRESENT: Councillors Roger Sherlock (Vice-Chairman), Eileen Blamire, Dave Brookes, Abbott Bryning, Chris Coates, Roger Dennison, Sheila Denwood, Mike Greenall (substitute for Keith Budden) Helen Helme, Tony Johnson, Andrew Kay (for Minute Nos. 67 to 73 only), Geoff Marsland, Margaret Pattison, Robert Redfern, Richard Rollins, David Smith (substitute for Ron Sands) and Susan Sykes

Apologies for Absence:

Councillors Keith Budden (Chairman), Vikki Price, Sylvia Rogerson, Ron Sands and Paul Woodruff

Officers in Attendance:

Andrew Dobson	Head of Regeneration and Policy Service
Mark Cassidy	Assistant Head (Development Management),
Angela Parkinson	Senior Solicitor
Martin Brownjohn	Environmental Protection District Team Leader
Jane Glenton	Democratic Support Officer

Councillor Roger Sherlock, Vice-Chairman in the Chair

67 MINUTES

The minutes of the meeting held on 22nd August 2011 were signed by the Chairman as a correct record.

68 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

69 DECLARATIONS OF INTEREST

Members were advised of the following declarations of interest:

Councillor Mike Greenall declared personal and prejudicial interests in A5 11/00073/FUL – Fanny House Farm, Oxcliffe Road, Heaton-with-Oxcliffe – being a member of British Energy's Employee Pension Scheme, and A8 – 11/00613/VCN – Land at Moss gate Park, Moss gate Park, Heysham – being a Director of Heysham Moss gate (Community Facilities) Company Limited.

Councillor Tony Johnson declared that he had been approached by an elector to make information available to the Committee of which they may not be aware in relation to A6 11/00603/FUL – Land off A6 Scotland Road, Warton, Carnforth, and advised Committee that, whilst he did not have personal or prejudicial interests in the matter, he would leave the meeting during its consideration.

70 PLANNING APPLICATIONS

The Head of Regeneration and Policy 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

It was noted that Councillor Greenall had declared personal and prejudicial interests in the following item, being a member of British Energy's Employee Pension Scheme, and left the meeting during its consideration and did not vote on the matter.

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

A5	11/00073/FUL	Erection of a single 2-2.5 MW wind turbine, associated access roads, switchgear enclosure and associated infrastructure for British Telecom Plc	HEYSHAM SOUTH WARD	A(P)(C)
----	--------------	---	--------------------	---------

Under the Scheme of Public Participation, Martin Parry and John Flanagan were registered to speak in objection to the application. Rick Seymour was registered to speak generally on the application. Tom Martin of British Telecom Plc was registered to speak in support.

Members considered the application and the public representations.

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

“That Planning Permission be granted in principle.”

Upon being put to the vote, 12 Members voted in favour of the proposition and 3 against, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the application be delegated to the Head of Regeneration and Policy to approve following resolution of the objection raised by National Air Traffic Service (NATS) and subject to a legal agreement to deal with TV and radio interference and pink footed geese mitigation and the following conditions, as set out in the case officer's report, with amendment to condition 18:

1. Standard Time Limit.
2. Development in accordance with the approved plans and submitted Environmental Statement.
3. Turbine and associated infrastructure shall be removed from site and land reinstated in accordance with a scheme to be agreed with the local planning authority before the expiry of 25 years from the turbine being operational.
4. If the turbine fails to produce electricity to the grid for a continuous period of 12 months, it and associated infrastructure, shall be removed within a period of 6 months and the land reinstated in accordance with a scheme to be agreed with the local planning authority.
5. No microsites unless otherwise agreed in writing with the local planning authority.
6. No development shall commence until a Construction Traffic Management Plan has been submitted and agreed (this would include vehicle routing, timing, management of junctions, crossings, details of escorts of abnormal loads, construction not to commence until 30 mph temporary Traffic Regulation Order in place).
7. Implementation of a Construction Traffic Management Plan.
8. No development shall commence until a Construction Management Plan and Construction Method Statement have been submitted and agreed in writing with the local planning authority (this would include timing of construction works, construction method and surface treatment of all hard surfaces, including sections of the proposed access track, details of site drainage, details of wheel washing facilities, control of pollution, disposal of means of surplus material, timing of cable trenching and foundation works, timing of and construction methods and management of site compound including parking arrangements; and details of the reinstatement of temporary working areas including the access). The Construction Management Plan and Construction Method Statement shall be carried out in accordance with the agreed details.
9. All cabling on the site shall be installed underground, precise point of connection to be agreed.
10. Standard limitation on construction hours but also with a provision to allow evening working up to 0900 by prior arrangement with the local planning authority.
11. No piling operations are anticipated but should any driven pile systems be used, prior notification in writing to the local planning authority will be required.
12. Access to be provided in accordance with the approved plans before commencement of development.

13. No development shall commence until an Environment Management Plan has been provided and agreed in writing. The development shall be carried out in accordance with such agreed details and implemented thereafter in accordance with the agreed timetables (the Environment Management Plan would include mitigation measures that will be adhered to during construction and operation of the turbine for the protection of species (e.g. nesting and wintering birds, amphibians, bats, water voles) and habitats, including watercourses:
 - Pink Footed Geese mitigation
 - Ditch improvements/enhancements
 - Ditch crossing details
 - Hedgerow retention
 - Long-term management
 - Habitat creation
 - Restoration following cessation of operations
 - The time of site preparation to avoid breeding bats and birds.
14. Tree protection, none to be removed other than agreed condition.
15. Archaeology – programme of work to be agreed.
16. Materials, design, finish of turbine and all permanent above ground infrastructure to be agreed.
17. No development shall commence until precise details of the semi-matt external finish and colour of the turbines have been submitted and approved by the local planning authority. The turbines shall not be illuminated, other than aviation lighting (in the form of infrared lighting), or display any name, sign, symbol or logo.
18. Noise condition restricting the turbine to the limits set by ETSU-R-97 – at any currently occupied and properly consented residential location, noise from the turbine shall not at any time exceed a noise level of 40 dB daytime or 43 dB night-time measured on the La90 scale over any 10 minute period, or 5 Db above the agreed prevailing background noise level, whichever is the greater.
19. Noise condition – in the event of any complaint of noise being received, the noise from the turbine shall be monitored for compliance with the requirement of condition 3, with results submitted to the local planning authority. Should any noise from the turbine exceed the limits set out in condition 3, under some or all operating conditions, measures shall be taken by the operator to reduce the noise output of the turbine as necessary to bring noise levels into compliance, whether by stopping its operation or otherwise.
20. Scheme for dealing with noise complaints.
21. Scheme for decommissioning and restoration strategy to be agreed.
22. Before the wind turbine is brought into use, a scheme for the avoidance of shadow flicker for legally occupied buildings (dwellings and place of work, such as offices) within 10 rotor diameters of the wind turbine has been submitted, agreed and operated in accordance with the agreed scheme.
23. The wind turbine shall not be brought into use until a scheme to secure the investigation and alleviation of any electro-magnetic interference to terrestrial and digital TV caused by the operation of the turbine. (Awaiting further information to confirm exact wording of this condition, together with potential legal agreement.)
24. Turbine aviation lighting to be agreed.
25. Precise routing of the access road.
26. Precise details of the crane hardstanding foundations.

APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION

It was noted that Councillor Johnson had advised that he had been approached by an elector, who had asked him to report to Committee information that Councillors may not be aware of. Councillor Johnson reported the points which were of concern to the elector. These were (i) that the land lay in a low-lying flood plain known as Duck Acres, which flooded regularly, with run-off from the reed-bed situated there; (ii) delivery vehicles would dangerously use the busy A6 to turn around, as there was insufficient room on-site. Councillor Johnson left the meeting during consideration of the application and did not vote on the matter.

72 LAND OFF A6 SCOTLAND ROAD, WARTON, CARNFORTH

A6	11/00603/FUL	Erection of proposed new workshop, parts store, showroom, display areas and associated landscaping, access, car parking and drainage works for Rickerby Limited	WARTON WARD	A(C)
----	--------------	---	----------------	------

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

“That Planning Permission be granted.”

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

Resolved:

That Planning Permission be granted, subject to the following conditions, as set out in the case officer's report, with amendment to condition 21:

1. Time limit – three years.
2. Approved plans.
3. External materials.
4. Surfacing treatment.
5. The level of the access at the application site shall be constructed 0.150 m above the crown level of the carriageway of Scotland Road.
6. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary, for a minimum distance of 10 m into the site shall be appropriately paved in bituminous macadam, concrete, block pavers or other approved materials.
7. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and the vehicular turning space shall be laid out and be available for use before the development is brought into use.
8. Wheel cleaning facilities.
9. Any external source of lighting shall be effectively screened from the view of a driver on the adjoining public highway.

10. Luminance limits condition.
11. No part of the development shall be commenced until all the highway works 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.
12. Staff travel plan to be agreed.
13. Scheme for construction of site access and off site works.
14. Noise impact assessment.
15. Hours of vehicle repair and maintenance work outside the buildings shall be restricted to 0700 to 1800.
16. Unforeseen land contamination.
17. Implementation of flood risk mitigation measures identified within the flood risk assessment.
18. Maintenance/management of the wetland area south of the site.
19. Implementation of tree protection plan.
20. Implementation of arboricultural method statement (subject to receipt of details prior to Committee).
21. Landscaping (new tree planting) – *amend in respect of the Tree Protection Officer's meeting and ensure all 15 trees are planted in the wetlands area.*
22. Maintenance regime for trees.
23. Scheme for the provision of surface water drainage works.

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

24. Consent to be personal to the applicant.
25. External lighting to be arranged notwithstanding plans.
26. No parking on Scotland Road.

73 4 - 5 OLD STATION YARD, KIRKBY LONSDALE, CARNFORTH

A7 11/00436/CU Resubmission of application UPPER LUNE A(C)
09/01015/CU for retrospective VALLEY WARD
use of land and buildings for
stoneworking, storage and
distribution (B2/B8 use) and
retention of an open-fronted
workshop building for
Mr. E. Fairhurst

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

“That Planning Permission be granted.”

Upon being put to the vote, 16 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Planning Permission be granted, subject to the following conditions, as set out in the case officer's report, subject to amendment of condition 10 (suitably worded):

1. Temporary permission for the period of five years.

2. Amended Plan (Revised Site Plan and Management Plan) 28th July 2011.
3. Development in accordance with submitted plans and details.
4. Hours of operation and all vehicle movements to and from site limited to 0700 to 1730 Monday to Friday and 0700 to 1200 on Saturdays, no working or deliveries on Sundays or Bank Holidays.
5. Approved layout, including turning space and car parking spaces (details of which must be formally agreed in writing), to be fully marked out on site and implemented within 2 months of the date of the consent and retained at all times thereafter.
6. Details of the lorry loading area to be submitted and agreed in writing, the approved lorry loading area shall be retained at all times thereafter.
7. Vehicle turning area to be kept clear at all times to enable vehicle manoeuvring.
8. No commercial activities associated with the applicant's use/business to take place outside the site cartilage.
9. All vehicles used on site to be fitted with 'white noise' or similar reversing alarms.
10. A Site Activities Management Plan, including:
 - a scheme to control dust, *including damping down of the yard and road-sweeping at the entrance.*
 - a detailed scheme of measures (e.g. use of lifting gear and absorbent rubber matting) to reduce noise associated with the impacts of stone handling, loading and unloading;
 - the construction of a suitable enclosure/building to house all of the stone cutting machinery, details of which shall be submitted to and approved in writing by the local planning authority, to prevent noise causing disturbance at Green Acres or Station House;
 - confirmation that all stone cutting, splitting, tumbling, finishing and polishing operations, *and playing of radios* shall take place within the enclosed buildings identified as being appropriate by the local planning authority, and
 - confirmation that all stone cutting machines shall be fitted with 'super silent' saw blades at all times;Shall be submitted in writing to the local planning authority within two months of the date of this consent. The approved scheme shall then be fully implemented within four months of the date of this consent, and shall be adhered to in full at all times thereafter.
11. Within two months of the date of this consent, details of a retaining wall to be built along the entire inner face of the site screen bund shall be submitted in writing to the local planning authority. The approved scheme shall then be constructed in accordance with the agreed details within eight months of the date of this consent, and the wall shall be retained in full at all times thereafter.
12. Retention of all existing trees on site.
13. No stone, whether cut or awaiting cutting, to be stored externally on the site other than in areas 2, 6 and 9 identified on the revised site plan, and in each case no higher than 5 m from existing ground level.
14. Wheel wash facility at site entrance, designed to prevent runoff of slurry water onto the road surface shall be provided within two months and retained at all times thereafter.

And to the following additional condition (suitably worded):

15. Enclosure of the workshop within 2 months, with details to be arranged, including details of ventilation of the enclosed building.

The meeting was adjourned at 12.40 p.m. and reconvened at 1.10 p.m.

Councillor Kay left the meeting at this point.

It was noted that Councillor Greenall had declared personal and prejudicial interests in the following item, being a Director of Heysham Mossgate (Community Facilities) Company Limited, and left the room during its consideration and did not vote on the matter.

74 LAND AT MOSSGATE PARK, MOSSGATE PARK, HEYSHAM

A8	11/00613/VCN	Variation of conditions 7, 8, 10 and 11 and removal of condition 9 on approved application 95/00398/REM for the landscaping of former proposed play area for MAC (NW) Ltd.	HEYSHAM SOUTH WARD	A
----	--------------	--	-----------------------	---

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

“That, subject to a Deed of Variation being signed and completed, Condition 9 be removed and Conditions 7, 8, 10 and 11 of planning permission 95/00398/REM be varied.”

It was then proposed by Councillor Rollins that the matter be deferred. There being no seconder, the proposition fell.

Members then voted on the original proposition. Upon being put to the vote, 12 Members voted in favour of the proposition, with 2 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That, subject to a Deed of Variation being signed and completed, Condition 9 be removed and Conditions 7, 8, 10 and 11 of planning permission 95/00398/REM be varied to state:

7. The proposed amenity areas lying along the east, south and south west sides of the site shall be prepared and tree planted in accordance with the approved plan during the planting season 1996/97 to the reasonable satisfaction of the local planning authority.
8. The approved landscaping plan for Play Area 2 shall be fully implemented in the first planting season following the granting of this permission.
10. The development's landscaped areas, kickabout area and Play Area 1, and their associated footpaths, shall be implemented in phases related to the construction of the proposed dwellings, which shall be submitted to and agreed in writing by the local planning authority before any of the dwellings hereby approved are first occupied. All such areas and facilities shall be completed in phases in accordance with the approved scheme to the reasonable satisfaction of the local planning authority before any of the adjacent houses are first occupied.

11. Unless otherwise agreed with the local planning authority by a suitable agreement for adoption and maintenance, all amenity areas, landscaped areas, play areas and the kickabout area and their associated footpaths not adopted by the Highway Authority shall be maintained by the developer until transferred to the Council. Once transferred, the Council shall maintain these areas for a period of 10 years. This maintenance shall include the replacement of any tree or shrub which is removed or dies, or is seriously damaged or becomes seriously diseased, by a species of similar type and size to that originally planted, the repair or replacement of any defective fencing or gates in accordance with the approved scheme, the maintenance of footpaths in a safe condition in materials of the type originally used for their construction and the maintenance of amenity grassland.

75 MORECAMBE FOOTBALL CLUB, CHRISTIE WAY, MORECAMBE

A9 11/00655/VCN WITHDRAWN HEYSHAM W
SOUTH WARD

76 SAINSBURYS SUPERMARKET, CABLE STREET, LANCASTER

A10 11/00704/VCN Variation of condition 2 on WESTGATE A
application 09/00147/FUL to WARD
amend the design and layout
of the approved extension for
Sainsbury's Supermarkets Ltd.

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

"That, subject to the signing and completion of a Deed of Variation, condition 2 of planning permission 09/00147/FUL be varied."

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

Resolved:

That, subject to the signing and completion of a Deed of Variation, condition 2 of planning permission 09/00147/FUL be varied to state:

2. The permission relates solely to the following approved plans:

- 2006-102 P12 Rev G – proposed site plan
- 2006-102 P15 Rev G – proposed elevations
- 2006-102 P16 Rev D – proposed sections

77 LAND TO THE NORTH OF STONEY BROOK FARM, STONEY LANE, GALGATE

A11 10/01066/FUL Erection of horticultural ELLEL WARD A(C)
buildings, creation of an
access track and changes to
the existing access
arrangements for Mr.
Christopher Haley

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

“That Planning Permission be granted.”

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

Resolved:

That Planning Permission be granted, subject to the following conditions, as set out in the case officer's report:

1. Standard 3 year condition.
2. Development to accord with approved plans.
3. Disposal of foul and surface water (separate systems).
4. Surface water management scheme (to greenfield run-off rates).
5. Access arrangements, including a single 6 m wide agricultural gate and hedgerow planting.
6. Parking and turning areas.
7. Visibility splays.
8. Wheel cleaning during construction.
9. Notwithstanding plans, materials to be agreed (including finishes and colours).
10. Notwithstanding plans – surface materials – details required for track and turning area.
11. Hours of deliveries.
12. Hours of operation/opening – 0900 – 1700 Monday to Friday and 1000 - 1600 Saturday only.
13. Commercial/industrial noise breakout.
14. No external storage.
15. External lighting.
16. Landscaping scheme – including area of landscaping to the western.
17. Boundary treatment, including gates.
18. No loss of trees or hedgerows.
19. Retail restriction – sale of plants grown on site only.

And to the following additional conditions (suitably worded):

20. Personal condition to applicant and Plantopia.
21. In the absence of a sales-related condition (not imposed) ensure that a condition is included referring to the primary use of the site as a Nursery and not as a Garden Centre.

78 15 KING STREET, LANCASTER

A12 11/00604/CU Change of use of first and second floors to student accommodation (8 units) over a retained ground floor A1 (retail) unit for Mr. Yusuf Musa DUKE'S WARD A

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

“That Planning Permission be granted.”

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

Resolved:

That Planning Permission be granted, subject to the following conditions, as set out in the case officer’s report:

1. Standard timescale of development.
2. Development to be in full accordance with Approved Plans.
3. Submission of corbel, fenestration, shop frontage, rainwater goods, vents, roof repair and external treatment details.
4. Re-use of existing/use of matching walling and roofing materials.
5. Occupancy limited to students.
6. Bin storage details.

79 15 KING STREET, LANCASTER

A13	11/00605/LB	Listed Building application for demolition, re-building and refurbishment works in connection with change of use of upper floors to student accommodation and retention of ground floor retail (A1) unit for Mr. Yusuf Musa	DUKE’S WARD	A
-----	-------------	---	-------------	---

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

“That Listed Building 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 clearly carried.

Resolved:

That Listed Building Consent be granted, subject to the following conditions, as set out in the case officer’s report:

1. Development to be in full accordance with Approved Plans.
2. Submission of corbel fenestration shop frontage, rainwater goods, vents, roof repair and external treatment details.
3. Re-use of existing/use of matching walling and roofing materials.
4. Pointing details.
5. List of Approved Plans.

80 DELEGATED PLANNING DECISIONS

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

Members raised queries regarding specific applications, which Officers responded to.

Resolved:

That the report be noted.

.....
Chairman

(The meeting ended at 1.45 p.m.)

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