

**PLANNING AND HIGHWAYS  
REGULATORY COMMITTEE**

**10.30 A.M.**

**18TH SEPTEMBER 2017**

**PRESENT:-** Councillors Helen Helme (Vice-Chairman), June Ashworth, Jon Barry, Dave Brookes, Abbott Bryning, Ian Clift, Claire Cozler, Sheila Denwood (Substitute for Carla Brayshaw), Andrew Kay, Jane Parkinson, Margaret Pattison (Substitute for Eileen Blamire), Robert Redfern, Sylvia Rogerson, Susan Sykes and Malcolm Thomas

Apologies for Absence:-

Councillors Carla Brayshaw (Chairman) and Eileen Blamire

Officers in attendance:-

Mark Cassidy	Planning Manager
Andrew Drummond	Development Manager (Planning Applications)
Angela Parkinson	Senior Solicitor
Tessa Mott	Democratic Support Officer

Applications were determined as indicated below (the numbers denote the schedule numbers of the applications).

Except where stated below, the applications were subject to the relevant conditions and advice notes, as outlined in the Schedule of Planning Applications.

Except where stated below, the reasons for refusal were those as outlined in the Schedule of Planning Applications.

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W	-	Withdrawn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

**52 MINUTES**

The minutes of the meeting held on the 21<sup>st</sup> August 2017 were signed by the Vice-Chairman as a correct record.

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

That, in accordance with Section 100(B)(4) of the Local Government Act 1972 the Chairman had agreed with an item of urgent business. The reason being that the Planning Manager deemed it imperative that Members were advised of the following information before consideration of any further items on the agenda and subsequent agendas.

The Committee considered an oral report of the Planning Manager to inform the Committee of a recent case in South Cambridgeshire. This involved a planning application which Members approved against Officer's recommendation. The case was challenged by a local resident who disagreed with the decision based on several factors. The High Court ultimately quashed the decision of the Committee and refused the application. This was solely as a result of the decision being agreed without providing reasons for doing so.

The Planning Manager outlined that Members must give clear reasons for overturning Officer's recommendations in future, which would then be set out clearly in the minutes, to avoid legal challenge such as that outlined in the recent South Cambridgeshire case.

***Resolved:***

That the oral report from the Planning Manager be noted.

**54 DECLARATIONS OF INTEREST**

Councillors June Ashworth, Ian Clift and Claire Cozler all declared an interest in item A5 17/00534FUL Aldi, Marine Road West, Morecambe. The reason being that they are all Members of Morecambe Town Council but all stated that they have had no prior involvement with the application.

Councillor Margaret Pattison also declared an interest in item A5 17/00534FUL Aldi, Marine Road West, Morecambe. The reasons being that she is: a Member of Morecambe Town Council Planning Committee; Yorkshire Dales National Park Planning Committee; Lancashire County Council Development and Control Committee and is a County Councillor for Morecambe Central. Councillor Pattison also stated that she had been lobbied by a local business regarding the application. Councillor Pattison stated that she would be considering the application with an open mind.

Councillor Dave Brookes declared an interest in item A9 17/00643/FUL Green Dragon Hotel, 54 Main Road, Galgate. The reason being that the applicant is a new neighbour of his and he had previously assisted the applicant with casework at the application property.

**55 SITE VISIT**

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

17/00731/FUL	The Tractor Yard, Capernwray Road, Carnforth	Kellet Ward
17/00899/VLA	Far Lodge, Postern Gate Road, Quernmore	Lower Lune Valley Ward

The following Members were present at the site visit, which took place on Monday 11<sup>th</sup> September 2017:

Councillors Abbott Bryning, Ian Clift, Claire Cozler, Mel Guilding, Helen Helme, Jane Parkinson, Robert Redfern, Sylvia Rogerson and Malcolm Thomas.

Officers in Attendance:

Andrew Drummond – Development Manager (Planning Applications)

Eleanor Fawcett – Planning Officer

Tessa Mott – Democratic Support Officer

**56 ALDI, MARINE ROAD WEST, MORECAMBE**

A5	17/00534/FUL	Demolition of existing supermarket, bowling alley and retail units and erection of a replacement supermarket with associated car parking and hard and soft landscaping for Mr Phil Isherwood.	Harbour Ward	A
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Under the scheme of public participation, David Croxall representative for Morecambe Town Council spoke against the application. Stuart Parks from Aldi Stores Ltd the applicant spoke in support.

It was proposed by Councillor Susan Sykes and seconded by Councillor Robert Redfern:

“That the application be approved.”

Upon being put to the vote, 13 Members voted in favour of the application and 2 against, whereupon the Vice-Chairman declared the proposal to be carried.

***Resolved:***

That Planning Permission be granted subject to the following conditions:

1. Time Limits.
2. Approved Plans.
3. Floorspace control.
4. Materials (including boundary treatments, canopy, new store materials and screening to service yard).
5. Hard and Soft Landscaping.
6. Car Parking provision and electric vehicle charging points.
7. Car Park Management Strategy.
8. Motorcycle and cycle parking.
9. Offsite Highway works to include existing signal optimisation works and removal of guard rails.
10. Separate Foul and Surface Water Systems.
11. Surface Water Management to be based on SUDs principles and associated maintenance.
12. Hours of opening 0800-2200 Monday to Saturday 0900-1700 Sunday.
13. Deliveries and servicing 0600-2300 Monday to Saturday and 0800-1700 on

- Sundays.
14. Contaminated Land Condition.
  15. Restriction on soils being brought onto the site.
  16. Environmental Construction Management Plan to protect the special interests of Morecambe Bay.
  17. Scheme for CCTV and lighting.
  18. Scheme for ventilation ducts, fans and motors.
  19. Refuse Storage.
  20. Provision of pedestrian route through the site.
  21. Canopy Maintenance Strategy.

**57 THE TRACTOR YARD, CAPERNWRAY ROAD, CAPERNWRAY**

A6	17/00731/FUL	Demolition of existing buildings and erection of four industrial buildings comprising mixed use Light Industrial (B1) and Storage and Distribution (B8) with associated access road and parking for Mr S Wightman.	Kellet Ward	A
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A site visit was held in respect of this item on 11<sup>th</sup> September 2017 minute 55 (2017/2018) refers.

Under the scheme of public participation, Councillor Peter Yates spoke in favour of the application.

It was proposed by Councillor Susan Sykes and seconded by Councillor Jane Parkinson:

“That the application be approved.”

*(The proposal was contrary to the case officer’s recommendation that the application be refused).*

Members clarified the reasons for the contrary proposal, being that: this was a sympathetic development which would tidy up a brown field site and commercial development in the countryside would create jobs and support the rural economy.

Upon being put to the vote, 9 Members voted in favour of the proposition and 6 against, whereupon the Vice-Chairman declared the proposal to be carried.

**Resolved:**

That Planning permission be granted and subject to the following conditions:

1. Standard timescale.
2. Plans.
3. Contamination.
4. Foul and surface water drainage.
5. Finished floor and ground levels.
6. All materials.

7. External lighting.
8. Landscaping scheme (notwithstanding details submitted).
9. Provision and maintenance of visibility splays.
10. Creation of parking/turning prior to first use.
11. Hours of operation including deliveries (0800-1800 Mon to Fri and 0800-1400 Sat only).
12. Hours of demolition and construction (0800-1800 Mon to Fri and 0800-1400 Sat only).
13. Retained as 8 separate B1(c)/B8 units (PD rights removed).
14. Development in accordance with Arboricultural Implications Assessment, including Tree Protection Measures.
15. No external storage, including bins.

***Councillor Andrew Kay left the room at this point and returned during the officer presentation of the following item.***

**58 FAR LODGE, POSTERN GATE ROAD, QUERNMORE**

A7	17/00899/VLA	Variation of legal agreement attached to planning permission 99/00304/CU to remove holiday let restrictions on cottages for Mr D Gardner.	Lower Lune Valley Ward	A
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A site visit was held in respect of this item on 11<sup>th</sup> September 2017 minute 55 (2017/2018) refers.

It was proposed by Councillor Claire Cozler and seconded by Councillor Sheila Denwood:

“That the application be refused.”

Upon being put to the vote, 7 Members voted in favour of the proposition, with 7 against and 1 abstention, whereupon the Vice-Chairman, in accordance with Council Procedure Rule 19.2, used her casting vote and declared the proposal to be lost by virtue of her casting vote.

It was then proposed by Councillor Jane Parkinson and seconded by Councillor Susan Sykes:

“That the application be approved.”

*(The proposal was contrary to the case officer’s recommendation that the application be refused).*

Members clarified the reason for the contrary proposal, being that, the need for rural housing overrides the other material considerations arising from national and local policy in the context of this application.

Upon being put to the vote, 7 Members voted in favour of the proposition, with 7 against and 1 abstention, whereupon the Vice-Chairman, in accordance with Council Procedure Rule 19.2, used her casting vote and declared the proposal to be carried by virtue of her casting vote.

**Resolved:**

That the variation to the legal agreement to remove holiday-let restrictions on cottages be granted.

*The meeting adjourned at 12:45pm and reconvened at 13:15pm.*

**Councillor Jon Barry left the room at this point and did not return to the meeting.**

**59 LAND OFF SYCAMORE ROAD, BROOKHOUSE**

A8	17/00924/VLA	Variation of legal agreement attached to planning permission 14/00270/OUT to remove the obligation relating to the allotment contribution for Oakmere Homes.	Lower Lune Valley Ward	A
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A site visit was held in respect of this site location on 27<sup>th</sup> March 2017 minute 156 (2016/2017) refers.

It was proposed by Councillor Margaret Pattison and seconded by Councillor Sheila Denwood:

“That the application be approved.”

Upon being put to the vote, 12 Members voted in favour and 2 against, whereupon the Vice-Chairman declared the proposal to be carried.

**Resolved:**

That Paragraph B of the Third Schedule of the legal agreement attached to the outline planning permission 14/00270/OUT be removed.

**60 GREEN DRAGON HOTEL, 54 MAIN ROAD, GALGATE**

A9	17/00643/FUL	Change of use of public house/cafe (A4/A3) and associated living accommodation to 3 self contained flats and erection of rear fire escape for Mr Lookman Thagia.	Ellel Ward	A(P)
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It was proposed by Councillor Sylvia Rogerson and seconded by Councillor June Ashworth:

“That the application be approved in principle and delegated back to officers to refuse if amended plans are not submitted.”

*(This was contrary to the officer’s recommendation of refusal).*

Members decided upon the contrary proposal following a discussion regarding the possibility of amended plans which would potentially overcome flaws of the application.

Upon being put to the vote, 13 Members voted in favour of the proposition and 1 against, whereupon the Vice-Chairman declared the proposal to be carried.

***Resolved:***

That the application be approved in principle subject to the appropriate conditions and delegated back to Chief Officer (Regeneration and Planning) to refuse the application for the reasons outlined in the report if amended plans are not submitted.

**61 WARD COUNCILLORS SPEAKING AT PLANNING COMMITTEE**

The Committee considered a report of the Democratic Services Manager to enable the Committee to express a view on increasing the time limit for Ward Councillors to address the Committee from three minutes to five minutes.

The Planning Manager presented the report and explained to Members the implications of increasing the time limit for Ward Councillors. Reference was also made to the Planning Advisory Service (part of the Local Government Association) guidance stating that 'in the interests of equity, the time allowed for (public) presentations for and against the development should be the same'. This would mean that if the time limit was increased to five minutes for Ward Councillors, then it would be prudent to also increase every speaker's time limit to five minutes.

Members discussed the matter and were concerned that increasing time limits of any kind would lengthen meetings that are already very long by nature and as a result of there often being several public speakers. It was also noted that in comparison to other local authorities, Lancaster City Council has a liberal approach to public speakers at Planning Committee.

It was proposed by Councillor Sheila Denwood and seconded by Councillor Dave Brookes:

"That, it be recommended to Council Business Committee that the time limit for Ward Councillors to speak at Planning Committee remain at three minutes."

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

***Resolved:***

That, it be recommended to Council Business Committee that the time limit for Ward Councillors to speak at Planning Committee remain at three minutes.

**62 DELEGATED PLANNING DECISIONS**

The Chief Officer (Regeneration and Planning) submitted a Schedule of Planning Applications dealt with under the Scheme of Delegation of Planning Functions to Officers.

***Resolved:***

That the report be noted.

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Chairman

(The meeting ended at 1.55 p.m.)

**Any queries regarding these Minutes, please contact  
Tessa Mott, Democratic Services: telephone (01524) 582074 or email  
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