

**PLANNING AND HIGHWAYS
REGULATORY COMMITTEE**

10.30 A.M.

20TH APRIL 2009

PRESENT: Councillors Roger Dennison (Chairman), Eileen Blamire (Vice-Chairman), Ken Brown, Keith Budden, Anne Chapman, John Day, Sheila Denwood, Mike Greenall, Emily Heath, Helen Helme, Val Histed, Joyce Pritchard, Robert Redfern, Peter Robinson, Bob Roe, Sylvia Rogerson, Roger Sherlock, Catriona Stamp and Joyce Taylor

Apologies for Absence:

Councillor Andrew Kay

Officers in Attendance:

David Hall	Development Control Manager
Alan Humphreys	Legal Services Manager
Jane Glenton	Democratic Support Officer

199 MINUTES

The Minutes of the meeting held on 9th March 2009 were approved as a correct record and signed by the Chairman.

200 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

201 DECLARATIONS OF INTEREST

Members were advised of the following declarations of interest:

Councillor Blamire declared a personal interest in A10 – 09/00203/OUT – Land adjacent 81 Grosvenor Place and No. 1 Grosvenor Court, Carnforth, the objector being a member of staff at a school where Councillor Blamire was a Governor approximately 10 years ago.

202 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- W - Withdrawn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 dealt with by the District Council without formal consultation with the County Council.

APPLICATION SUBJECT TO PUBLIC PARTICIPATION

It was noted that Councillor Blamire had previously declared a personal interest in the following item, the objector being a member of staff at a school where Councillor Blamire was a Governor approximately 10 years ago.

203 LAND ADACENT 81 GROSVENOR PLACE AND NO 1 GROSVENOR COURT , CARNFORTH

<u>Item</u>	<u>Application</u>	<u>Proposal and Applicant</u>	<u>Ward</u>	<u>Decision</u>
A10	09/00203/OUT	Outline application for the erection of a detached bungalow and double garage for Mr. Lewis Bibby	CARNFORTH WARD	D

Mr. Gough spoke in objection to the application, on behalf of Mr. and Mrs. Richardson, who resided locally, and expressed grave concerns regarding the potential for accidental or malicious damage that could be inflicted on any part of the property, fence or vehicles situated on the property as a result of people gathering or travelling along the proposed footpath route. No such potential existed at present and the case officer had omitted to include this as a priority concern. The opening of such a route would pose a serious threat to the safety of the people of Redruth Drive in the light of current complaints to the police regarding the existing problem of unauthorised use of motor cycles. It was understood that the original intention was for a cycle path, which had since been reversed, but no existing footpath had been appropriately signposted before or since the construction of the northern Redruth Estate, and it appeared the whole principle was based on the possibility of passage being allowed by someone across private land. No feasibility study had been undertaken or published with regard to any footpath or cycle path in the area, and there was no reference to inclusion of such a footpath/cycle path in the search documents for the purchase of 127 Redruth Drive and therefore no opportunity to ascertain the importance of such. Carnforth Town Council's letter did not indicate the

acceptance or desirability of a footpath/cycle path. The Assistant Area Manager from Lancashire County Council's Environment Directorate had made reference to an existing permissive footpath from Redruth Drive to Grosvenor Place, which must have some sign or similar indication that it was not intended to be a right of way. No such sign existed, nor had ever existed and, as the Assistant Area Manager resided on the Redruth Estate, he should have declared an interest in the matter to ensure fairness and transparency. Documents had not been made known or available to the residents of Redruth Drive and an extension of time was requested in order that the documents may be sought and scrutinised, in accordance with Policy SC1 of the Lancaster District Core Strategy, Policy CE1, Lancaster District Local Plan Policy H19 and Amended Plans dated 13th March 2009.

Joanne Dugdale, who lived in the vicinity, spoke in objection to the application, and advised Members of her concerns for the safety of her two young children should the path be opened. Cyclists already accessed the existing path by cutting across gardens. Her property would look directly down on to the proposed bungalow and she was concerned that the trees at the back of the property would be felled. She had been advised that a path would never be opened at the time her property had been purchased.

Members considered the application.

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

"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:

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

Note

Committee requested that the following matters be included in the amended report:

- A) Views of the police on the proposal with particular regard to the potential for anti-social behaviour.
- B) Information regarding the 'official' status of the alternative footpath -
 - (i) Is it a permissive footpath?
 - (ii) How would rights of usage be established over it?
- C) Whether Carnforth Cricket Club owns the remaining land over which the alternative path runs.
- D) Whether the footpath between 127 and 129 is adopted up to the fence.
- E) Amendment of description of the development to include specific reference to the completion of the footpath as part of the development.

APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION

204 WARTON GRANGE FARM, FARLETON CLOSE, WARTON

A5 08/01424/OUT Outline application for WARTON R
agricultural worker's dwelling WARD
for Mr. P. Barker

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

"That the application be refused."

Upon being put to the vote, 15 Members voted in favour of the proposition and 4 against, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the application be refused for the following reasons, as set out in the report, subject to deletion of reason 3 (Flood Risk)

1. No demonstrable need for the dwelling – contrary to saved policy H8 of Lancaster District Local Plan.
2. Within the AONB and Countryside Area – contrary to saved policies H7, H8, E3 and E4 of the Lancaster District Local Plan and Policies SC1, SC3, SC5 and E1 of the Lancaster Core Strategy.

205 BRANTHOLME, HASTY BROW ROAD, SLYNE

A6 09/00053/FUL Erection of stables for SLYNE-WITH- A
Mr. Phil Rogerson HEST WARD

It was proposed by Councillor Brown 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 3 year consent.
2. Development to accord with plans.
3. Colour and type of material to be used in the menage shall be submitted to, and agreed in writing by, the local planning authority.
4. Details of the material used to surface the yard shall be submitted to, and agreed in writing by, the local planning authority.

5. The location and construction of the tree protection barrier fencing must be inspected and approved by the local planning authority prior to the commencement of any site activity in relation to the proposed development.
6. Ground protection measures for the protected pine trees shall be submitted to, and agreed in writing by, the local planning authority and then be established in close proximity to the site access prior to the commencement of any site activity in relation to the proposed development.
7. The proposed landscape proposals shall be planted in the first planting season post completion of the development and then maintained thereafter in accordance with the maintenance regime.
8. No form of external illumination shall be provided to the stables, menage and access.
9. The stables shall be retained for the stabling of horses and storage of associated equipment and feed, and shall be for the private use of Brantholme's residents only. The stables shall not be separately occupied, sold, disposed of or otherwise let.
10. Once constructed, in the event that the stables are not used for stabling for a period of 6 months, the stables and associated bases, the yard, the menage and the fencing shall be removed and the area restored with a grass covering.

206 BERRYS FARM, CONDER GREEN ROAD, CONDER GREEN

A7 09/00024/CU Change of use of agricultural ELLEL WARD A
land to form commercial
fishing lake for Mr. T. Lawson

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

"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, subject to amendment of condition 7:

1. Standard full Planning Permission.
2. Amended Plans.
3. Development and use to be retained and operated by the occupier of Berrys Farm in conjunction with the operation of the associated agricultural holding, 4 holiday cottages and certificated 5 van caravan site.
4. Development in accordance with approved plans.
5. Ecological survey and mitigation measures to be agreed.
6. Landscaping, access paths, gates and fences to be agreed.
7. Maximum number of fishing pegs to be agreed, restricted to the number of cars that can be accommodated on-site.
8. Details of any fishing peg structures to be agreed.
9. All car parking to take place within the walled farm yard.
10. Access visibility to be improved.
11. Motor cycle, cycle parking and disabled spaces to be agreed.

207 GREAVES PARK, BOWERHAM ROAD, LANCASTER

A8	09/00105/FUL	Erection of a two storey rear extension to form 11 bedrooms and internal alterations to form an additional 11 bedrooms in upper floors of existing building, alterations to car park layout and erection of retaining wall to the rear for Whitbread Group PLC	SCOTFORTH WEST WARD	A
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It was proposed by Councillor Denwood and seconded by Councillor Histed:

“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:

1. Standard Full Permission.
2. Amended Plans.
3. Development in accordance with approved plans.
4. Samples of stone and slate to be agreed.
5. Details of stonework coursing, painting, heads, sills, jambs, quoins, retaining wall and copings to be agreed.
6. Details of the roof eaves, verges, ridges, flashings and rainwater goods to be agreed.
7. Details of the windows and doors, including external reveals and finishes, to be agreed.
8. Full details of all works to the interior and exterior of the Listed Building, including a written schedule of works, to be agreed.
9. Archaeological record of the existing building to be agreed.
10. Details of cycle parking to be agreed.
11. Detailed method statement for all works in proximity of trees to be agreed.
12. Protective barrier fencing to be provided.
13. No site fires.
14. No cement wash out areas within 15 m of trees.
15. Details of landscaping, including replanting schedule, to be agreed.
16. Unexpected contamination to be reported, investigated and remediated.

208 GREAVES PARK, BOWERHAM ROAD, LANCASTER

A9	09/00106/LB	Listed Building application for the erection of a two storey rear extension to form 11 bedrooms and internal alterations to form an additional 11 bedrooms in upper floors of existing building, alterations to car park layout and erection of retaining wall to the rear for Whitbread Group PLC	SCOTFORTH WEST WARD	A(P)
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It was proposed by Councillor Blamire and seconded by Councillor Denwood:

“That the application be referred to the Government Office North West (GONW) with a recommendation that Listed Building consent 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 referred to the Government Office North West (GONW) with a recommendation that Listed Building consent be approved, subject to the following conditions, as set out in the report:

1. Standard Full Permission.
2. Amended Plans.
3. Development in accordance with approved plans.
4. Samples of stone and slate to be agreed.
5. Details of the stonework coursing, painting, heads, sills, jambs, quoins, retaining wall and copings to be agreed.
6. Details of the roof eaves, verges, ridges, flashings and rainwater goods to be agreed.
7. Details of the windows and doors, including external reveals and finishes, to be agreed.
8. Full details of all works to the interior and exterior of the Listed Building, including a written schedule of works, to be agreed.
9. Archaeological record of the existing building to be agreed.
10. Details of cycle parking to be agreed.
11. Detailed method statement for all works in proximity of trees to be agreed.
12. Protective barrier fencing to be provided.
13. No site fires.
14. No cement wash out areas within 15 m of trees.
15. Details of landscaping to be agreed.
16. Unexpected contamination to be reported, investigated and remediated.

209 LAND AT REAR OF 85-91, NORTH ROAD, CARNFORTH

A11 09/00060/FUL Erection of a dwelling for Mr. Allan Lloyd-Haydock CARNFORTH WARD A

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

“That the application be refused.”

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

The proposal is contrary to ‘Saved’ Policy H19 of the Lancaster District Local Plan – insufficient outlook from the principal rooms of the dwelling, would not provide the required high standard of amenity.

Note:

Committee instructed that Officers pursue a claim for costs in the event of a further appeal.

CATEGORY D APPLICATION

Application for development by a District Council

210 FORMER BUBBLES SITE, MARINE ROAD CENTRAL, MORECAMBE

A12 09/00231/DPA Renewal of temporary change of use of land for siting of fairground from 1st May to 31st October 2009 for Lancaster City Council POULTON WARD A

It was proposed by Councillor Sherlock and seconded by Councillor Greenall

“That planning permission 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 planning permission be approved, subject to the following condition, as set out in the report:

1. Temporary consent to expire 31st October 2009.

211 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.

212 PLANNING ENFORCEMENT SCHEDULE

The Head of Legal and Human Resources submitted a report with regard to enforcement action being taken by the City Council.

Resolved:

That the report be noted.

Chairman

(The meeting ended at 11.50 a.m.)

**Any queries regarding these Minutes, please contact
Jane Glenton, Democratic Services - telephone (01524) 582068 or email
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