

**PLANNING AND HIGHWAYS
REGULATORY COMMITTEE**

10.30 A.M.

22ND JANUARY 2007

PRESENT:- Councillors Roger Sherlock (Chairman), Eileen Blamire (Vice-Chairman), Ken Brown, Abbott Bryning, Keith Budden, Susie Charles, Chris Coates, Sheila Denwood, John Gilbert, Mike Greenall, Janice Hanson (substitute for Maggie Chadwick), Helen Helme, Pat Quinton, Peter Robinson, Sylvia Rogerson, Catriona Stamp (substitute for Anne Chapman), Joyce Taylor and Paul Woodruff

Apologies for Absence:

Councillors Maggie Chadwick, Anne Chapman and Robert Redfern

Officers in Attendance:

David Hall	Development Control Manager
Andrew Holden	Senior Planner
Angela Parkinson	Senior Solicitor
Susan Butterworth	Planning Advice Assistant
Christopher Quinn	E-Systems Support Officer (for Minutes No. 185 to 188)
Jane Glenton	Democratic Support Officer

185 MINUTES

The Minutes of the meeting held on 18th December 2006 were signed by the Chairman as a correct record.

186 SITE VISIT

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

A16 06/01370/DPA	Footpath 31, Knowlys Road, Heysham	HEYSHAM CENTRAL WARD
A13 06/01197/REM	Halton Mill, Mill Lane, Halton	HALTON-WITH- AUGHTON WARD

The following Members were present at the site visits, which took place on Monday, 15th January 2007:

Councillors Roger Sherlock (Chairman), Abbott Bryning, Keith Budden, Anne Chapman, Sheila Denwood and Pat Quinton. Councillor Joyce Taylor was present for the site visit to Footpath 31, Knowlys Road, Heysham only. Councillor David Kerr was present for the site visit to Halton Mill, Mill Lane, Halton only.

Officers in Attendance:

David Hall	-	Development Control Manager
Angela Parkinson	-	Senior Solicitor
Jane Glenton	-	Democratic Support Officer

187 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W	-	Withdrawn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 SUBJECT TO PUBLIC PARTICIPATION

Councillor Sheila Denwood declared a personal and prejudicial interest in the following item, being acquainted with two of the public speakers.

Councillor Paul Woodruff declared a personal interest in the following item, as a member of Halton-with-Aughton Parish Council, and remained in the room during consideration thereof.

Councillor Rogerson declared a personal interest in the following item, her spouse having dealt with the applicant in a business capacity, left the room during consideration thereof and did not vote on the item.

188 HALTON MILL, MILL LANE, HALTON

(Under the scheme of public participation, Bernadette Needham, Michael Holland, Peter Dew, Sue Russell, Deidre Winstanley, John Blowes and Brian Jefferson addressed the Committee as objectors to the application. John Asplin, on behalf of the applicant, reiterated his support for the application.)

<u>Item</u>	<u>Application</u>	<u>Proposal and Applicant</u>	<u>Ward</u>	<u>Decision</u>
A13	06/01197/REM	Reserved Matters application for the erection of an apartment block comprising of 36 two bedroom units with associated car parking and servicing for Time and Tide Properties Ltd	HALTON- WITH- AUGHTON	D

Bernadette Needham addressed the Committee as a member of Halton action group and advised Members that public consultation in the matter had been disadvantaged by confusion and lack of clarity in the planning system. The development was being carried out contrary to the masterplan. Construction of apartments had been undertaken when the Lancaster District Plan and Parish Plan required the site to be employment-led. Information was needed to say that this would be the case and that the site would be marketed to attract additional interest. Furthermore, evidence was required of the percentage of housing which would be for affordable housing/rent/shared ownership. Since Lancaster City Council was part-landowner, there could be a temptation to bend the rules in favour of the developer. If necessary, legal advice would be sought regarding the development and the design adopted by the developers. An explanation of what designs were being undertaken was required from the developers. This was an opportunity for the Committee to set standards and be squeaky clean in their judgment.

Michael Holland addressed the Committee and informed Members that he was a resident of Halton, a student at St. Martin's College and Lancaster Infirmary, and a cyclist who cycled in the area. Lancaster and Morecambe was one of six places in the country to be named as a 'cycling demonstration' town, with the intention to turn the district, including the historic village of Halton, into the 'Cycling Capital of the North West'. He invited the Committee to picture the monolithic construction at Halton Mill that was described as 'mill style', using what was described as 'local materials', but which presented a blot on the landscape. The development was inappropriate and he suggested that the application be deferred until a more fitting building design had been proposed.

Peter Dew addressed the Committee and advised Members that he was retired and a member of the Halton action group. He would like to make two points. Firstly, he referred to the 11 conditions attached to the development referred to in the Planning Officer's letter. Permission should not be given at a meeting for a development as wide and varied as this one. It was logical to grant permission after plans had been amended and not before. The Lancaster District Plan and the Parish Plan both required the development to be employment-led. However, residences had been constructed first. The County Council Highways Department had referred to the level of car parking. The occupants of the residences would have more than one car per family. Add to this, the number of cars used by people visiting the properties or enjoying the countryside, and

there would be a problem. People were presently parking on the roads. Secondly, he considered that the style of development was unsuitable for Halton, with too many 3-storey buildings. Their appearance was bland and unattractive. The situation called for a design more in-keeping with the history of the village. The 3-storey blocks would ruin the view forever. The development presented an urban scenario in the village of Halton, when a sympathetic development was required. He asked the Committee to defer the application until all conditions were agreed.

Sue Russell addressed the Committee and informed Members that she was a resident of Halton who worked in Lancaster, and a member of the Halton action group. The action group were not opposed to the development, just its present style. They wanted the development to be linked in with the Lancaster District Plan. The development should relate to Policy EC4 in its proposals for appropriate small-scale business activity. The plans for the 3-storey build astounded her, in that such a design could be considered appropriate for the village, which was in an AONB and conservation area. The block of flats would obstruct the view, not just for residents, but for inhabitants of Lancaster, walkers and visitors to the area, and would be urban in nature. The housing density of the site would be appropriate to a town but, even then, would not be allowed in Lancaster. Policy EC4, namely the business activity, would not create a huge impact on parking. Lights left on in the new-build would create considerable light pollution at night, particularly from the high blocks. Where would the cars owned by the occupants of the development go? There were already traffic bottle-necks.

Deidre Winstanley addressed the Committee and advised Members that she belonged to the Halton action group. The development was in opposition to Policy EC7 of the Local Plan, which identified the site to be employment-led. Granting consent for inappropriate, densely populated apartment blocks would mean that the development would, instead, be residential-led. Policy EC4 small-scale businesses would be considerably hampered by construction work. Some of the businesses had gone and others were wanting to leave, including North West Engineering. She did not believe that the development was in accordance with local policy. The application should be deferred to allow more detail to be brought forward. Legal assistance would be sought with a view to a judicial review. The Committee had the opportunity to ensure that a suitable development evolved on what was an important natural site, one that they could be proud of.

John Blowes addressed the Committee and informed Members that he was a chartered engineer and had experience in engineering and planning matters. It was difficult for the public to keep up with the types of development dealt with by District and Parish Councils. When the proposals materialized, they were different to those before Committee at present. The noise density for the development would be that of an urban area and not a rural one. Eight businesses had left the site and others were prepared to leave. The development was residential-led and not employment-led. Obligations had been secured through a Section 106 agreement and matters had been delayed. If the Committee was going to allow the employment element of the development to go, then there was free legal support for planning aid and this would be sought, as would redress through the Local Government Ombudsman.

At the time of registering to speak, Parish Councillor, Brian Jefferson, had been advised to confine his comments specifically to the car parking element of the application, in view of him having addressed the Committee at its previous

meeting on the 18th December 2006.

Brian Jefferson addressed the Committee and advised Members that he had spoken at the last meeting of the Committee and was grateful for the site visit which had taken place. Disappointingly, the Committee had not viewed the entire site, but could not have failed to notice the residents who had been present at the visit in protest at the development, some of them being aged from 60 to 80 years old. The Parish Council considered the development to be wrong and inappropriate. In September, all that stood in the way of the application were details of the Section 106 agreement. Since that point, the Parish Council, representing the views of local people, had not been listened to. The Ward Councillor had expressed his views. Were we living in a democracy? Would the Committee impose an aberration upon Halton or would it be brave enough to put forward a decent scheme? He asked that a sub-committee be formed, to include the Parish Council and the developers, to move matters forward.

John Asplin, Managing Director of Time and Tide, addressed the Committee and informed Members that the company employed 12 people, 7 of whom were local to Lancaster and the Parish itself. The details had already been put in place prior to Time and Tide acquiring the site and his involvement had been to put detail on the bones. The "Benidorm of Lune-style" design had been endorsed by the Parish Council and the reason they went with this was because the demand was there. The percentage of affordable housing had been set before Time and Tide came along. The criteria had been set by the Committee. He was keen to explain that the company did not want to discuss the design retrospectively. There was already routine permission and he was aware of the Appeals system, which was in place for him to use as necessary.

The Committee was advised that letters in objection had been received from Carol Slinger, Clerk to Halton-with-Aughton Parish Council, and Ralph Martyn of "Out of the Woods", one of the remaining businesses on-site. Mr. Martyn had been unable to attend the meeting, but felt that it was important that his view be heard. As far as he was aware, he was the only business left in the middle of the site that was completely free of the developers. He was concerned that when the project started out it was employment-led. Seven businesses had been driven off the site and his business had to lose two very skilled, hard to replace cabinet-makers.

The Chairman had additionally received two further letters in objection from Mrs. Winstanley and Mrs. Jacob.

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

"That the application be deferred until the March meeting of the Committee, to enable a working group, comprising Members, Officers, Applicants and the Parish Council, to be established to consider application details."

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

Resolved:

That the application be deferred until the March meeting of the Committee to enable a working group, comprising Members, Officers, Applicants and the Parish Council, to be

established to consider application details.

189 UNIT 1, THE OLD CO-OP YARD, KELLET ROAD, CARNFORTH

(Under the scheme of public participation, Rowland Parker, Peter Yates, Michael Rothwell and Lesley Ann Sharples addressed the Committee as supporters of the application. Isobel Taylor, the applicant, reiterated her support for the application.)

A14 06/01371/CU Change of use of first floor to CARNFORTH A(C)
dance school/studio for Isobel WARD
Taylor

Rowland Parker addressed the Committee and advised Members that he could not stress strongly enough how important it was that the dance school continued. Through no fault of the owner, she had to leave the previous premises and was struggling to find a new location. The dance school was unique to the Carnforth area. Carnforth did not have the same venues as Lancaster and Morecambe, and it suffered from a lack of entertainment for young people and had no youth club. The TV programme 'Strictly Come Dancing' had resulted in children wanting to attend the dance school. They were responsible children, with responsible parents. Whilst some places were unsafe to attend at night, the dance classes took place during the day. The dance school had been based at Carnforth for some 13 years. He had been strongly involved with it, as a policeman in the local community. The Committee should be keen to encourage such a facility and therefore grant the application.

Peter Yates addressed the Committee and informed Members that he operated a vehicle recovery operation and was committed to community-led projects. He had grown up in Carnforth, and had walked to school past the Old Co-op Yard. The vehicle recovery operation dealt with accidents and he knew of none at the Old Co-op Yard. He suggested that road conditions were no worse than elsewhere and not bad enough to prevent the application being granted. The school had been forced out of its previous premises and he believed that more dangers existed on Lancaster Road than the proposed location. The dance school was an asset to the community and its young people. There was no historical evidence to support the suggestion that the entrance road to the proposed premises was unsafe and unfit.

Michael Rothwell addressed the Committee and advised Members that he was speaking at Committee to prevent refusal of the application. His daughter was 16 years old and had attended the school since the age of 4. He was therefore qualified to comment. The school used to be on Oxford Street. There was less traffic on Kellet Road and he would be less concerned regarding turning there than on the A6. The proposed new premises were safer than the Oxford Street ones. Numbers in classes ranged from 1 to 10, therefore a small trickle of traffic was generated. When his daughter was 4 years old, she had been delivered and collected from the dance school, but now travelled by bus from her school and walked the rest of the way, encountering no more danger. Parents were capable of arranging for pupils to attend the dance school. A balancing act between the need for the dance school and the access was required. The dance school had found it hard to find suitable premises and he was concerned what would happen to his daughter if the application was refused, as he did not want her hanging round the streets of Warton.

Lesley Ann Sharples addressed the Committee and informed Members that she was a parent of one of the children who attended the dance school and understood the concerns raised and hoped to be able to alleviate them. Classes were small and comprised typically of 8 to 10 pupils. Only a small number of comings and goings were generated from them. Pupils were required to travel from Carnforth High School and walk up past the crossing and cross Kellet Road to classes, which took place at 3.30 p.m. or 4.30 p.m., the latter being a one-to-one class. The parents of children attending classes had organised a petition, which had been signed by 41 parents indicating that they intended to escort their children to and from the new premises and that, if they were driving to the dance school, would park their cars on the car park at Carnforth High School, or any other recommended car park, and then escort their children to and from the dance school. Over 200 children were already crossing the road unsupervised. Whilst she understood that the Authority had concerns, in view of the measures proposed, she hoped that the Committee would vote to grant the application.

Isobel Taylor, Principal of the Dance School, addressed the Committee and advised Members that due to plans for her former premises, it had been necessary for her to find alternative accommodation. This had been difficult in Carnforth. She had approached all of the parents of pupils and not one of them could understand the Authority's concerns. The classes were of different genres and it was therefore necessary to find permanent premises in order to be able to maintain the school's small class policy. Though there would be challenges to adults, the school would have a central base. Concerns regarding highway safety had never been a problem. Parents were concerned regarding the safety of their children and would be responsible in regard to this. If no premises could be found, classes would be fragmented. Granting the application would ensure the continuity and security of the school.

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

"That the application be granted, subject to conditions."

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be carried, subject to the following additional conditions (suitably worded):

- (1) Standard Time Condition
- (2) Built in accordance with the approved plans
- (3) Hours of Use
- (4) Dance School Only
- (5) Provision of remote car parking
- (6) Noise Assessment
- (7) Cycle Parking

Advice Note: Regarding child safety.

The meeting was adjourned at 12.32 p.m. for lunch.

The meeting was reconvened at 1.01 p.m.

APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION

190 REDWELL FISH FARM, KIRKBY LONSDALE ROAD, OVER KELLET

A5	06/01410/FULI	Retention of land remodelling and proposed raising of existing ground levels at South West corner of site for Mr. K. Hall	KELLET WARD	R
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Councillor Paul Woodruff declared a personal interest in the following item, as a member of Halton-with-Aughton Parish Council and remained in the room during consideration thereof.

191 FIELD 2619 LOW ROAD HALTON-WITH-AUGHTON

A6	06/01510/FUL	Erection of an extension to existing stable block for Mr. Barry and Mrs. Jill Cragg	HALTON- WITH- AUGHTON WARD	A(C)
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The application was approved, subject to the following additional condition (suitably worded):

(1) Extra screen planting.

192 29 CASTLE HILL, LANCASTER

A7	06/01513/LB	WITHDRAWN	CASTLE WARD	W
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193 FAR LODGE, BAY HORSE ROAD, QUERNMORE

A8	06/01503/FUL	Retrospective application for the retention of an extension to previously approved water bottling plant for Mr. David Gardner	LOWER LUNE VALLEY WARD	A
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194 44 SUNNYBANK ROAD, BOLTON-LE-SANDS, CARNFORTH

A9	06/01348/FUL	Erection of a two storey front extension for Mr. and Mrs. Scott Wilcock	BOLTON-LE- SANDS WARD	A(C)
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The application was approved, subject to the following conditions (suitably worded):

- (1) Standard Conditions
- (2) Amended Plan Condition
- (3) Materials to Match

Councillor Budden declared a personal and prejudicial interest in the following items (A10 and A11), being acquainted with the applicant, left the room during consideration thereof and did not vote on the item.

Councillor Greenall declared a personal and prejudicial interest in the following items (A10 and A11), being acquainted with the applicant, left the room during consideration thereof and did not vote on the item.

Councillor Taylor declared a personal and prejudicial interest in the following items (A10 and A11), being acquainted with the applicant, left the room during consideration thereof and did not vote on the item.

195 219 MARINE ROAD CENTRAL, MORECAMBE

A10	06/01361/FUL	Alterations to shop front for Mr. D. Barker	POULTON WARD	A(C)
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The application was approved, subject to the following additional condition (suitably worded):

- (1) Precise details of shop front to be agreed.

196 219 MARINE ROAD CENTRAL, MORECAMBE

A11	06/01363/LB	Listed Building Application for alterations to shop front for Mr. D. Barker	POULTON WARD	A
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197 RAISBECK, KELLET ROAD, OVER KELLET

A12	06/01401/CU	Change of use of land for the storage of caravans, trailers and the sale of caravans including the creation of a bund for Woods Caravan Transport	KELLET WARD	R
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**198 FORMER FRONTIER LAND WESTERN THEME PARK, MARINE ROAD WEST,
MORECAMBE**

A15	06/01349/FUL	Erection of non food retail (A1) unit (Revision to unit approved via 05/00929/FUL) for W. M. Morrison Supermarkets Plc	HARBOUR WARD	A(C)(106)
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The application was approved, subject to a personal condition (suitably worded) limited to Next and a Section 106 agreement to include £35,000 public transport contribution delayed for one year.

Category D Application

199 FOOTPATH 31, KNOWLYS ROAD, HEYSHAM

A16	06/01370/DPA	Construction of shared use cycleway/footpath for Lancaster City Council	HEYSHAM CENTRAL WARD	NO
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200 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.

201 EVALUATION OF IMPACT OF HIGH HEDGES LEGISLATION

The Head of Planning Services submitted a report, which advised that, following the introduction of the High Hedges legislation, Members had asked for a further report evaluating its impact, in particular the level of fees set by the Council on potential applicants.

Members were informed that Part 8 of the Anti-Social Behaviour Act 2003 introduced a mechanism whereby the owner or occupier of a domestic property may complain to the district council about high (more than 2 metres) evergreen hedges adversely affecting the unreasonable enjoyment of their property. The provisions had come into effect on the 1st June 2005. Full Council had considered the appropriate fee level at its meeting on the 12th May 2005, and had set an initial fee of £250 for dealing with a complaint and delegated the function to the Planning and Highways Regulatory Committee, and had requested the Committee to review the fee, with a view to introducing a sliding scale of fees to help people of limited means who might wish to have a complaint dealt with by the Council and would be unable to afford the full fee. The Committee had resolved to maintain the fee at £250 at its meeting on the 19th September 2005, but introduced a fee of £50 for persons in receipt of Housing Benefit and Council Tax Benefit.

It was reported that a further review was to have been undertaken in January 2006, but there had been very few applications and consequently little information. There was now more data available, details of which were set out in the report.

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

“That the current level of fee for the service be maintained in recognition of the fact that it was amongst one of the lowest charges in the country and represented a subsidised service at present.”

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

Resolved:

That the current level of fee for the service be maintained in recognition of the fact that it was amongst one of the lowest charges in the country and represented a subsidised service at present.

**202 ASSESSMENT OF TWO ORNAMENTAL CHERRY TREES ESTABLISHED ON LAND
AT KINGSWAY FORMER BUS DEPOT**

The Head of Planning Services submitted a report to provide details of the location, condition and amenity assessment of the trees established on land at the former Kingsway bus depot, in order that an informed decision could be made as to whether serving a Tree Preservation Order (TPO) was an appropriate course of action.

Members were advised that the report had been submitted to Committee because of the strong views of a Ward Member who had requested that a TPO be made in regard to two ornamental cherry trees established on land at Kingsway former bus depot.

A detailed assessment of both trees had been undertaken including:

- (a) A Visual Tree Assessment (VTA) – an inspection and assessment of tree condition undertaken from ground level;
- (b) A Tree Evaluation Method for Tree Preservation Orders (TEMPO), which was an objective and systematic method for the assessment of trees with regard to serving a Tree Preservation Order.
- (c) For the purpose of the assessment, the trees had been identified as T1 and T2.

T1 had been found to be in a condition identified as ‘poor’ and described as ‘A tree in obvious decline. Health is significantly impaired, and is likely to deteriorate. Life expectancy is curtailed and retention is difficult.’

T2 was found to be in a better condition, identified as ‘fair’ and described as ‘Health is satisfactory, though intervention is likely to be required. The condition is likely to decline. However, it can be retained for the time being without disproportionate expenditure.’

It was reported that T1 and T2 had attained a score of 12+ following the TEMPO

assessment, which suggested that serving a Tree Preservation Order could be a defensible course of action.

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

“That, in the light of the age of the trees, their declining condition, severely limited life potential, and it being preferable to focus on agreeing a new tree-planting scheme that will provide a sustainable tree cover long into the future, no Tree Preservation Order be served.”

Upon being put to the vote, 13 Members voted for the proposition and 5 against, whereupon the Chairman declared the proposal to be carried.

Resolved:

That, in the light of the age of the trees, their declining condition, severely limited life potential, and it being preferable to focus on agreeing a new tree-planting scheme that will provide a sustainable tree cover long into the future, no Tree Preservation Order be served.

203 APPEAL STATISTICS

Members considered a report of the Head of Planning Services showing appeal statistics for January 2007.

Resolved:

That the report be noted.

Chairman

(The meeting ended at 2.53 p.m.)

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