

**PLANNING AND HIGHWAYS
REGULATORY COMMITTEE**

10.30 A.M.

8TH OCTOBER 2007

PRESENT: Councillors Eileen Blamire (Chairman), Roger Sherlock (Vice-Chairman), June Ashworth, Ken Brown, Abbott Bryning, Keith Budden, Anne Chapman, Susie Charles (substitute for Helen Helme), Chris Coates, John Day, Sheila Denwood (substitute for Janice Hanson) Jane Fletcher, John Gilbert, Mike Greenall, Andrew Kay, Peter Robinson, Bob Roe, Sylvia Rogerson, Keith Sowden and Joyce Taylor

Apologies for Absence:

Councillors Janice Hanson and Helen Helme

Officers in Attendance:

Andrew Dobson	Head of Planning Services
David Hall	Development Control Manager
Martin Culbert	Senior Planning Officer
Angela Parkinson	Senior Solicitor
Richard Bamforth	Limestone Heritage Project Officer
Susan Butterworth	Planning Advice Assistant
Jane Glenton	Democratic Support Officer

79 MINUTES

The Minutes of the meeting held on 3rd September 2007 were signed by the Chairman as a correct record.

80 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- W - Withdrawn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

APPLICATION SUBJECT TO PUBLIC PARTICIPATION

Councillor Charles withdrew her request to speak at Committee, declared a personal and prejudicial interest in the item, as County Councillor, left the room during consideration thereof and did not vote on the item.

81 THE HERMITAGE, LOW ROAD, HALTON

(Under the scheme of public participation, Barbara Maher, John Braithwaite, Tim Sarney, Erica Sarney, Samuel Ashton and John McMinn addressed the Committee as objectors to the application. Paul Bellwood, the applicant, and Anthony Atkinson, his agent, reiterated their support for the application.)

<u>Item</u>	<u>Application</u>	<u>Proposal and Applicant</u>	<u>Ward</u>	<u>Decision</u>
A10	07/00812/CU	Change of use of land for the siting of three log cabins for Mr. P. Bellwood	HALTON-WITH-AUGHTON	R

Barbara Maher spoke in objection to the application. She advised Members that the nature of the application had made her attendance at Committee necessary. The proposed development was in an area of outstanding natural beauty. Adverse development should be resisted. Accommodation was available within a 1½ mile radius of the proposed development in the form of inns and self-accommodation. There were log cabins at the Crook O'Lune where the full complement had not been constructed due to lack of demand. The site of the proposed development was the habitat of rare species which were protected by legislation. Under this legislation development could only be lawfully undertaken if it could be proved that there was an overriding public interest. Any permitted development would disturb the otters' natal holt, which ran extensively into the riverbank.

John Braithwaite spoke in objection to the application. He informed Members of the policies that the proposed development, if granted, would contravene. He was dismayed that the Planning Officer's recommendations were in conflict with this legislation and he quoted from the Officer recommendation. The Crook O'Lune had been described as the jewel in the crown of Lancaster. The officer report did not address the proposed design of the cabins. The proposed design was unimaginative and the construction materials alien.

The cabins would be obtrusive and unacceptable and in contravention of policy requirements. Any construction would be detrimental to the site and not in the best interests of the local economy. The type of visitor attracted to the area would be dismayed by such development. The Committee must refuse the application.

Tim Sarney spoke in objection to the application. He advised Members that the granting of the application would set a precedent that would lead to the demise of the area. People who used the amenity were unaware of the proposals until the present, when notices had been displayed. The area in question was peaceful. Further tourism would be harmful to the otters. Site logs had been taken recording in excess of 50 sightings of the otter and cubs. Details had been sent to Planning Services. The application proposals constituted a gross misuse of the site and contravened legislation. Under this legislation it was an offence to damage or destroy a breeding site. It was the Council's obligation to protect beauty spots. The matter had attracted media coverage and interest from international wildlife bodies.

Erica Sarney spoke in objection to the application. She informed Members that under legislation and EC Directive, all communities had an obligation not to sanction any activity that was to the detriment of a protected species. The Lancashire Wildlife Police had visited the area and were taking a serious interest in the application. The photographs supplied by the applicant did not reflect the true picture. The proposed application was in close proximity to the natal holt and would cut off access to the river. This was vital for the otter in order to feed her pups. The mitigation proposed did not offer protection. If the application was granted, people would be attracted to the river at all times for paddling, swimming and boating. This would drive the otters away. Health and Safety issues had been ill-considered. There had been two young deaths upstream recently.

Samuel Ashton spoke in objection to the application. He advised Members that he had been a member of Kendal Otter hounds and was a poacher turned gamekeeper, as his interests now lay in conservation. Little had changed in the scenery along the River Lune. If the application was granted, the natal holt would be ruined. Otters were in decline in the 1960s and 1970s and there was clear pressure on the species. At present, the main danger to otters was from mink. The natal holt had an entrance under water and this would deter mink and other predators. It was his firmly held conviction that development would be inappropriate and would disrupt the otters.

John McMinn spoke in objection to the application. He informed Members that he was an otter expert on behalf of the International Otter Survival Fund. He had surveyed the otter and pups over a 3 week period. If granted the application would result in the removal of vegetation. The site had been chosen by the otter as it was a haven and provided the necessary habitat in which to raise its young in safety and seclusion. The natal holt had never been surveyed but would be extensive. Any development activities would have a serious effect on it. Safe places were vital to otters. Thanks to the public not having had access to the site, the otters had bred successfully over the past few years. Otters had disappeared when fishermen were in the vicinity. Any development would contravene legislation. There had been TV coverage showing the otters. The mitigating factors offered by the applicant could not be administered 24 hours/7 days a week and would not offer protection.

Paul Bellwood, the applicant, spoke in support of his application. He advised Members that the 3 log cabins sited on the westerly side of the Crook O'Lune would not be visible from the road or the Crook O'Lune. A tree planting scheme would be adopted and other

areas of conservation addressed. Leading experts had been consulted regarding the application. The Environment Agency, Natural England and the Department for Environment, Food and Rural Affairs had withdrawn their objections. This was insufficient for the objectors. He had spent time observing otters since 1972. He had witnessed them at close-range whilst fishing. The log cabins would be well-constructed. They would be beneficial to the rural economy by bringing employment and income into the area.

Anthony Atkinson, agent for the applicant, spoke in support of the application. He highlighted the work undertaken with Planning Services since the proposal's inception. There had been three applications relating to the development of log cabins. The first was in April 2006. This was withdrawn to address the issues raised. The second was in November 2006, which was again withdrawn due to the applicant's concern over issues arising. The final one was currently before Committee. Over this period of time a topical survey and flood risk assessment had been carried out. A site visit attended by the Council's Planning Officer and the Tree Protection Officer had taken place. A car parking and landscaping scheme had been drawn up. A specialist firm had produced an ecology report, which addressed issues relating to otters. It was only in 2006 that he had been made aware of the otter holt. Natural England and the Environment Agency had been involved. Meetings had taken place with the statutory bodies and any objections had subsequently been withdrawn.

Councillor Paul Woodruff addressed the Committee as Ward Councillor. He informed Members that he was speaking neither in support nor objection to the application, but in the interests of democracy. The officer recommendation to grant the application had been changed. He hoped that this was not as a result of media coverage and the involvement of Lancashire Wildlife Police. He thought that the impact on local development was significant. Otters had been in the area for years and had remained during the extensive works to the bridge and other developments. Fishing rights were enjoyed and used by a number of fishermen. The Environment Agency was not averse to this. Otters and fishermen could survive together. Objections had been received from Mr. and Mrs. Sarney and others, and the International Otter Survival Fund, but no other bodies. The site was in an area of outstanding natural beauty. A fine balance had to be struck between tourism and how it was promoted. He felt that the applicant had been unfairly treated by Planning Services, having only learnt of the change in the officer recommendation at the meeting. The only way forward was to defer the application. He recommended that the site be inspected as there was insufficient time at Committee for the application to be given due consideration.

The Head of Planning Services advised the Committee that the officer recommendation had been changed at Committee as it was considered that the proposed development would have an adverse impact on a European protected species and that the proposal did not satisfy the tests required by legislation.

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

"That the application be refused."

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

Resolved:

That the application be refused.

82 LAND TO THE WEST OF MIDDLETON ROAD, OVERTON

A5 07/01118/FUL Erection of an Equestrian OVERTON A(C)
Centre with associated access WARD
and car parking for
Lanquestrian

The application was approved, subject to the following additional condition (suitably worded):

“No residential accommodation on site without the prior consent of the Local Planning Authority.”

83 LAND OFF NORTHGATE, NORTHGATE, MORECAMBE

A6 07/00933/FUL Erection of new industrial unit WESTGATE A(106)
including office/service space WARD
for Brakewell Properties

84 HALTON YOUTH & COMMUNITY CENTRE, LOW ROAD, HALTON

A7 07/00488/FUL Creation of a recreation area HALTON- A
and car park for Halton-with- WITH-
Aughton Parish Council AUGHTON
WARD

85 THE ALHAMBRA BUILDINGS, 52 - 54 MARINE ROAD WEST, MORECAMBE

A8 07/00976/CU Change of use from ground HARBOUR A(C)
floor amusement arcade to an WARD
indoor market for Adult
Gaming Centre Ltd

The application was approved, subject to the following additional condition (suitably worded):

“No use of forecourt for trading, display of goods or loading/unloading.”

86 FORMER MOLL INDUSTRIES SITE, NORTHGATE, MORECAMBE

A9 07/00938/FUL Erection of commercial laundry WESTGATE A(106)
with associated offices, plant WARD
rooms, car parking and service
yard for Lancaster Property
Network Ltd

87 MARLBOROUGH HOTEL, 89 - 90 MARINE ROAD WEST, MORECAMBE

A11 07/01125/CU Change of use from vacant HARBOUR A
hotel to 4 two bed flats for WARD
Redbrick Renovations Ltd

Advice Note: The applicant may wish to consider a more comprehensive scheme incorporating the adjacent property, number 85-97 Marine Road West, which is also in poor condition and available for development.

88 VALE OF LUNE RUFC, POWDERHOUSE LANE, LANCASTER

A12 07/00726/HYB Outline application for SKERTON A(C)
redevelopment of existing land WEST WARD
to include 19 dwellings, rugby
clubhouse, squashcourts,
groundman's store and
associated landscaping for
Vale of Lune RUFC

The application was approved, subject to modification of Condition 10 (suitably worded) to read: "to include details of coach turning as well" and modification of Condition 17 (suitably worded) to read: "No residential development until the new clubhouse, car park, squash courts and pitch improvements are carried out, or as may be agreed in writing with the local planning authority".

The meeting was adjourned at 12.25 p.m. for lunch.

The meeting was reconvened at 12.55 p.m.

The Chairman agreed to a request that Applications A18 07/00556/OUT and A19 07/00560/LB be brought forward for early consideration.

Objections received to the applications from Green Party Members were withdrawn in the light of measures proposed by the applicant.

89 LANCASTER MOOR HOSPITAL, QUERNMORE ROAD, LANCASTER

A18 07/00556/OUT Outline application for JOHN A(C)(106)
residential use (up to 440 O'GAUNT
dwellings) involving the WARD
residential conversion of the
Annexe and Campbell House,
demolition of existing buildings
and associated access, car
parking and landscaping for
English Partnerships

The application was approved, subject to amendment of Condition 9 (suitably worded) to read: "to include the integrated use as a multi-use community facility" and completion of a S106 Agreement.

Advice Note: To be added for discussion regarding the possible future use, to include Ward Councillors.

90 LANCASTER MOOR HOSPITAL, QUERNMORE ROAD, LANCASTER

A19 07/00560/LB Listed Building application for JOHN A
partial demolition, relocation O'GAUNT
and reinstatement of listed WARD
boundary wall, railings and
gates for English Partnerships

Councillor Robinson declared a personal interest in the following item, being a member of the West End Partnership, left the room during consideration thereof and did not vote on the item.

91 20 MARINE ROAD WEST, MORECAMBE

A13 07/01252/CU Change of use of ground floor HEYSHAM A
shop to flat for Mr. D. Helm NORTH
WARD

92 STATIC CARAVAN AND CHICKEN UNIT , KIRKBY LONSDALE ROAD, OVER KELLETT

A14 07/01000/FUL Erection of an egg laying unit KELLET A(C)
with new access for WARD
Mr. R. Walker

The application was approved, subject to amendment of Condition 10 (suitably worded) to read: "Use for free range egg production only" and the addition of a general landscaping condition.

93 STATIC CARAVAN AND CHICKEN UNIT, KIRKBY LONSDALE ROAD, OVER KELLETT

A15 07/00991/CU Change of use of land to site a KELLET A(C)
static caravan to be used as WARD
an agricultural dwelling for
Mr. R. Walker

The application was approved, subject to amendment to Condition 4 (suitably worded) to read: "Person employed in the business on this site only and not general agriculture".

Category C Application

94 ELLEL CRAG QUARRY, BAY HORSE ROAD, ELLEL

A16	07/01233/CCC	Retrospective change of use of land to inert recycling facility, erection of new building and ancillary parking in association with transfer station for Eurowaste UK Ltd	ELLEL WARD	NO
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There were no objections to the application and the matter was approved, subject to amendment of Advice Note 2 to read: "The applicant 'must' contact Lancaster City Council's Environmental Health Pollution Control for more information."

Advice Note: The County Council to ensure that the development has no impact on water boreholes or land drainage generally.

Category A Applications

95 SLYNEDALES, LANCASTER ROAD, SLYNE

A17	07/01144/FUL	Proposed demolition of single storey flat roofed extension and replacement with 3 storey pitched roof extension, erection of an Arts and Crafts studio and change of use of land to form new car parking area for CancerCare	SLYNE-WITH-HEST WARD	A(C)
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The application was approved, subject to additional conditions (suitably worded):

- "(1) Tree protection during building works in accordance with advice of the Tree Protection Officer.
- (2) Car parking in accordance with the applicant's letter dated 25th September 2007."

Officers were instructed to write to County Highways to request that they consider introducing restrictions on street parking on the A6 at the entrance to Slynedales to ensure that the benefits of additional car parking within the site are realised.

96 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.

97 PLANNING ENFORCEMENT SCHEDULE

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

Members raised questions on items contained in the Schedule, which Planning Officers responded to.

Resolved:

That the report be noted.

Chairman

(The meeting ended at 2.34 p.m.)

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