

**PLANNING AND HIGHWAYS  
REGULATORY COMMITTEE**

**10.30 A.M.**

**15TH MARCH 2010**

**PRESENT:** Councillors Keith Budden (Chairman), Joyce Pritchard (Vice-Chairman), Eileen Blamire, Ken Brown, Chris Coates, John Day, Sheila Denwood, Mike Greenall, Emily Heath, Helen Helme, Val Histed, Andrew Kay (Minute Nos. 171 to 180 only), Ian McCulloch (substitute for Chris Coates), Geoff Marsland (Minute Nos. 171 to 186 only), Robert Redfern, Peter Robinson (substitute for Paul Woodruff), Bob Roe, Sylvia Rogerson and Roger Sherlock

Apologies for Absence:

Councillors Chris Coates, Roger Dennison and Paul Woodruff

Officers in Attendance:

|                  |   |
|------------------|---|
| Andrew Dobson    | Head of Planning Services                     |
| Mark Cassidy     | Assistant Development Control Manager         |
| Andrew Drummond  | Senior Planner                                |
| Angela Parkinson | Senior Solicitor                              |
| Martin Brownjohn | Environmental Protection District Team Leader |
| Jane Glenton     | Democratic Support Officer                    |

**171 MINUTES**

The Minutes of the meeting held on 8<sup>th</sup> February 2010 were signed by the Chairman as a correct record.

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

There were no items of urgent business.

**173 DECLARATIONS OF INTEREST**

Members were advised of the following declarations of interest:

Councillor Brown declared personal interests in A8 10/00007/VCN – Land at Mossgate Park, Mossgate Park, Heysham – being a member of the Heysham Mossgate Board; A9 10/00008/VCN – Land at Mossgate Park, Mossgate Park, Morecambe – being a member of the Heysham Mossgate Board; and A19 10/00130/CCC – Carnforth High School, Kellet Road, Carnforth – being a County Councillor.

Councillor Chapman declared a personal and prejudicial interest in A18 09/01078/FUL – Land at Claughton Quarry, Claughton Moor, Claughton, Farleton Old Road, Claughton – being a director of LESS (Lancaster District) (in a voluntary capacity, and not benefiting financially from it), with whom the applicant is in discussions with about funding an energy efficiency service.

Councillor Greenall declared personal and prejudicial interests in A5 10/00075/FUL – Land adjacent to Longfield Tarn, Biggins Lane, Whittington – being an employee of British Energy; A8 10/00007/VCN – Land at Mossgate Park, Mossgate Park, Heysham – being a director of Heysham Mossgate Board; A9 10/00008/VCN – Land at Mossgate Park, Mossgate Park, Heysham – being a director of Heysham Mossgate Board; and A18 09/01078/FUL – Land at Claughton Quarry, Claughton Moor, Claughton Farleton Old Road, Claughton – being an employee of British Energy.

Councillor Robinson declared a personal and prejudicial interest in A6 10/00066/CU – 81-83 Regent Road, Morecambe – having already opposed the application.

Councillor Pritchard declared a personal and prejudicial interest in A12 10/00072/CU – The Hawthorns, Main Road, Nether Kellet – her brother having done some contract work in the past, and possibly in the future, at the site.

Councillor Roe declared a personal and prejudicial interest in A14 09/01236/FUL – Cocked Hat, Haws Hill, Carnforth – having been involved with another company which had been talking to the owner regarding its use.

The Assistant Development Control Manager declared a personal interest in A14 09/01236/FUL – Cocked Hat, Haws Hill, Carnforth – having a relative who manages the business below the application site. The Committee were informed that he had taken no part in the discussions regarding the application and that he would leave the room during discussion of the item.

#### **174 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 to be dealt with by the District Council without formal consultation with the County Council

**APPLICATIONS SUBJECT TO PUBLIC PARTICIPATION**

*It was noted that Councillor Pritchard had previously declared a personal and prejudicial interest in the following item, her brother having carried out some contract work at the site in the past, and possibly in the future, left the room during its consideration and did not vote on the matter.*

**175 THE HAWTHORNS, MAIN ROAD, NETHER KELLET**

***(Under the Scheme of Public Participation, Geoff Storey of Aggregate Industries UK Ltd., spoke to the Committee in objection to the application. Mark Southerton of Edwardson Associates Ltd., agent for the applicant, spoke in support.)***

A12 10/00072/CU Change of use of land to form KELLETT WARD A(P)(C)  
an extension to existing  
caravan park for Mr. D. Wright

Geoff Storey of Aggregate Industries UK Ltd. spoke in objection to the application and advised Members that the application raised issues of regional and national significance, and was a departure from the development plan. Such was the significance of the matter that central government had considered a call-in. The proposal could needlessly sterilize the mineral resources in the area. The area had significant limestone resources. The 2007 guide to mineral safeguarding in England said that a key aspect of sustainable development was the conservation and safeguarding of non-renewable resources, such as minerals, for future generations. The government's objectives for mineral planning reflected the requirement to contribute towards the sustainable use of minerals. Planning was fundamental to safeguarding supplies and to ensuring that the system could identify sites which had the least impact on the environment. The report ignored the need for such considerations.

Mark Southerton of Edwardson Associates Ltd., agents for the applicant, spoke in support of the application, and advised Members that The Hawthorns had gained a David Bellamy Conservation Award, and was an important business in the area. The applicant was seeking to expand the site to the west to accommodate an additional 10 plots, in accordance with the number of caravans that the business had consent for. Mineral Policy Statements needed to be taken into account, and the proposed site had been chosen in recognition of this. Government office did not wish to call the matter in. The scale of the proposal was modest and presented a logical extension to the existing caravan site. The area was further away from the quarry than the existing caravans and well-screened, and there was an opportunity to introduce integral planting to act as a buffer and reduce potential future conflict between the two uses. The proposal should not jeopardise future mineral extraction.

Members considered the application.

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

“That the application be approved in principle.”

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 in principle and delegated to the Head of Planning Services to advertise as a departure, subject to the following conditions, as set out in the report:

1. Standard five year condition.
2. Amended plans 5<sup>th</sup> February 2010 showing twenty static caravan pitches.
3. Development to be carried out in accordance with the approved plans.
4. One parking space to be provided for each caravan.
5. Landscaping to be agreed and implemented.
6. Caravans only to be used for holiday accommodation and only occupied 1<sup>st</sup> March to 31<sup>st</sup> October.

And to the following additional conditions (suitably worded):

7. Tree protection barriers and root protection zones etc.
8. Restrict to no greater than 199 caravans on the site as a whole at any one time.

**176 4 OLD STATION YARD, KIRKBY LONSDALE, CARNFORTH**

***(Under the Scheme of Public Participation, Dr. Marie Shepherd and John Chapman spoke in objection to the application. Miranda Barnes of CB Richard Ellis Ltd., agent for the applicant, spoke in support.)***

A17 09/01015/CU Retrospective application for UPPER LUNE D  
use of land and buildings for VALLEY WARD  
stoneworking, storage and  
distribution (B2/B8 use) and  
retention of an open-fronted  
workshop building for Fairhurst  
Stone

Dr. Marie Shepherd spoke in objection to the application, and advised Members that the site was less than an acre in extent and could not accommodate heavy vehicles, buildings and ancillary tools to process stone. In 2008, Mr. Fairhurst had said that the Kirkby Lonsdale site could not accommodate such processes and the City Council had advised that the site was inadequate and overdeveloped. Sewage pipes were blocked more often than they worked and sewage was seeping into the beck and flowing into the River Lune, which was used for leisure pursuits. The Environment Agency had requested the applicant to reduce the number of units and mend the pipe. However, this was still blocked, resulting in pools of black sewage in the fields. The problem had become a

health issue, and there was danger of an epidemic occurring, possibly resulting in claims against the City Council.

John Chapman addressed the Committee in objection to the application, and advised Members that the Committee had approved planning consent at the old station yard in 1996 for the construction of 4 light industrial units. The report had said that there was a realistic opportunity to improve the appearance of the site and the setting and amenities of the neighbouring residential properties. It also represented an opportunity to gain effective control over future operations at the site. This control had not been effective over the last few years, with 7 businesses operating out of the 4 units, only 3 of which had planning consent, thus increasing the volume of traffic and noise to neighbouring residential properties. Since the time he had moved into the vicinity in 2004, the applicant's unit had changed from storage and distribution to processing of stone. The business had increased, with operations spilling into the yard and onto the service road, with cars, lorries, trailers and skips parked along the length of the road. HGVs delivered huge stones of 14 tonnes plus, and wagons drove to and fro from the yard, dropping off and picking up full and empty skips. Builders' vans and lorries visited the yard to collect building materials on a daily basis. The applicant had sought other premises in 2008, as the company had outgrown its current premises and there was no possibility for expansion. These had been turned down by Craven District Council on highway safety grounds. A further building had been erected at Kirkby Lonsdale and no planning consent had been received for this or for the stone yard operation.

Miranda Barnes of CB Richard Ellis Ltd., agent for the applicant, spoke in support of the application and advised Members that the family-run business had employed 33 full-time and part-time staff during the six years that it had been in operation. The site and estate had been used as a haulage and transport depot and other units traded as a general industrial use, being agricultural engineering, including steel fabrications. The business was therefore not out of the ordinary. The applicant was sensitive to the concerns of neighbours and was putting in place conditions to address the points raised. The work areas had been re-organised so that the business could be carried out in a more sympathetic fashion and the stone tumbler had been moved into a building. Noise assessments had been undertaken which showed that the business generated no more noise than others on-site. Mitigation measures were being undertaken, which would further reduce any possible detrimental impacts.

Members considered the application.

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

"That the application be deferred to enable a site visit to take place."

Upon being put to the vote, 11 Members voted in favour of the proposition and 8 Members against, whereupon the Chairman declared the proposal to be carried.

***Resolved:***

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

***It was noted that Councillor Chapman had previously declared a personal and prejudicial interest in the following item, being a director of LESS (Lancaster District) (in a voluntary capacity, and not benefiting financially from it), with whom the applicant was in discussions with about funding an energy efficiency service,***

*left the room during its consideration and did not vote on the matter.*

*It was noted that Councillor Greenall had previously declared a personal and prejudicial interest in the following item, being an employee of British Energy, left the room during its consideration and did not vote on the matter.*

*Councillor Denwood declared a personal and prejudicial interest in the following item, being acquainted with one of the public speakers, left the room during its consideration and did not vote on the matter.*

177 LAND AT CLAUGHTON QUARRY, CLAUGHTON MOOR, CLAUGHTON, FARLETON  
OLD ROAD, CLAUGHTON

*(Under the Scheme of Public Participation, John Hatt, Tim Sarney of Lune Rivers Trust, Professor Joe Shennan, Dr. Martin Edmonds, Dr. Jennifer Newton, MBE, Peter Edge, John Towers, Sir Timothy Kimber, John Ryle and County Councillor Susie Charles spoke in objection to the application. Gill Fenna, Sam Ashton and Gillian Cropper, Community Windpower Limited, the applicant, spoke in support.)*

A18 09/01078/FUL Renewable Energy project LOWER LUNE R  
comprising the erection of 20 VALLEY WARD  
wind turbine generators, each  
with a maximum height of  
126.5 metres, together with  
associated access track, hard  
standing areas, control and  
substation building, borrow  
pits, meteorological mast and  
temporary construction and  
site storage compounds on  
Claughton Moor and Whit  
Moor near Lancaster for  
Community Windpower Ltd.

John Hatt addressed the Committee in objection to the application and spoke as a travel writer, who had resided in the area for several decades. He advised Members to ignore propaganda that advised landscapes were not scarred by wind farms. Most people lived in towns and cities and wanted to spend vacations in unmarred landscapes. Whilst wind turbines could be acceptable in subtle landscapes, they were out of place in the proposed setting. The fragility of the landscape had led to it being designated an area of outstanding natural beauty, and this would be spoilt by the proposed wind farm, with turbines higher than St. Paul's Cathedral. The Lune Valley should be protected and consideration given to the true cost of the proposal in terms of the environment and beyond. He had travelled to more than 92 countries and Claughton Moor was as worthy of saving as any place that he had visited. He urged Committee to refuse the application.

Tim Sarney, a trustee of the Lune Rivers Trust, spoke in objection to the application, and advised Members that Halton Parish Council had voted unanimously to oppose the application. The proposal was contrary to planning policy, particularly due to its visual impact, and significant numbers of people had registered their objections. The proposal would result in destruction to the environment, and would undermine the Trust's work with the Environment Agency on development of a framework to reduce discharge and flows,

as the proposal would increase the risk of polluted discharge, resulting in degradation of water quality. The proposal would impact on several areas, and environmental organisations had submitted objections. The area played a vital role for many bird species that were in decline, including the Hen Harrier, with a significant percentage of the nesting population successfully nesting in the area. The area was rich in birdlife and butterfly species, and the proposal would result in displacement due to disturbance and habitat loss. Every public authority must have regard to biodiversity, policy and enforcement, and it was the legal responsibility of the planning authority to oppose the application.

Joe Shennan spoke in objection to the application and drew Members' attention to the previous occasion when he had spoken at Committee regarding the application for the enlargement of Caton Moor wind farm, which had been successful at appeal, and advised that this proposal was even more unacceptable, and it would be helpful if counter-arguments could be passed on. Like Caton Moor, it was within an area of outstanding natural beauty, a unique environment that would be ruined by the proposal. Energy generated by wind power was an ineffective and flawed process, and required the back up of conventional power sources. The wind did not blow everyday and wind turbines offered only a temporary and intermittent, short-lived source of power, generating about 30% of the theoretical maximum output. As of February 2010, there were 35 on-shore UK wind farms, most of them being in Scotland, with massive wind farm expansion at Dunbar. The Government had started to realise that off-shore wind farms were better. Wave and tidal power were even better and nuclear power was the best. It was indefensible to allow wind farms in or adjacent to AONBs or National Parks, given the importance of the setting of such landscapes for ourselves and our children. Urban wind farms would be preferable. Wind turbine technology was already dated.

Dr. Martin Edmonds spoke in objection to the application on behalf of Farleton Residents Action Group, who had submitted a letter and photographs to Committee Members showing the impact that the turbines would have on the landscape. He advised Committee of three points for concern, firstly, that Farleton would be the first village to be affected by the proposal, the access track being created from a stretch of the A683 between the villages of Claughton and Farleton, and unauthorised vehicular access would be restricted by the use of locked gates. Secondly, the proposal would result in increased run-off and there were concerns for the beck running along the boundary of two parishes. EU subsidies for land drainage had already resulted in increased water levels in the beck after moderate rainfall and these would be worse should the proposal go ahead. Thirdly, this was an area of outstanding natural beauty which was afforded protection statutorily under EU legislation. Committee was requested to uphold this obligation.

Dr. Jennifer Newton, MBE, addressed the Committee in objection to the proposal on ecological grounds. Members were advised that she was a botanist by training, who monitored butterfly and insect activity, and was involved in surveying spider species across North Lancashire and had a special interest in this area, being the recorder in Lancashire. The proposal threatened species of wildlife, including birds, moths, butterflies, spiders and, bees, including the uncommon Bilberry bumblebee. Claughton Moor was the only place where three species of spider were to be found. All were listed for protection under the Lancashire Biodiversity Action Plan. Bees, moths, butterflies and insects, unique to blanket bogs and heather moorland, needed to be surveyed and, whilst some people would not worry about their existence, they formed the basis of the food-chain for many animals, and were protected under PPS9 of the European Habitats Directive.

Damage would be inevitable should the proposal proceed, with 30 hectares being covered and no comparable habitat nearby for wildlife to escape to.

Peter Edge of Sustrans addressed Members in objection to the application, and advised that the Lune Valley was advertised and signed as comprising beautiful countryside and unspoilt villages in an historic setting. Hornby had gained Conservation Area status through its medieval origins and historic buildings. The proposed huge turbines would be incongruous in such a setting. Sustrans proposed a new coast to coast route connecting the seaside towns of Morecambe and Bridlington in 2010, encouraging people to holiday locally, rather than go abroad. The valley had been immortalised in one of Turner's paintings and was in an area of outstanding natural beauty. Lancaster City Council's own Tourism Service promoted the Lune Valley as being set in beautiful, undisturbed countryside with unspoilt villages, showing England at its best. Committee was asked to refuse the application.

John Towers addressed the Committee in objection to the application and advised that he was a dairy farmer from Farleton. The proposed access track to Claughton Moor was not shown clearly on the map provided and reference was made to provision of a visibility splay. He advised Members that he was the owner of the land in question and had not been approached for a visibility splay. There was no right of access to the A683. He was speaking as the brother of a gentleman who had been killed on the said road and he was objecting to the proposal on the grounds that access could not be achieved safely.

Sir Timothy Kimber addressed the Committee in objection to the application and advised Members that he was speaking in his capacity as President of FELLs (Friends of Eden, Lakeland and Lunesdale Scenery), and informed Members that he was also President of Lancashire Wildlife Trust. He raised several points, namely that the basis on which the calculation of CO<sub>2</sub> savings from wind farms had changed since the 1990s, when it had been calculated that 1 tonne of CO<sub>2</sub> saved could be claimed for every megawatt hour (MWh) of electricity generated. New-build nuclear and gas stations meant that the CO<sub>2</sub> savings from wind farms would be negligible, with further diminution from disturbed peatland. FELLs was politically neutral, and had been constituted to protect the visual pollution of the countryside, particularly from the inappropriate siting of wind turbines. FELLs had never seen an application for wind turbines so comprehensively condemned on so many grounds, with such an emphatic recommendation for refusal by a planning officer.

John Ryle spoke in objection to the application and advised Members that he had been a local resident for 40 years, with professional experience in the energy industry. More and more money was being spent by the tourism industry on attracting visitors to the area. The green energy business was a fragmented structure peopled by well-heeled corporate extremists attracting tax payers' money. Farmers of poor land received a better return from schemes of this kind, despite the damage caused, with middle men, bankers and manufacturers profiting. The Danes had erected wind farms off-shore but were happy for them to be positioned anywhere elsewhere. In the UK, wind turbines were uneconomic without subsidy as they were reliant on wind and would not function for a quarter of the year. In fact, the turbines on Caton Moor had been still for many days recently for this reason. It made sense for man to lighten his footprint, but turbines as high as Blackpool Tower in such a surrounding were unacceptable, and Members were asked to imagine the uproar should they be proposed on the South Downs.

County Councillor Susie Charles spoke in objection to the application and congratulated the planning officer on his comprehensive report. She advised Members that she was speaking both as a County Councillor and a member of the Forest of Bowland AONB Committee. There was no mention in the details regarding storage and construction. The effect on the landscape of such a proposal would be irreversible, and she expressed concerns regarding damage to the peatlands and flood risk arising from the application, resulting in worsening run-off. Since the erection of turbines on Caton Moor, protection of the AONB had been enhanced. The proposal would not benefit local people or those suffering fuel poverty.

Gill Fenna addressed the Committee in support of the application and advised Members that she lived in Caton and had worked in the energy management field for several years. The national requirement for electricity had been increasing for some time through the use of computers in schools, home entertainments, street lighting, heat pumps and electric vehicles. There was a need for strong medium- and short-term energy supplies in the next 20 years, which nuclear, wave and tidal power would not meet in the short-term. Land turbines would fill this gap and there would be the potential to move to alternative supplies in the future. There were limited suitable sites and it was preferable that the turbines were situated together, rather than scattered. The existing turbines on Caton Moor could be seen from her window and there had been little disturbance from their erection.

Sam Ashton addressed the Committee in support of the application and advised Members that he was Hornby born and bred. This was no time to be too sensitive regarding issues such as this. Electricity supplies were needed quickly and finite sources, such as gas and coal, were running out. A new European Union directive on air quality required one-third less air pollution by 2015. The investment in capturing and storing greenhouse gas emissions as prices for EU-wide trading in emission rights rose meant that there was a break-even point between 30 and 35 Euros per tonne. The conference in Copenhagen had failed to give a lead. Electricity demands depended on Drax which sold electricity generated into the market and had a £23m termination of interest rate. It would take ten years to build a new power plant and it was too late for any of the expected generation gap to be replaced by nuclear, during which time the lights might go out. The proposal was within an acceptable price structure and presented no toxic residue. He urged Committee to support the application.

Gillian Cropper of Community Windpower Limited addressed the Committee in support of the application, and advised Members that the City Council was committed to tackling climate change, having adopted a Climate Change Strategy, and had committed to the 10:10 campaign to cut 10% of emissions during 2010, but these targets would not be met at present. The Council recognised that tackling climate change was a key priority. The proposal was for 20 wind turbines which would generate up to 50 megawatts of clean, locally sourced electricity. The windfarm would provide 89% of the shortfall required to meet Lancashire's overall 2010 renewable energy target set at 239 MW. There would be beneficial investment into the local economy and the proposal would create employment opportunities. The Cloughton Moor site was elevated and exposed and the turbines would be isolated from properties. Consideration of decommissioning would be given after 15 years. It was preferable that the turbines were positioned together rather than in clusters elsewhere. Government targets for clean, green electricity would increase and Committee could ensure that Lancaster City Council remained at the forefront of this drive by taking a proactive stance and approving the application.

Members considered the application.

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

“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 reasons, as set out in the report, with amendment to reason 9:

1. The application does not set out any ‘exceptional circumstances’ to develop such a major proposal within an Area of Outstanding Natural Beauty and is therefore contrary to PPS7.
2. The development is of an inappropriate scale given its location within an Area of Outstanding Natural Beauty and Countryside Area, and therefore is contrary to PPS7, Core Strategy Policy EM1 and saved Local Plan policies E3 and E4.
3. The development would have an adverse visual impact upon the landscape, contrary to PPS1, RSS policies DP7 and EM1(a), Core Strategy policies SC1, SC3, SC5 and E1, and saved Local Plan policy E3.
4. The development would have an adverse cumulative impact upon the environment, contrary to PPS1, RSS policies DP7 and EM1(a) and Core Strategy policies SC1, SC3, SC5 and E1.
5. The development’s impact on biodiversity, including within the Biological Heritage Sites, has not been adequately assessed, so appropriate mitigation against and/or compensation for the development cannot be identified. The proposal is therefore contrary to PPS1, PPS9, PPS22, RSS policy DP7, Core Strategy policies SC1 and E1, and saved Local Plan policy E12.
6. The development’s impact on hydrology has not been adequately assessed, so appropriate mitigation against and/or compensation for the development cannot be identified. The proposal is therefore contrary to PPS25, RSS Policy EM5, Core Strategy policy SC7 and saved Local Plan policies E7 and E8.
7. The development would have a detrimental impact on the historic environment, particularly on the setting of a number of local Conservation Areas and Listed Buildings within these protected areas, and therefore is contrary to PPS1, PPG15, RRS policy DP7, Core Strategy policies SC1, SC3, SC5 and E1 and saved Local Plan policy E35.
8. The development would be overbearing, dominant and intrusive on a number of nearby residential properties.

9. The application does not *adequately* assess alternative access routes, and therefore it cannot be determined if the proposed route is the most acceptable given social and environmental considerations.

**APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION**

**178 LAND ADJACENT TO LONGFIELD TARN, BIGGINS LANE, WHITTINGTON**

A5 10/00075/FUL Erection of a 60m high guyed UPPER LUNE A(P)  
meteorological mast for a VALLEY WARD  
period of 2 years for EON  
Climate and Renewables

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

“That the application be approved in principle.”

Upon being put to the vote, 15 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

***Resolved:***

That the application be delegated to the Head of Planning Services to approve, subject to the receipt of no objections from the Ministry of Defence and to the following conditions, as set out in the report:

1. Temporary consent to expire 31<sup>st</sup> March 2012 – at the end of this period mast must be removed and the land reinstated.
2. Development to be carried out in accordance with the approved plans.
3. Bird deflectors to be attached to guy wires.

***It was noted that Councillor Robinson had previously declared a personal and prejudicial interest in the following item, having already opposed the application.***

**179 81 - 83 REGENT ROAD, MORECAMBE**

A6 10/00066/CU Change of use from guest HARBOUR D  
house/hotel to 8 no. 2 WARD  
bedroom apartments for Mr. P.  
Harrison

The Chairman, with the agreement of Members, deferred the application to allow Councillor Robinson, Ward Councillor, to speak on the matter and the applicant to respond.

**180 YEW TREE FARM, CAPERNWRAY ROAD, CAPERNWRAY**

A7 09/01260/RCN Removal of condition 2 on KELLET WARD R  
application no. 2/5/4466  
(1973) relating to agricultural  
occupation for Mrs. S. Harris

It was proposed by Councillor Brown and seconded by Councillor Chapman:

“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 reasons, as set out in the report:

1. Contrary to saved policy H9 of the Lancaster District Local Plan – bungalow has been marketed in isolation rather than with the associated landholding, insufficient evidence that there is no demand for an agricultural holding in this location.
2. Precedent for sale of other farm dwellings without the associated landholding.

***The meeting was adjourned at 12.40 p.m. for lunch.***

**Councillor Kay left the meeting at this point.**

***The meeting reconvened at 1.10 p.m.***

***It was noted that Councillor Brown had previously declared personal interests in the following items (A8 and A9), being a member of Heysham Mossgate Board.***

***It was noted that Councillor Greenall had previously declared personal and prejudicial interests in the following items (A8 and A9) being a director of Heysham Mossgate Board.***

**181 LAND AT MOSSGATE PARK, MOSSGATE PARK, HEYSHAM**

|    |              |   |                    |      |
|----|--------------|---|--------------------|------|
| A8 | 10/00007/VCN | Variation of condition no. 39 on application 09/00668/FUL to permit the removal of existing bowling greens prior to the provision of new bowling greens for Rushcliffe (Heysham) Ltd. | HEYSHAM SOUTH WARD | A(C) |
|----|--------------|---|--------------------|------|

The Officer recommendation was formally changed to one of grant based upon a recently submitted revised proposal.

It was proposed by Councillor Chapman 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 to vary Condition 39 on planning permission 09/00668/FUL be approved, subject to the following conditions:

1. Variation of condition to be linked to Certificate of Practical Completion.
2. Details regarding pedestrian access and temporary facilities to be provided.

**182 LAND AT MOSSGATE PARK, MOSSGATE PARK, HEYSHAM**

A9 10/00008/VCN Variation of condition no. 11 HEYSHAM A  
on application 09/00776/FUL SOUTH WARD  
to permit the removal of  
existing bowling greens prior  
to the provision of new bowling  
greens for Rushcliffe  
(Heysham) Ltd.

The Officer recommendation was formally changed to one of grant based upon a recently submitted revised proposal.

It was proposed by Councillor Chapman 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 to vary Condition 11 on planning permission 09/00776/FUL be approved, subject to the following conditions:

1. Variation of condition to be linked to Certificate of Practical Completion.
2. Details regarding pedestrian access and temporary facilities to be provided.

**183 LAND AT DOCK ACRES, KELLET LANE, WARTON**

A10 10/00044/CU Change of use of land for the WARTON R  
siting of 26 log cabins and WARD  
creation of an amenity lake for  
Borwick Development  
Solutions

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

“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 reasons, as set out in the report:

1. Contrary to Policy SC3 of the Core Strategy – site is not a sustainable location, as it is poorly served by community facilities, public transport and the local footpath network.
2. Contrary to ‘saved’ policy E4 of the Lancaster District Local Plan – adverse effect on the landscape.
3. Contrary to ‘saved’ policy TO6 of the Lancaster District Local Plan – chalet park would have a similar impact to a caravan park and the proposal involves creation of a new one.

And for the following additional reason (suitably worded):

4. Inadequate ecological information submitted with the application to demonstrate the ecological and biodiversity impacts.

Advice Note

Amend description to 6 chalets to reflect the revised plan.

**184 ASDA STORES LTD, OVANGLE ROAD, LANCASTER**

|     |              |  |                  |                  |
|-----|--------------|--|------------------|------------------|
| A11 | 09/01171/FUL | Erection of a single storey side extension and reconfiguration of car park layout for Asda Stores Ltd. | WESTGATE<br>WARD | A(106)<br>(P)(C) |
|-----|--------------|--|------------------|------------------|

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

“That the application be approved in principle.”

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

***Resolved:***

That, subject to the signing of a Section 106 (legal) agreement covering a financial contribution of £57,000 towards public transport improvements and £50,000 towards traffic impact mitigation measures, the application be approved in principle, subject to the following conditions, as set out in the report, with amendment of condition no. 12, but delegated back to the Head of Planning Services for consideration of the condition relating to energy use:

1. Standard 3 year planning permission.
2. Amended Plans.
3. Development in accordance with approved plans.
4. Samples of materials to be agreed.
5. The total gross floor space of the extended store be limited to 10,665 sq. m.
6. The total comparison and convenience net floor space (excluding checkouts) of the extended store be limited to 5,154 sq. m.
7. The total net comparison floor space of the extended store shall not exceed 2,062 sq. m.

8. The store and extension to be maintained as a single retail store and not subdivided.
9. Implementation of Landscape Maintenance Programme dated 15<sup>th</sup> January 2010.
10. Implementation of Method Statement detailed within tree survey dated 15<sup>th</sup> January 2010.
11. Details of the scheme for upgrade (MOVA) to traffic signals (including toucan crossing) at the Asda site entrance to be submitted and agreed.
12. No *occupation or trade* to commence until the upgrade for traffic signals have taken place (Condition 11).
13. Provision of car parking areas.
14. Cycle storage details to be agreed.
15. As may be further requested by consultees or required in connection with any revised proposals.

And to the following additional condition (suitably worded):

16. 10% on-site energy generation.

Advice Note

Asda to consider the suitability of wording of a condition regarding no net increase regarding energy consumption of the store.

**185 LAND AT BADGERS WOOD, MIDDLETON**

A13 09/01188/FUL Erection of 33 no. dwellings OVERTON A(C)  
with associated external works WARD  
for PRV Middleton Towers in  
Administration

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

“That the application be approved.”

Upon being put to the vote, 15 Members voted in favour of the proposition and 3 against, 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, with deletion of condition number 4 and subsequent renumbering of the conditions:

1. Standard three year condition.
2. Development to be carried out in accordance with the approved plans.
3. Accommodation to be occupied by people over 55 only.
4. Construction to take place only between 0800 and 1800 Mondays to Saturdays, with no work on Sundays or officially recognised public holidays.
5. Surface water drainage strategy to be provided (as required by the Environment Agency).
6. All other conditions on previous approval remain.

*It was noted that Councillor Roe had previously declared a personal and prejudicial interest in the following item, having been involved with another company which had been talking to the owner regarding its use, left the room during its consideration and did not vote on the matter.*

*It was noted that the Assistant Development Control Manager had previously declared a personal interest in the following item, having a relative who manages the business below the application site, and left the room during its consideration.*

**186 COCKED HAT, HAWS HILL, CARNFORTH**

A14 09/01236/CU Change of use of former CARNFORTH A(C)  
licensed premises to 3 no. WARD  
apartments for Mr. Chris Allen

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

“That the application be approved.”

Upon being put to the vote, 17 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 Time Limit.
2. Development to be built in accordance with approved plans.
3. Amended plans omitting balcony.
4. No servicing/storage in association of the ground floor operation to take place in the rear yard.
5. Levels of thermal insulation at least 15% higher than current Building Regulations requirements.
6. Hours of construction.
7. Car parking provision.
8. Cycle storage provision.
9. Details of the following – roof lights, windows, deck access and balustrade, mezzanine floor construction, refuse storage enclosure and height of new boundary wall.
10. As may be required by consultees.

And to the following additional condition (suitably worded):

11. Deliveries to adhere to the hours approved in the Unilateral Undertaking.

**Councillor Marsland left the meeting at this point.**

187 OAKLANDS, PATHFINDERS DRIVE, LANCASTER

|     |              |  |                        |      |
|-----|--------------|--|------------------------|------|
| A15 | 10/00046/FUL | Refurbishment and alterations of existing building and construction of new access road to create an in-patient adult unit (Use Class C2) with Section 136 suite, a facility for police to use should they believe someone needs immediate care and assessment in a safe environment (Use Class C2A) for Lancashire Care NHS Foundation Trust | SCOTFORTH<br>WEST WARD | A(C) |
|-----|--------------|--|------------------------|------|

It was proposed by Councillor Brown and seconded by Councillor Rogerson:

“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 Time Limit.
2. Development to be carried out in accordance with the approved plans.
3. Amended plans (awaiting site plan showing cycle provision).
4. External materials to match those of the existing building.
5. Detail of the external paving materials, materials and finish to retaining wall and surfacing of new access road.
6. Cycle parking to be provided and retained.
7. Building restricted to that applied for (C2 and C2A).
8. Standard hours of construction.
9. Unforeseen contamination.

And to the following additional conditions (suitably worded):

10. Details of new lighting columns and positions to be agreed.
11. Colour of cycle stands to be green.

188 6A LINES STREET, MORECAMBE

|     |             |   |                 |   |
|-----|-------------|---|-----------------|---|
| A16 | 10/00108/CU | Change of use of former store at first floor to a self-contained 2 bed apartment for Mr. Steve Hughes | POULTON<br>WARD | R |
|-----|-------------|---|-----------------|---|

It was proposed by Councillor Brown and seconded by Councillor Robinson:

“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:

1. Insufficient evidence to demonstrate that the transmission of noise and vibration from the adjoining workshop will not cause nuisance to residents of the living accommodation.

***It was noted that Councillor Brown had previously declared a personal interest in the following item, being a County Councillor.***

**CATEGORY C APPLICATION**

Application which involves County Matters and is to be determined by the County Council

**189 CARNFORTH HIGH SCHOOL, KELLET ROAD, CARNFORTH**

|     |              |  |                |       |
|-----|--------------|--|----------------|-------|
| A19 | 10/00130/CCC | Erection of a new sports hall including 11 car parking spaces, two of which are disabled car park and existing path will be lit by 7 5.5 metre lighting columns, the existing fence will be repositioned and additional 2.4 metre high wall mesh fencing will be installed for Lancashire County Council | CARNFORTH WARD | NO(C) |
|-----|--------------|--|----------------|-------|

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

“That no objections be raised to the proposals.”

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 no objections be raised to the proposals, subject to the following conditions, as set out in the report:

1. Parking areas to be made available for use prior to use of the sports hall.
2. Cycle parking provision to be made available for use prior to use of the sports hall.
3. Additional tree planting to be undertaken to aid screening of the car park area.

And to the following additional conditions (suitably worded):

4. At least 10% energy generation on site.
5. Hours of work 0800-1800 hours Monday to Friday, 0800-1400 hours Saturday, no working on Sunday.

**CATEGORY D APPLICATION**

Application for Development by a District Council

**190 LANCASTER RAILWAY SPORTS & SOCIAL CLUB, MORECAMBE ROAD, LANCASTER**

A20 10/00118/DPA Cycle route improvements to SKERTON A(C)  
Greyhound Bridge A6 EAST WARD  
northbound slip road including  
conversion of footways to  
shared use

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

“That the application be approved.”

Upon being put to the vote, 16 Members voted in favour of the proposition and 1 against, 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, with amendment to condition 4:

1. Standard Time Limit.
2. Development to accord to plans.
3. Amended plans dated 16<sup>th</sup> February 2010.
4. Tree Method Statement required.

Advice Note

Italian Alder tree to be retained.

**191 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.

**192 PLANNING APPEALS AND POSSIBLE COSTS CLAIMS**

The Head of Planning Services resubmitted a report to recommend to Members a procedure to minimise the risks of cost claims against the Council in respect of applications which were refused against officer advice and where there was a significant

likelihood of costs being awarded against the Council in any subsequent appeal. The report had been deferred at the last meeting to enable Members to consider the proposal further.

It was recommended that where Committee moved to refuse against officer recommendation, and both the Head of Planning Services and the Senior Solicitor (or their representatives) agreed that the proposed reasons for the decision may not be supported by sound planning evidence and there was a significant likelihood of costs being awarded against the Council from any subsequent appeal, that the Committee's normal practice should be to move a deferral to the following meeting. This would give officers time to investigate Members' suggested reasons for refusal and provide advice as to whether these were supportable or whether further work needed to be undertaken to ensure they could be justified on appeal.

The Council's Planning Officers, as Chartered Town Planners, could not give evidence to support a Member decision if it was contrary to their professional opinion. It was the responsibility of a Member, or members of the Committee, to give the Council's evidence if such an appeal was heard by an informal hearing or public inquiry. The purpose of the proposal was to enable the Council's professional planning and legal advisors to advise on how such a decision could be defended if there was an appeal.

Members considered the report.

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

"That the officer recommendation 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, in those instances where Committee proposes to refuse an application against Officer advice, and where both the Head of Planning Services and the Senior Solicitor (or their representatives) agree that there is a risk of costs being awarded against the Council in any subsequent appeal, that a deferral for a 'cooling off' period be introduced. This will enable the Officers to assess whether it is possible to produce evidence to support Members' prospective reasons for refusal and thus to minimise the risk of any subsequent successful costs claims against the Council.

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Chairman

(The meeting ended at 2.57 p.m.)

**Any queries regarding these Minutes, please contact  
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jglenton@lancaster.gov.uk**