

PLANNING AND HIGHWAYS REGULATORY COMMITTEE

10.30 A.M.

4 MARCH 2013

PRESENT:-

Councillors Keith Budden (chairman), Roger Sherlock (vice-chairman), Chris Coates (substitute for Dave Brookes), Eileen Blamire, Mike Greenall (substitute for Roger Dennison), Helen Helme, Joan Jackson (substitute for Tony Johnson), Andrew Kay, Margaret Pattison, Sylvia Rogerson, Richard Rollins, Ron Sands and Keith Sowden (substitute for Paul Woodruff)

Apologies for Absence

Councillors Roger Dennison, Sheila Denwood, Tony Johnson,
Robert Redfern and Paul Woodruff.

Officers in attendance:-

Andrew Dobson	Head of Regeneration and Planning
Martin Brownjohn	Environmental Protection District Team Leader
Mark Cassidy	Assistant Head Regeneration and Planning (Development Management)
Andrew Drummond	Development Manager (Planning Applications)
Angela Parkinson	Senior Solicitor
Tom Silvani	Democratic Support Officer

145 MINUTES

The minutes of the meeting held on 4 February 2013 were signed by the chairman as a correct record.

146 SITE VISIT

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

A5	12/00872/FUL	Bell Aire Park Homes, Middleton Road, Heysham	Overton Ward
A6	12/01100/CU	Glenfield, Bottomdale Road, Slyne	Slyne-with-Hes Ward

The following members were present at the site visit, which took place on Monday 25 February 2013:

Councillors Keith Budden (Chairman), Helen Helm, Margaret Pattison, Sylvia Rogerson, Richard Rollins, Ron Sands, Roger Sherlock and Keith Sowden.

Officers in Attendance:

Andrew Holden - Development Manager
Tom Silvani - Democratic Support Officer

147 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

148 DECLARATIONS OF INTEREST

There were no declarations of interest.

149 PLANNING APPLICATIONS

The Head of Regeneration and Planning 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W	- Withdrawn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

150 BELL AIRE PARK HOMES, MIDDLETON ROAD, HEYSHAM

A5 12/00872/FUL Demolition of existing Overton Ward R bungalow, out buildings and erection of 3 no 2 bedroom dwellings with parking for Mr Shadrach Nelson

Under the scheme of public participation, Mrs Megan Kirkham, Mr Charlie Brookes (speaking on behalf of Mr John James), Mr John Kirkham, Mrs Agnes Cardwell (speaking on behalf of Mr Bryan Chick), Mrs Patricia Harrison and Mr Douglas Clark spoke in objection to the application.

It was proposed by Councillor Sowden and seconded by Councillor M Pattison:

“That planning permission be refused.”

Upon being put to the vote 11 members voted in favour of the proposition and 2 against, whereupon the chairman declared the proposition to be carried.

The proposal was contrary to the case officer's recommendation that planning permission be approved.

Resolved:

That planning permission be refused for the following reasons (suitably worded):

1. Incompatibility of open market housing with age restricted park homes.
2. Inadequate access.

The meeting adjourned at 11.50 a.m. and reconvened at 11.55 a.m.

151 GLENFIELD, BOTTOMDALE ROAD, SLYNE

A6 12/01100/CU Change of use of dwelling Slyne-with-Hest A house (C3) to children's care Ward home (C2) and re-location of the site access for Mr Martin Horner

Prior to consideration of the report, members were advised that the officers' recommendation had been altered from refusal to approval following late submission of revised County Highways comments that had removed their objection.

Under the scheme of public participation, Linda Bent and Malcolm Briscoe spoke in objection to the application. Martin Horner, the applicant, spoke in support.

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

“That the application be approved.”

Upon being put to the vote, 8 members voted in favour of the proposition and 5 against, whereupon the chairman declared the proposition to be carried.

Resolved:

That the application be granted, and that the decision be delegated back to the Head of Regeneration and Planning to add conditions.

Prior to consideration of the following item Councillor Greenall left the meeting and did not return.

152 LAND TO THE SOUTH EAST OF ADDINGTON LODGE, ADDINGTON ROAD, NETHER KELLET

A7	12/01126/FUL	Erection of one 50kW wind turbine (24.7 metres hub height with a blade tip height of 34.4 metres) (resubmission of 11/01120/FUL) for WA Agriculture Ltd	Kellet Ward	R
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Under the scheme of public participation, Jacqueline Naylor, John Naylor, Rob Robertson and Tim Sarney spoke in objection to the application. County Councillor Susan Charles spoke on the application. Paul Lester, the agent acting on behalf of the applicant, spoke in support. Councillor Woodruff spoke on the item in his capacity as ward councillor.

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

“That planning permission be granted.”

Upon being put to the vote 4 members voted in favour of the proposition and 8 against, whereupon the chairman declared the proposition to be lost.

It was then proposed by Councillor Sowden and seconded by Councillor Kay:

“That planning permission be refused.”

The proposal was contrary to the case officer's recommendation that planning permission be granted.

Upon being put to the vote 8 members voted in favour of the proposition and 4 against, whereupon the chairman declared the proposition to be carried.

Resolved:

That planning permission be refused for the following reasons:

1. The turbine, by reason of its scale and close proximity to existing equine development, would have potential to adversely affect the existing stables and adjoining land at Wood End Stables, and the equestrian land associated with Oakenhead Livery Stables. In particular, the presence of horses on land abutting the site, particularly where there is a constant turnover of horses (thus failing to become acclimatised to the impacts of the turbine), is a material consideration. Additionally, the recreational and economic impacts are such that the development would be contrary to Paragraph 28 of the National Planning Policy Framework and the Companion Guide to the (former) Planning Policy Statement 22.
2. The turbine, by reason of its siting close to the boundary of the Forest of Bowland Area of Outstanding Natural Beauty, and within a Landscape Character Area of moderate-high sensitivity to turbine development (as defined by the Landscape Sensitivity to Wind Energy Development Study (2005), would have an injurious effect upon the quality of the landscape in which it is located, and also upon the setting of parts of the Area of Outstanding Natural Beauty. As a consequence, the proposal would be contrary to Paragraphs 109 and 115 of the National Planning Policy Framework (NPPF) and would fail to adhere to all of the Core Planning Principles contained in paragraph 17 of the National Planning Policy Framework (NPPF) and would fail to adhere to all of the Core Planning Principles contained in paragraph 17 of the NPPF, and it would be contrary to Policy E1 of the Lancaster District Core Strategy.

The meeting adjourned at 1.20 p.m. and reconvened at 1.50 p.m.

Councillor Jackson left the meeting during the adjournment and did not return.

The chairman advised that with the agreement of the committee the agenda had been reordered in order to consider agenda item no. 11 first, as there were a large number of members of the public in attendance to observe the item.

153 PETITION REGARDING CAMPING & CARAVANNING ACTIVITIES AT GIBRALTAR FARM, SILVERDALE

The Head of Regeneration and Planning reported to the committee the results of investigations into alleged unauthorised camping and caravanning activities at Gibraltar Farm, which were a direct instruction from Council on 14 September 2011, and to make recommendations on how to secure resolutions to the harmful effects of the 'intensification' of activity on this site.

The committee was advised in detail of the background to the case, including the results of enforcement investigations carried out by officers, the existing uses at Gibraltar Farm, the alleged breaches of planning control, the basis for assessing whether it was expedient to take enforcement action, the enforcement and expediency considerations, and the results of consultations.

Members were advised that this was a very complex case which involved land use impacts in the Arnside/Silverdale AONB which did not simply arise from a breach of planning control. There were also impacts which arose from the lawful use of Permitted Development Rights. Officers had sought to establish whether there was any common ground which could result in avoiding the need for enforcement action by the land owners

entering into a voluntary agreement under Section 106 of the Town and Country Planning Act to self regulate the existing (and future) uses of the land in a manner acceptable to the planning objectives for the area. It appeared that such an agreement would only be possible if the council agreed to accept seasonal pitches on the hill as well as on the rest of the touring site.

It was advised that the council needed to carefully consider the appropriate balances to be applied in this case between the overriding priority to protect the landscape and character of the Arnside/Silverdale AONB, and the aim where appropriate to facilitate local tourist activities.

Officer conclusions were set out in detail in the report and reflected in the recommendations. Members asked detailed questions regarding the report and officer recommendations and the Head of Regeneration and Planning provided answers accordingly.

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

“That the recommendations be agreed as set out in the report. With recommendations 3 and 4 to be pursued if the Section 106 agreement is not signed and completed.”

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the chairman declared the proposition to be carried.

Resolved:

- (1) That an enforcement notice be served against the construction of hard standings which result in the siting of caravans on a seasonal basis with a compliance requirement to remove the hard standings from the area to the north of the main access track.
- (2) That an enforcement notice be served against the use of the tent camping field as extended with a requirement to cease using the area extending into the fields beyond to the north of the access track.
- (3) That an order be sought under paragraph 13 of the first schedule of the Caravan Sites and Control of Development Act 1960 to remove camping and caravanning rights from exempted organisations in relation to all the land at Gibraltar Farm.
- (4) That the Head of Health and Housing be asked to use the representations made in this case about noise nuisance to consider as objections to any future applications for Temporary Events Licences at Gibraltar Farm.
- (5) That recommendations 3 and 4 to be pursued if the Section 106 agreement is not signed and completed. That any Section 106 Agreement to take into account the options for overflow camping under permitted development rights in the area covered by recommendation 2.

APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION

154 LAUND FIELDS, STONEY LANE, GALGATE

A8 12/00834/OUT Outline application for Ellel Ward A
residential development of up
to 50 Dwellings for Mr Simon
Slack

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

“That planning permission be granted.”

Upon being put to the vote 9 members voted in favour of the proposition, with 1 abstention, whereupon the chairman declared the proposition to be carried.

Resolved:

That planning permission be granted, subject to a legal agreement covering affordable housing, public open space and the setting up of a management company of third party and a commuted sum for the management and maintenance of the community car park and the following conditions:

1. Time Limit – Standard limit for outline applications.
2. Indicative Drawing only.
3. Scale parameter condition – 2 storey.
4. Constructional details of the access (both the vehicular access point and cycle link).
5. Provision of the access agreed under condition 4 prior to commencement and only once the TRO has been successful and provision of the cycle link before occupation.
6. Scheme for off-site highway works, involving the TRO, installation of street furniture and upgrades to Quality Bus Stops, to be agreed and implemented in full – phasing to be including in this condition.
7. Protection of visibility splays.
8. Construction management plan (traffic management, dust control, storage of waste, wheel washing etc).
9. Full details of the car park to be provided specifically a minimum of 19 spaces to be provided (as indicated on the illustrative plan submitted).
10. Community car park to be provided in full upon the approved access being brought into use including construction traffic.
11. Car park to be retained for the lifetime of the development.
12. Code Level 3.
13. 10% renewable energy.
14. Standard Contaminated Land Investigation.
15. Importation of soil, materials and hardcore.
16. Prevention of new contamination.
17. Hours of Construction.
18. Development to be carried out in accordance with the noise assessment and mitigation measures.
19. Development to be carried out in accordance with the submitted flood risk assessment.

20. Development to be carried out in accordance with the Ecological Survey and mitigation measures proposed.
21. Scheme for drainage and surface water management.
22. Scheme for provision and maintenance of on-site open space.

155 G & L CAR SERVICES, WHEATFIELD STREET, LANCASTER

A9 10/01319/FUL Erection of 62 residential units Castle Ward R
comprising 51 affordable units
and 11 open market units with
associated access, roads and
landscaping for The Regenda
Group

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

“That the application be refused.”

Upon being put to the vote, 8 members voted in favour of the proposition with 1 abstention, whereupon the chairman declared the proposition to be carried.

Resolved:

That the application be refused for the following reason, as set out in the case officer's report:

1. The local planning authority first considered this application in March 2011 when it resolved to grant full planning permission subject to conditions and a legal agreement. During the intervening period since this resolution, Local Authority Officers (both Planning and Housing) have continued to negotiate with the applicant and seek compromises which would have resulted in a reduction of the total costs of delivering the site, in an effort to ensure scheme viability without undermining the core principles of developing this parcel of land. Such flexibility accords with Paragraph 205 of the National Planning Policy Framework. However, despite this the applicant has been unable to provide the Local Planning Authority with revised plans or secure the interests of Registered Social Housing Providers to deliver a scheme based upon the negotiated compromises at this site. Given the absence of any further meaningful progress, the Local Planning Authority has to conclude that the scheme cannot be viably delivered. As a consequence, the proposal is contrary to Paragraphs 50 and 173 of the National Planning Policy Framework.

Prior to consideration of the following item Councillor Blamire left the meeting and did not return.

156 LIST OF DELEGATED PLANNING DECISIONS

The Head of Regeneration and Planning submitted a schedule of planning applications dealt with under the scheme of delegation of planning functions to officers.

Resolved:

That the report be noted.

Chairman

(The meeting ended at 3.18 p.m.)

**Any queries regarding these Minutes, please contact
Tom Silvani, Democratic Services: telephone (01524 582132) or email
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