

**PLANNING AND HIGHWAYS
REGULATORY COMMITTEE**

10.30 A.M.

24TH AUGUST 2015

PRESENT:- Councillors Roger Sherlock (Chairman), Helen Helme (Vice-Chairman), Stuart Bateson, Eileen Blamire, Carla Brayshaw, Dave Brookes, Sheila Denwood, Mel Guilding (substitute for Sylvia Rogerson), Margaret Pattison, Robert Redfern, David Smith (substitute for James Leyshon), Malcolm Thomas and Peter Yates

Apologies for Absence:-

Councillors June Ashworth, Andrew Kay, James Leyshon and Sylvia Rogerson

Officers in attendance:-

Mark Cassidy	Planning Manager
Angela Parkinson	Senior Solicitor
Sarah Moorghen	Democratic Support Officer
Annabelle Holloway	Legal Apprentice

Applications were determined as indicated below (the numbers denote the schedule numbers of the applications).

Except where stated below, the applications were subject to the relevant conditions and advice notes, as outlined in the Schedule of Planning Applications.

Except where stated below, the reasons for refusal were those as outlined in the Schedule of Planning Applications.

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W	-	Withdrawn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

Prior to consideration of the planning applications on the agenda the Planning Manager briefed the Committee on a judicial review that had been brought by two local authorities against recent changes to National Planning Practice Guidance, in regard to affordable housing planning contributions.

This had the effect of limiting the opportunities for local authorities to negotiate affordable housing contributions on smaller housing schemes.

Two Councils, West Berkshire District Council and Reading Borough Council, chose to judicially review the legislative change, and on 31 July 2015, a judgement on this review was made by the High Court. The judgement determined that those parts of the National Planning Practice Guidance (NPPG), along with the Written Ministerial Statement (WMS), that reduced affordable housing thresholds to developments of ten units or less last November, were not lawful and must not be treated as a material consideration. In effect, planning applications must now be determined as if neither had been made, which takes us back to the previous position.

In making the decision, Justice Holgate concluded that the guidance contravened the Planning and Compulsory Purchase Act 2004, which sets a presumption in favour of the development plan. He also ruled that the consultation process had been unfair.

Following the judgment, the Government has announced that the relevant paragraphs of the NPPG will be removed and this is now reflected on the NPPG website. Accordingly, with immediate effect, developers will be unable to rely on those paragraphs in negotiations as to affordable housing and tariff style infrastructure contributions.

The Government may challenge the decision. But legal opinion is that the decision appears robust and sound and that such an appeal is unlikely to succeed. However, notwithstanding the likelihood of an appeal, any Council should now disregard the WMS and relevant parts of the NPPG when making planning decisions.

50 MINUTES

The minutes of the meeting held on 27th July 2015 were signed by the Chairman as a correct record.

51 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

52 DECLARATIONS OF INTEREST

There were no declarations of interest.

APPLICATIONS SUBJECT TO PUBLIC PARTICIPATION

53 LAND ASSOCIATED WITH INTACK FARM, LONG DALES LANE, NETHER KELLET, CARNFORTH

A5	14/01215/FUL	Erection of a 34.5 metre high wind turbine from ground to blade tip with associated control box and hardstanding for E J Ward & Sons	Kellet Ward	A
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Under the scheme of public participation, Deryck Wright, John Lupton, Paul Adrian Gee and Nick Ward spoke in opposition to the application. Tori Heaton, Agent, spoke in support of the application and Councillor Susie Charles spoke as County Councillor in opposition to the application.

It was proposed by Councillor Brookes and seconded by Councillor Brayshaw:

“That the application be approved.”

Upon being put to the vote, 9 Members voted in favour of the proposition and 4 against, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Planning Permission be granted subject to the following conditions:

1. Standard 3 year timescale.
2. Development in accordance with approved plans.
3. Material, colour and finish of wind turbine and control box (including no lighting, logos or advertisements).
4. Construction Traffic Management Method Statement.
5. Details of access track.
6. Shadow flicker controls.
7. Noise controls.
8. Wind turbine and associated infrastructure to cease use and be removed from the site entirely within 25 years of the date of it first producing electricity, or within 3 months following a period of 12 months of it not producing electricity.
9. Decommissioning and restoration of land.
10. No micro-siting unless otherwise agreed in writing with the local planning authority.
11. Hours of construction.
12. Cabling underground.
13. No tree or shrub planting within 50m of the wind turbine.

54 LAND AT BOWERHAM LANE, LANCASTER, LANCASHIRE

A7 15/00714/OUT Outline application for the Scotforth East A
erection of 20 dwellings for Ward
Messrs Huddleston

Under the scheme of public participation, George Long and Richard Kirkman spoke in opposition to the application and Graham Sailsbury, Agent, spoke in support of the application.

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

“That the application be approved.”

Upon being put to the vote, 7 Members voted in favour of the proposition and 6 against, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Outline Planning Permission be granted subject to a legal agreement requiring 40% provision of affordable housing (50:50 split between intermediate housing and social rent) and the following conditions:

1. Outline planning permission – all matters reserved.
2. Pedestrian footway along the site's frontage with Bowerham Lane.
3. Visibility splay.
4. Off-site highways improvement works (upgraded bus stop, street lighting, and pedestrian refuge).
5. Submission and approval of a construction method statement prior to development (including wheel-washing facilities).
6. No development or planting adjacent to the M6 motorway embankment.
7. Mitigation of noise from the motorway for the benefit of those occupying the proposed dwellings.
8. Submission and approval of a scheme for foul and surface water drainage prior to development.
9. Removal, containment or otherwise of any contaminants.
10. Controls over any import of soils to avoid introduction of contaminants.
11. Containment of spillage from tanks during construction.
12. Details of hard and soft landscaping.
13. Submission of Arboricultural Method Statement and 10 year (minimum) Landscape Management Plan.
14. Removal of permitted development rights (hardstandings and vehicular access – i.e. to prevent loss of proposed front garden to hard surfaces).
15. Bats and Breeding Birds.

Councillor Redfern left the room at this point and returned during the presentation. Councillor Redfern did not participate in the vote.

55 LAND ADJACENT TO CHIPPING HOUSE, CHIPPING LANE, BAY HORSE

A8	15/00297/CU	Retrospective application for change of use of agricultural land for the siting of mobile home for domestic use with domestic curtilage and associated landscape for Mr Ben Morris.	Ellel Ward	R
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Under the scheme of public participation, Councillor Susie Charles spoke as Ward Councillor in support of the application.

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

“That the application be approved.”

Upon being put to the vote, 5 Members voted in favour of the proposition and 7 against, with 1 abstention, whereupon the Chairman declared the proposal to be lost.

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

“That the application be refused.”

Upon being put to the vote, 7 Members voted in favour of the proposition and 5 against, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Planning Permission be refused for the following reasons:

1. The site is located within the open countryside, divorced from any services and as such is not considered to be sustainable in terms of its location. It is not considered that there are any special circumstances, in this instance, to justify a new dwelling in this isolated, unsustainable location. The proposal is therefore contrary to the aims and objectives of the Core Planning Principles and Section 6 of the National Planning Policy Framework, Policy SC1 of Lancaster District Core Strategy and Policies DM20 and DM42 of the Development Management Development Plan Document.
2. As a result of the siting, design and appearance of the static caravan and storage container, it is considered that the proposal does not represent a high quality design, is not in keeping with the character or appearance of the area, and will have a detrimental visual impact on the landscape in this location. The proposal does therefore not accord with the aims and objectives of the Core Planning Principles, Section 7 and Section 11 of the National Planning Policy Framework, Policy SC5 of the Lancaster District Core Strategy, Policies DM28, DM35 and DM42 of the Development Management Development Plan Document and Saved Policy E4 of the Lancaster District Local Plan.
3. Given the close proximity of the static caravan to the agricultural contractor's business, operated in association with the adjacent residential property, it is not considered that the proposal provides an acceptable level of amenity for the occupiers of the caravan. As such the proposal is contrary to the Core Planning Principles and Section 11 of the National Planning Policy Framework and Policy DM35 of the Development Management Development Plan Document.

APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION

56 LAND AT MOSSGATE PARK, MOSSGATE PARK, HEYSHAM, LANCASHIRE

A6 15/00624/FUL Erection of 15 dwellings (Class Heysham South W
C3) and associated access for Ward
Mr James Carman

The application was withdrawn prior to the Committee and no presentation took place.

57 THE KNOLL, WESTBOURNE ROAD, LANCASTER, LANCASHIRE

A9 15/00967/FUL Demolition of existing porch Castle Ward A
and erection of a single storey
side extension for Dr and Mrs
Whittle

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

“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 clearly carried.

Resolved:

Subject to the application being delegated back to the Chief Officer to allow the Press Notice to expire (and no new material considerations arising as a consequence of that Notice are presented), that Planning Permission be granted subject to the following conditions:

1. Standard 3 year timescale.
2. Development to be carried out in accordance with approved plans.
3. Roof to be carried out in accordance with approved details.
4. Foundations of the single storey extension must be hand dug.
5. No site fires, chemical storage or cement wash out.
6. No storage of materials, machinery or equipment.
7. No tree within the site shall be cut down, up rooted, topped, lopped or destroyed.

58 THE KNOLL, WESTBOURNE ROAD, LANCASTER, LANCASHIRE

A10	15/00729/LB	Listed building application for the demolition of existing porch and erection of a single storey side extension, removal of existing and installation of new internal partition walls, instillation of windows, and erection of gates and fence for Dr and Mrs Whittle.	Castle Ward	A
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It was proposed by Councillor Blamire and seconded by Councillor Brayshaw:

“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 clearly carried.

Resolved:

That Listed Building Consent be granted subject to the following conditions:

1. Standard 3 year timescale.
2. Development to be carried out in accordance with the approved plans.
3. Roof to be carried out in accordance with the approved details.

59 DELEGATED PLANNING DECISIONS

The Chief Officer (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 12.30 p.m.)

**Any queries regarding these Minutes, please contact
Sarah Moorghen, Democratic Services: telephone (01524) 582132 or email
smoorghen@lancaster.gov.uk**