

**PLANNING AND HIGHWAYS
REGULATORY COMMITTEE**

10.30 A.M.

27TH JULY 2009

PRESENT: Councillors Keith Budden (Chairman), Joyce Pritchard (Vice-Chairman), Ken Brown, Abbott Bryning (substitute for Eileen Blamire), Anne Chapman (for Minute Nos. 36 to 44 and Minute Nos. 55 (part) to 57), Susie Charles (substitute for Helen Helme), Chris Coates, John Day, Roger Dennison, Sheila Denwood, Mike Greenall, Emily Heath, Val Histed, Andrew Kay, Robert Redfern, Peter Robinson, Bob Roe, Sylvia Rogerson and Roger Sherlock

Apologies for Absence

Councillors Eileen Blamire, Helen Helme and Joyce Taylor

Officers in Attendance:

Andrew Dobson	Head of Planning Services
David Hall	Development Control Manager
Angela Parkinson	Senior Solicitor
Martin Brownjohn	Environmental Protection District Team Leader (for Minute Nos. 36 to 54 only)
Jane Glenton	Democratic Support Officer

36 MINUTES

The Minutes of the meeting held on 29th June 2009 were signed by the Chairman as a correct record.

37 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

In accordance with Section 100B (4) of the Local Government Act 1972, the Chairman ruled that the Committee should consider three reports as matters of urgency:

- (1) Application No. 09/00654/CCC – Croskells Farm, Caton Road, Quernmore, Lancaster – the reason for its urgency was to allow Members to comment on the County Council's proposal prior to its consideration by the County Council's Development Control Committee (Minute No. 54 refers).
- (2) Application No. 09/00638/CCC – Dunald Mill Quarry, Long Dales Lane, Nether Kellet – the reason for its urgency was to allow Members to comment on the County Council's proposal prior to its consideration by the County Council's Development Control Committee (Minute No. 55 refers).
- (3) Request for the Preservation of the Mitchells Brewery Building by the Serving of a Building Preservation Notice – Report of Head of Planning Services – the reason for its urgency was that Committee's decision was required because of the high profile and controversial nature of the issues surrounding the Centros Inquiry (Minute No. 56 refers).

38 DECLARATIONS OF INTEREST

Members were advised of the following declarations of interest:

Councillor Budden declared a personal and prejudicial interest in A11 09/00536/FUL – 90 Broadway, Morecambe – being an application by one of his Group.

Councillor Dennison declared a personal and prejudicial interest in A11 09/00536/FUL – 90 Broadway, Morecambe – being an application by one of his Group.

Councillor Greenall declared a personal and prejudicial interest in A11 09/00536/FUL – 90 Broadway, Morecambe – being an application by one of his Group.

Councillor Roe declared a personal and prejudicial interest in A11 09/00536/ful – 90 Broadway, Morecambe – being an application by one of his Group.

Councillor Denwood declared a personal and prejudicial interest in A12 09/00551/FUL – 4 St. Pauls Drive, Lancaster - having registered to speak as Ward Councillor in objection to the application.

Councillor Bryning declared a personal and prejudicial interest in connection with A14 09/00517/LB and A15 09/00544/LB – Storey Institute, Meeting House Lane, Lancaster – having been appointed by the City Council's Cabinet as a member of the Storey Board.

Councillor Charles declared personal interests in connection with Items of Urgent Business – Croskells Farm, Caton Road, Quernmore, Lancaster and Dunald Mill Quarry, Long Dales Lane, Nether Kellet; – being a member of Development Control on Lancashire County Council.

Councillor Charles declared a personal interest in A17 09/00599/CCC – Heysham High School, Limes Avenue, Heysham – being a member of Development Control on Lancashire County Council.

39 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

40 BP FILLING STATION, SCOTFORTH ROAD, LANCASTER

(Under the Scheme of Public Participation Kevin Stanfield and David Moorhouse spoke in objection to applications A8 and A9. Susan Hughes of Adsplan, Agents for the Applicant, spoke in support.)

A8	09/00506/VCN	Variation of condition 2 on application 87/00325 to permit longer opening hours of filling station for Mr. Inayat Munshi	SCOTFORTH EAST WARD	R
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Kevin Stanfield spoke in objection to the application and advised Members that when the applicant had submitted his proposal 18 months ago, residents had attended the Committee in opposition and the application had been refused. The applicant had appealed against the decision and their appeal had been refused by the Inspector. The appeal decision was a legal decision, which could not be changed. The present proposals were recommended for approval, subject to conditions to regulate use. If granted, residents' enjoyment of their properties would be unacceptably harmed by noise and disturbance, in contravention of policy EC6, which sought to prevent adverse impact on residents, and PPG24, which sought to minimize the adverse impact of noise, and PPG4 in terms of location. The bulk of HGV traffic using the facility was to the Irish Sea Ferry. The acoustic assessment had been undertaken on an Irish public holiday. It was therefore unrepresentative, and did not consider the regularity of traffic. The applicant had not responded to requests in the past to abide by the prescribed opening hours and it was hoped that the application would be refused.

David Moorhouse spoke in objection to the application and advised of the inaccuracy of the drawing displayed at Committee. Residents had sent letters in objection to the proposals, and these were summarised in the case officer's report, showing that the main concern was increased noise, particularly late at night, disturbance from cars, deliveries and the use of the air machine. The daily deliveries of fuel were a main source of noise, accompanied by clattering as manholes were pulled up, as were the screeching of tyres from people drawing up to use the cash machine at unsocial hours. It was hoped that

Committee would consider these aspects when making its decision and the fact that the applicant had not adhered to proper opening hours in the past.

Susan Hughes spoke in support of the application and thanked Committee for the opportunity to speak on behalf of the applicant. It was important to stress that the Planning appeal did not apply to the proposal before Committee. The inspector did not have the opportunity to consider the merits or otherwise of the scheme at the time. The case officer's report presented a very fair account. This proposal was not for a 6.00 a.m. opening. The hours of use of the jet wash facility were currently restricted from 0800 to 1800 hours and would remain unchanged. The hours of use of the car wash were presently unrestricted within the present opening hours of the site and these would remain unchanged. Any planning permission would be for a temporary period, following which Committee would have the opportunity to review the situation. The acoustic consultant had assessed the situation and had no objections. The service station would employ 14 staff and provide an important service to the community.

Members considered the application in detail.

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

"That the application be refused."

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

Resolved:

That the application be refused for the following reasons:

"It is contrary to 'saved' policy EC6 and would lead to an increase in noise, activity, nuisance and disturbance for nearby residents at unsocial hours, which had been recognised by the Inspector in the recent appeal decision."

41 BP FILLING STATION, SCOTFORTH ROAD, LANCASTER

A9	09/00507/VCN	Application for variation of conditions 4 and 5 regarding opening hours and hours of deliveries/collections on application 03/01157/FUL for Mr. Inayat Munshi	SCOTFORTH EAST WARD	R
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Members considered the application in detail.

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

"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:

“It is contrary to ‘saved’ policy EC6 and would lead to an increase in noise, activity, nuisance and disturbance for nearby residents at unsocial hours, which had been recognised by the Inspector in the recent appeal decision.”

It was noted that Councillor Denwood had previously declared a personal and prejudicial interest in A12 09/00551/FUL – 4 St. Pauls Drive, Lancaster, having registered to speak as Ward Councillor in objection to the application, left the room during its consideration and did not vote on the item.

42 4 ST PAULS DRIVE, LANCASTER

(Under the Scheme of Public Participation Peter Greenbank spoke in objection to the application. Councillors Denwood and Fletcher spoke as Ward Councillors in objection to the proposal.)

A12	09/00551/FUL	Erection of 2 semi-detached houses on land adjacent to 4 St. Pauls Drive for Mr. and Mrs. Clark	SCOTFORTH	D
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Peter Greenbank spoke in objection to the application and advised Members that he lived directly opposite the proposed development. He thanked Committee for the opportunity to reiterate objections already raised at Committee to the previous proposal for the site. This was a well-established neighbourhood, with long-standing residencies and many retired people, properties having been built 70 years ago. The proposal to build two semi-detached houses within the side garden to 4 St. Pauls Drive would resemble an infill and result in number 6 overlooking a concrete wall, which would affect their light. The steeply rising site between two existing houses would present health and safety issues. Children needed a safe garden area. The mature hedge which surrounded the site would be removed. There were parking issues, and the installation of a street light would be required. The proposal had little regard for the neighbourhood and showed a lack of consideration for number 2. Number 4 had structural problems, which would worsen if the proposal was approved.

Councillor Denwood spoke as Ward Councillor in objection to the application and advised Committee that she had met with residents of St. Pauls Drive in connection with their concerns regarding number 4, and supported them in their objections. The proposal would spoil the ambience of the area and would not enhance existing properties. The plans did not indicate any lighting to the rear facing on to the playing field and public walkway, which was used by dog walkers, who did not always clean up after their pets, resulting in unpleasant conditions in the dark. There were concerns that vandals would throw stones in the location of the proposed garages, and that residents of the development would park on the drive, rather than use the garages. The proposal would exacerbate the existing parking problems. St. Pauls Church was regularly used by individuals who parked their cars on the Drive and blocked driveways. Councillor Denwood requested that the Committee elect for a site visit to view the site in the context of the development proposals.

Councillor Fletcher spoke as Ward Councillor in objection to the application and advised Committee that the application was of considerable local interest. The area was considered to be a community asset, with valuable open space near the A6, and a gravel walkway used by walkers and dog owners. Residents had sent 13 letters of objection and a petition to Planning Services, and there was gratitude that the previous application had been refused. Members who knew the area well would know that the small area of land was a valuable green space, providing an important sense of openness and light, such space being essential to the health and wellbeing of residents. Members who were not acquainted with the area were asked to become so. The applicants did not live in the area and were not aware of the local property market. A number of properties were for sale in Scotforth, and no requirement for this development was shown. Should the application be approved, the applicant should be responsible for the upkeep of the pathway, which was currently in a good state of repair. There were grounds to refuse the application, these being that the proposed development was detrimental to the street scene and the locality generally.

Members considered the application.

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

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

Upon being put to the vote, 16 Members voted in favour of the proposition, with 2 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

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

APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION

43 OXCLIFFE NEW FARM (INCLUDING THE PASTURES), OXCLIFFE ROAD, HEATON-WITH-OXCLIFFE

A5	09/00505/CU	Change of use of land to create 5 park home (caravan) pitches including amenity area and access road and regularisation of 4 existing touring caravan pitches to 4 residential park home (caravan) pitches for Hanley Caravans Ltd	HEYSHAM SOUTH WARD	R
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It was proposed by Councillor Sherlock and seconded by Councillor Brown:

“That the application be refused.”

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereby 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 SC2 and SC3 of the Core Strategy – the site is in the countryside, not a sustainable location, poorly related to community facilities and not directly served by public transport.
2. Contrary to “saved” policy H8 of the Lancaster District Local Plan – the site is in the countryside, and the accommodation is not required for agriculture, forestry or other uses appropriate to the rural area.
3. Contrary to “saved” policy E4 of the Lancaster District Local Plan – development detrimental to amenities of residents of the site – loss of amenity open space.
4. Contrary to “saved” policy T9 of the Lancaster District Local Plan – proposed development on the southern part of the site would not be readily accessible by public transport.

44 FANNY HOUSE FARM, OXCLIFFE ROAD, HEATON-WITH-OXCLIFFE

A6 09/00155/FUL WITHDRAWN HEYSHAM W
SOUTH WARD

Councillor Chapman left the meeting at this point, in order to chair another meeting, with the intention of returning later in the proceedings.

45 SILVER ROWAN, CHAPEL LANE, ELLEL

A7 09/00577/FUL Erection of a side extension to ELLEL WARD A
existing bungalow for
Mr. Andrew Drummond

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

“That the application be approved.”

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereby 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 Full Permission.
2. Development in accordance with approved plans.
3. Obscured glazing to new windows.

46 14 GAGE STREET, LANCASTER

A10 09/00627/CU Change of use from retail shop DUKES WARD A(P)(C)
(A1) to lettings office (A2) for
Miss Charlotte Horn

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

“That, subject to a final decision being delegated to the Head of Planning Services (for consideration of any comments received in response to the expiry of the site notice on 29th July 2009), planning permission be approved.”

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

Resolved:

That, subject to a final decision being delegated to the Head of Planning Services (for consideration of any comments received in response to the expiry of the site notice on 29th July 2009), planning permission be approved, subject to the following conditions, as set out in the report, with amendment of condition 2:

1. Standard time limit.
2. Use as approved plans – use for A1 or A2 use.

It was noted that Councillor Budden had declared a personal and prejudicial interest in A11 09/00536/FUL – 90 Broadway, Morecambe, being an application by one of his Group, vacated the Chair and the room during its consideration and did not vote on the item.

It was noted that Councillors Dennison, Greenall and Roe had declared personal and prejudicial interest in A11 09/00536/FUL – 90 Broadway, Morecambe, being an application by one of their Group, left the room during its consideration and did not vote on the item.

The Vice-Chairman, Councillor Pritchard, took the Chair.

47 90 BROADWAY, MORECAMBE

A11 09/00536/FUL Proposed single storey rear TORRISHOLME A
extension to form utility room WARD
and study for Mr. G. Knight

It was proposed by Councillor Sherlock 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.

49 STOREY INSTITUTE, MEETING HOUSE LANE, LANCASTER

A14 09/00517/LB Listed building application for CASTLE A(P)
the erection of 2 external WARD
fascia signs, internal signage
and window graphics

A diagram of the proposal was circulated at the meeting for Members' consideration.

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

"That, subject to referral of the application to the Government Office, Listed Building Consent 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, subject to referral of the application to the Government Office, Listed Building Consent be approved, subject to the following conditions, as set out in the report:

1. Standard Listed Building Consent.
2. Notwithstanding the submitted plans, the signage shall have a matt or satin finish.
3. Notwithstanding the submitted plans, the exact colour of lighting to be agreed on site.
4. Notwithstanding the submitted plans, precise details of the type and location of fixings to be agreed with the Conservation Officer.

50 PALATINE HALL, DALTON SQUARE, LANCASTER

A15 09/00544/LB Listed building application for DUKES WARD A(P)
the installation of CCTV
cameras to the front and rear,
and installation of a door entry
system to the front entrance
door for Lancaster City Council

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

"That, subject to referral to the Government Office, Listed Building Consent 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, subject to referral to the Government Office, Listed Building Consent be approved, subject to the following conditions, as set out in the report:

1. Standard Listed Building Consent Timescale.
2. Development to accord with approved plans.

CATEGORY D APPLICATION

Proposals for development by a District Council

51 14 PROSPECT GROVE, MORECAMBE

A16 09/00533/DPA Change of use from private dwelling to offices incorporating guest accommodation for Lancaster City Council POULTON WARD A(C)

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

“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 five year condition.
2. Development to be carried out in accordance with the approved plans.

and subject to the following additional condition (suitably worded):

3. Use to be limited to that applied for.

CATEGORY C APPLICATIONS

Applications which involve County Matters and fall to be determined by the County Council and proposals for development by the County Council

It was noted that Councillor Charles had previously declared a personal interest in A17 09/00599/CCC – Heysham High School, Limes Avenue, Heysham, being a Member of Development Control on Lancashire County Council and abstained from voting.

52 HEYSHAM HIGH SCHOOL, LIMES AVENUE, HEYSHAM

A17 09/00599/CCC Erection of new sports hall for Lancashire County Council HEYSHAM NORTH WARD O

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

“That the County Council be advised that the City Council supports the scheme in principle, but objects to the proposal in its present form.”

Upon being put to the vote, 15 Members voted in favour of the proposition, with 3 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the County Council be advised that the City Council supports the scheme in principle, but objects to the proposal in its present form for the following reasons, as set out in the report:

1. The building would have an adverse impact on the light and aspect of the adjoining houses and bungalows in Clevelands Avenue because of its size and position. Consideration should be given to an alternative location where it would relate better to the outdoor sports facilities on the site. If it is considered necessary, for operational reasons, to provide a new building on this part of the school site, a programme of new boundary planting should be required as a condition of the consent.
2. The scheme, as submitted, is contrary to policy R21 of the Lancaster District Local Plan, as the floor would be 200 mm above ground level and no provision has been made for a ramped access suitable for wheelchair users.
3. As requested by Environmental Health Officer.

53 NIGHTINGALE HALL, QUERNMORE ROAD, LANCASTER

A18 09/00553/CCC Application for temporary BULK WARD NO(C)
permission for timber recycling
for biomass energy for
John Dainty

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

“That, in the event that the County Council propose to grant permission, conditions be included in any decision.”

Upon being put to the vote, 10 Members voted in favour of the proposition, 6 against, with 2 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That, in the event that the County Council propose to grant permission, conditions be included in any decision, as set out in the report:

1. Limitations regarding the duration of consent (12 months).
2. All buildings and structures and their materials of construction that remain from the previous animal rendering use to be removed from the site before the end of the 12-month permission.
3. No goods vehicles above transit size to access or egress the site entrance from or to the west along Quernmore Road in the direction of the city centre.
4. The operating hours of the site are restricted to 0800 – 1800 hours Monday to Friday and 0800 – 1200 hours Saturdays, with no working on Sundays or Bank Holidays.

5. That mechanical shredding of materials is restricted to 0830 – 1630 hours only, with no shredding at weekends or on Bank Holidays.
6. That suitable steps are taken to prevent the occurrence of dust nuisance, for example by the use of water sprays, wheel washes, etc. may be found appropriate.
7. That all vehicles leaving the site are suitably enclosed to prevent the escape of materials in transit.

It was noted that Councillor Charles had previously declared a personal interest in 09/00654/CCC – Croskells Farm, Caton Road, Quernmore, Lancaster, being a member of Development Control on Lancashire County Council, and abstained from voting.

54 ITEM OF URGENT BUSINESS - CROSKELLS FARM, CATON ROAD, QUERNMORE, LANCASTER

09/00654/CCC	Variation of Condition no. 2 of	QUERNMORE	NO
	Permission 01/08/0821 to	WARD	
	allow for an amended layout		
	for Heysham M6 Park and		
	Ride		

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

“That the County Council be advised that the City Council supports the proposal to vary Condition 2 allowing the previously approved drawings to be replaced by the revised drawings be supported.”

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 County Council be advised that the City Council supports the proposal to vary Condition 2 allowing the previously approved drawings to be replaced by the revised drawings be supported, subject to the Council’s previous comments, as set out in the report:

1. The scheme should be delivered in conjunction with a comprehensive range of sustainable traffic and transport initiatives reinforced by evidence from travel surveys, including the delivery of sufficient road space from the Park and Ride site to the junction of Caton Road with Kingsway and improvements to public transport links to ensure that there is no modal shift from existing public transport to Park and Ride.
2. Bat Roost Survey should be carried out prior to the determination of the application.
3. The application should include compensatory enhancements to the adjoining County Biological Heritage Site.

4. The application should include a sequential analysis to consider and explore the possibilities of alternative sites.
5. Further consideration should be given to the retention of a number of curtilage buildings, in particular building 6.
6. All buildings to be demolished should be recorded to a level three standard prior to demolition.

It was noted that Councillor Charles had previously declared a personal interest in 09/00638/CCC – Dunald Mill Quarry, Long Dales Lane, Nether Kellet, being a member of Development Control on Lancashire County Council, and abstained from voting.

The Environmental Protection District Team Leader left the meeting at this point.

Councillor Chapman returned to the meeting midway through the following item and did not vote on the item.

55 ITEM OF URGENT BUSINESS - DUNALD MILL QUARRY, LONG DALES LANE, NETHER KELLET

09/00638/CCC	Variation of Condition no. 3 of Permission 06/01004/CCC to allow 24 hour operations at the concrete batching plant for a period of 45 weeks including weekends starting 25 th September 2009	NETHER KELLET WARD	O
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Members were advised that the proposed operational hours had been amended to 7.00 a.m. to 9.00 p.m. for the contract duration.

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

“That the County Council be advised that the City Council objects to the application.”

Upon being put to the vote, 13 Members voted in favour of the proposition, 4 Members against, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the County Council be advised that the City Council objects to the application, on the following grounds, as set out in the report, with amendment to condition 1, as follows:

1. The proposed use of the site would be detrimental to the amenities of residents of Nether Kellet, as it would involve heavy goods vehicles passing through the village at regular intervals throughout the night.
2. The application, if approved, would set a precedent for 24 hour working at the quarry, making such proposals progressively more difficult to resist.

56 **ITEM OF URGENT BUSINESS - REQUEST FOR THE PRESERVATION OF THE MITCHELLS BREWERY BUILDING BY THE SERVING OF A BUILDING PRESERVATION NOTICE**

The Head of Planning Services submitted a report to seek a decision from Members on whether to take steps under Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to serve a Building Preservation Notice on the Mitchells Brewery Buildings and, with that, to ask English Heritage and the Secretary of State to list the buildings.

Members were advised that Councillor John Whitelegg had requested that the Council consider serving a Building Preservation Notice on Mitchell's Brewery building on Brewery Lane, Lancaster, in the belief that the building was at risk of demolition and needed to be protected, and its retention on-site ensured for incorporation as a heritage feature, should there be new proposals for the redevelopment of Canal Corridor North.

It was reported that a Building Preservation Notice enabled a Local Planning Authority to forestall a threatened demolition or alteration of a building, so as to affect its character or historic interest, whilst consideration was given to whether the building should be formally listed. The Building Preservation Notice would temporarily list the building for six months and give the Secretary of State time to consider whether it should be permanently listed. Compensation would be payable to the owners for any loss or damage caused by its service, should the Secretary of State decide not to list the building.

The Head of Property Services gave a detailed report of the case. Set out in the report were the Options and Options Analysis (including Risk Assessment), as follows:

Option 1 – To Serve a Building Preservation Notice

This would be done in the knowledge that the Secretary of State has considered three previous requests for listing and found that the criteria for listing would not be met. There appear to be no immediate proposals by Mitchells to demolish the buildings and so it is unlikely that compensation would be payable although there is always the risk that Mitchells could prove some form of loss as a result of the service of a notice. In the light of the Inspector's clear view that statutory protection would not mean that he could not consider replacement by a justifiable redevelopment scheme, a Building Preservation Notice would not appear to undermine the Secretary of State's ability to make a decision to approve the Centros scheme.

Option 2 – Not to serve a Building Preservation Notice

This would mean that the control over demolition, pending the Secretary of State's decision, remains under the notification procedures under the Building Act and no stronger. It does not, however, prevent English Heritage from spot listing the building if, for some reason, the criteria for listing, which they have control over, was to change. In addition, it does not prevent the Council, under its review of the Conservation Area boundaries, from including the Brewery in such a designation. The latter would be a more appropriate means of safeguarding the building, pending certainty over the future of the site, than a Building Preservation Notice.

The Officer preferred option was Option 2.

Members considered the report.

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

“That, in the light of the three previous decisions of the Secretary of State not to list Mitchells Brewery building, no Building Preservation Notice be served.”

Upon being put to the vote, 15 Members voted in favour of the proposition, 3 against, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That, in the light of the three previous decisions of the Secretary of State not to list Mitchells Brewery building, no Building Preservation Notice be served.

57 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.

Chairman

(The meeting ended at 1.26 p.m.)

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