

**PLANNING AND HIGHWAYS
REGULATORY COMMITTEE**

10.30 A.M.

5TH JANUARY 2015

PRESENT:- Councillors Helen Helme (Chairman), June Ashworth (Substitute for Roger Dennison), Eileen Blamire, Dave Brookes, Chris Coates (Substitute for Andrew Kay), Sheila Denwood, Tony Johnson, Geoff Marsland, Margaret Pattison, Robert Redfern, Sylvia Rogerson, Richard Rollins, Roger Sherlock and Keith Sowden (Substitute for Paul Woodruff).

Apologies for Absence:-

Keith Budden (Vice-Chairman), Roger Dennison, Andrew Kay and Paul Woodruff

Officers in attendance:-

Andrew Drummond	Development Manager (Planning Applications)
Jennifer Rehman	Major Applications Planning Officer
Angela Parkinson	Senior Solicitor
Sarah Grandfield	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W	-	Withdrawn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

104 MINUTES

The minutes of the previous meeting held on 8th December 2014 were signed by the Chairman as a correct record.

105 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

106 DECLARATIONS OF INTEREST

Andrew Drummond declared an interest in items A5 14/00989/CU and A6 14/01048/LB on the agenda, the nature of which being that he knew one of the public speakers and A7 14/01136/OUT on the agenda, the nature of which being that a business partner of his wife had written in on the application. Mr Drummond declared that he would take no part in these applications.

APPLICATIONS SUBJECT TO PUBLIC PARTICIPATION

107 GALGATE MILL, CHAPEL LANE, GALGATE

A5 14/00989/CU Galgate Mill, Chapel Lane, Ellel Ward R
Galgate

Under the scheme of public participation Antony Pilling and Sheila Phillips spoke in support of the application.

It was proposed by Councillor Rollins and seconded by Councillor Sowden:

“That the application be deferred.”

Upon being put to the vote, 3 Members voted in favour of the proposition and 11 voted against, whereupon the Chairman declared the motion to be lost.

It was then proposed by Councillor Blamire and seconded by Councillor Ashworth:

“That the application be refused.”

Upon being put to the vote, 9 Members voted in favour of the proposition and 5 voted against, whereupon the Chairman declared the motion to be carried.

Resolved:

That Planning Permission be refused, with an Advice Note to encourage the Applicant to enter into pre-application discussions with the Local Authority to resolve the reasons for the refusal through additional information/amended plans. The Planning Permission was refused for the following reasons:

1. The proposal will result in the loss of employment land within the rural area without it being demonstrated that the ongoing employment use of the site is no

longer appropriate or viable. It is also not considered that the benefits of the proposal would outweigh this loss and would therefore not lead to a sustainable form of development. As a consequence, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 3, Saved policy EC16 of the Lancaster District Local Plan, Policy SC1 of the Core Strategy and Policy DM15 of the Development Management Development Plan Document.

2. Insufficient information has been submitted to fully assess the impacts of the proposal on the fabric of the listed building, particularly in relation to the proposed alterations to the windows, details of the construction and internal appearance of the atrium and glazed porch extension, interventions required to provide appropriate ventilation and noise attenuation for the accommodation proposed and evidence to demonstrate the proposal is the optimum viable use for the building. In the absence of this information, the local planning authority cannot rule out potential harm to the listed building and could not exercise its duty to preserve the heritage asset. Furthermore, it is considered that from the information provided that the proposal would lead to some less than substantial harm to the building itself (internal partitions/loss of part of the external fire escape) and the setting of the listed building by virtue of the location and size of the proposal cycle storage facility and that the public benefits of the scheme would not outweigh the harm to the heritage asset when considered on balance with all the other concerns relating to the proposal. Subsequently, the proposal is considered contrary to paragraphs 128, 132 and 134 of the National Planning Policy Framework and policies DM30 and DM32 of the Development Management Development Plan Document.
3. The level of parking proposed for a development of this scale and kind in a location that suffers congestion and on-street parking and where access to alternative parking provision is unavailable, is likely to lead to increased on-street parking thereby exacerbating existing parking and congestion problems in the village, Chapel Lane and Hazelrigg Lane to the detriment to public safety and the operation of the local highway network. The lack of cycle parking provision and the inappropriately located cycle store would not overcome the concerns and would further discourage future occupants from choosing to use more sustainable transport modes, such as cycling. Subsequently, the proposed development is considered contrary to paragraphs 17 and 32 of the National Planning Policy Framework and policies DM35, D20, DM22, DM46 and appendix D of the Development Management Development Plan Document.
4. The proposal will result in an unacceptable and poor standard of accommodation for a significant number of the studio apartments proposed in terms of the amount of natural light and outlook that will be available to future occupants of the accommodation to the detriment of their amenity. Furthermore, the applicant has failed to provide sufficient evidence to convince the local planning authority that residential development physically adjoining and sitting adjacent to unrestricted industrial uses is appropriate or that sufficient, appropriate and practical refuse storage can be provided for a proposal of this scale. The proposal is therefore contrary to paragraph 17 and 123 of the National Planning Policy Framework and policies DM35 and DM46 and appendix D and F of the Development Management Development Plan Document.

108 GALGATE MILL, CHAPEL LANE, GALGATE

A6 14/01048/LB Galgate Mill, Chapel Lane, Ellel Ward R
Galgate

Under the scheme of public participation Antony Pilling and Sheila Phillipps spoke in support of the application.

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

“That the application be refused.”

Upon being put to the vote, 13 Members voted in favour of the proposition and 1 voted against, whereupon the Chairman declared the motion to be carried.

Resolved:

That Listed Building Consent be refused for the following reasons:

1. Insufficient information has been submitted to fully assess the impacts of the proposal on the fabric of the listed building, particularly in relation to the proposed alterations to the windows, details of the construction and internal appearance of the atrium and glazed porch extension, interventions required to provide appropriate ventilation and noise attenuation for the accommodation proposed. In the absence of this information, the local planning authority cannot rule out potential harm to the listed building and could not exercise its duty to preserve the heritage asset. Subsequently, the proposal is considered contrary to paragraphs 128, 132 and 134 of the National Planning Policy Framework and policies DM30 and DM32 of the Development Management Development Plan Document.

The meeting adjourned at 11.55pm, recommencing at 12.05pm.

109 LAND TO THE EAST OF ST WILFRIDS HALL, FOUNDRY LANE , HALTON

A7 14/01136/OUT Land To The East Of St Halton-with- A(C)
Wilfrids Hall, Foundry Lane, Aughton Ward
Halton

Under the scheme of public participation Robert Bryan spoke in opposition to the application, Stuart Booth, agent, spoke in favour and Councillor Paul Woodruff spoke as Ward Councillor.

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

“That the application be granted.”

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

Resolved:

That Outline Permission be granted subject to the following conditions:

1. Standard outline condition with Appearance and Landscaping matters reserved
2. The footprint, scale of development and layout are as defined in the approved plans
3. Amended plans
4. Unforeseen contamination
5. Hours of construction
6. Layout to ensure vehicle can enter and exit the site in a forward gear
7. Off-site highway works (white lining of junction at The Gardens/Foundry Lane) to be agreed and implemented
8. Car parking to be agreed, provided and maintained
9. Provision of a Construction Method Statement and undertaking in accordance with agreed scheme
10. Landscaping scheme to be agreed
11. Additional tree planting to be agreed
12. No trees to be cut down other than those agreed
13. Detailed Arboricultural Method Statement to be agreed
14. Detailed Tree Protection Plan to be agreed
15. Development to be built on a separate system
16. Precise details of the foul and surface water systems to be agreed

110 SITE FOR FAST FOOD TAKEAWAY UNIT, CATON ROAD, LANCASTER

A8 14/00775/FUL Site For Fast Food Takeaway Lower Lune A(C)
Unit, Caton Road, Lancaster Valley Ward

Under the scheme of public participation Harminder Sidhu and Councillor Tim Hamilton-Cox spoke in objection to the application and Adam Brand, agent, spoke in support.

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

“That the application be granted.”

Upon being put to the vote, 10 Members voted in favour of the proposition and 4 voted against, whereupon the Chairman declared the motion to be carried.

Resolved:

That Planning Permission be granted subject to expiry of the site notice as a Departure with no further new significant objections being raised, and subject to the imposition of the conditions listed below; with the determination being delegated to the Chief Officer to enable the following s106 agreement to be drafted, signed and endorsed.

- *The s106 legal agreement to provide for £6,000 to aid the assessment of the audited travel plans by the County Council.*

1. 3 year time limit
2. Development in accordance with the approved plans
3. Amended plans – highway works
4. Amended plans – site plan and landscape arrangements
5. Scheme of off-site works including cycle linkage, road width improvements, right turn lane and pedestrian island on Caton Road
6. Off-site works to be implemented prior to occupation
7. Travel plan to be submitted, audited and updated
8. Car Park Management and Delivery Plan/Strategy
9. Construction and Routing Plan
10. Visibility Splays
11. Gross floor areas not to be increase or parking areas reduced
12. Redundant vehicle crossing to be reinstated at the developer's expense
13. Development to drained on a separated system
14. Foul and surface water drainage details to be provided
15. Development to be undertaken in accordance with the agreed strategy set out in the Flood risk Assessment
16. Development to be undertaken in accordance with the agreed Arboricultural Impact Assessment (including minor revisions)
17. Development to be undertaken in accordance with the agreed Arboricultural Method Statement (including minor revisions)
18. Trees to be retained other than agreed works
19. Landscaping details to be agreed
20. Hours of Construction
21. Contaminated land assessment to be agreed and mitigation (if required)
22. External material samples to be agreed
23. Details of litter collection (including route and area covered)

The meeting adjourned for lunch at 1.05pm, recommencing at 1.40pm

APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION

With the committee's agreement, the Chairman brought forward item A10 on the agenda.

Councillor Tony Johnson returned to the room following the representations on item A10 14/01117/FUL and abstained from voting on this agenda item.

111 MIDDLETON CLEAN ENERGY PLANT, MIDDLETON ROAD, MIDDLETON

A10 14/01117/FUL Middleton Clean Energy Overton Ward D
Plant, Middleton Road,
Middleton

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

“That the application be deferred.”

Upon being put to the vote, 12 Members voted in favour of the proposition, 1 voted against and 1 abstained, whereupon the Chairman declared the motion to be carried.

Resolved:

That the application be deferred to allow outstanding matters (noise and air quality) to be resolved and subject to the outstanding items being adequately addressed to the consultees' satisfaction, that planning permission be granted (with subsequent referral of the decision to Natural England) subject to a legal agreement to secure:

- Financial contribution towards the continuing maintenance and improvement of the Middleton Wood BHS

and the following conditions:

1. Standard 3 year timescale
2. Development in accordance with approved plans – list
3. Notwithstanding plans, all materials (including finishes and colours) to be agreed
4. Notwithstanding plans, all boundary and surface treatments (including finishes and colours) to be agreed
5. Access, parking and turning facilities – loading/unloading within the on-site facilities provided only
6. Construction Traffic Management Statement
7. Separate drainage system
8. Surface water drainage system
9. Hours of construction
10. Method statement for the electricity cable easement
11. Construction Method Statement including dust control and barrier fencing to protect surrounding habitat
12. Japanese Knotweed and Montbretia management scheme
13. Dust control
14. External lighting details
15. No external storage
16. No building or planting of deep rooted shrubs/trees within 3m of the public sewer
17. Landscaping scheme
18. Contaminated land condition
19. Ecological mitigation and compensatory measures
20. Construction Environmental Management Plan
21. Any other conditions required by consultees as a result of their assessment of the outstanding information

112 LAND TO THE REAR OF BURR TREE COTTAGE, LONG LEVEL, COWAN BRIDGE

A9 14/01052/FUL Land To The Rear Of Burr Upper Lune A(C)
Tree Cottage, Long Level, Valley Ward
Cowan Bridge

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

“That the application be granted.”

Upon being put to the vote Members voted unanimously in favour of the proposition whereupon the Chairman declared the motion to be carried.

Resolved:

That the Planning Permission be granted, subject to the applicant offering 39% affordable housing provision on site (4 social rented and 3 intermediate housing), and signing and completing of a legal agreement to include:

- 40% affordable housing provision (4 social rented and 3 intermediate housing)
- Management company for the open space

with the decision to be issued prior to the determination date;

and the following conditions:

1. Standard 3 year timescale
2. Development in accordance with approved plans – list of plans
3. Samples to be provided –
 - natural random rubble stone
 - mortar
 - render
 - natural slate
 - ridge tiles
 - natural stone window and door surrounds
 - timber window, doors and garage doors (including finishes and colours)
4. Details to be agreed –
 - boundary treatments
 - rainwater goods
 - timber fascias (including finishes and colours)
5. Access arrangements
6. Visibility splays – provision and retention
7. Off site highway works – provision of a footpath within the existing verge along the site's frontage, new/relocated refuge island, new street lighting, new gateway treatments to the village to reduce vehicle speeds and upgrades of the kerbs at the bus stops
8. Construction method statement
9. Separate drainage system
10. Development in accordance with Flood Risk Assessment including finished floor levels are set no lower than 300mm above existing ground levels within Flood Zone 2 and 150mm elsewhere and outfall rates of 4.4 l/s for 1:30 years and 5.9 l/s for 1:100 years plus critical storm
11. Surface Water Drainage Scheme – as per the drainage plan
12. Hours of construction (Mon to Fri 0800-1800 and Sat 0800-1400 only)
13. Unforeseen contamination
14. Importation of soil, material and hardcore
15. Prevention of new contamination
16. Bunding of tanks
17. Landscaping scheme and maintenance, including the provision of the public open space
18. No trees to be removed, cut down, lopped or crowned
19. Tree protection plan

20. External lighting

113 DELEGATED DECISIONS

The Chief Officer (Regeneration and Planning) submitted a schedule of planning applications dealt with under the scheme of delegated functions of officers.

Resolved:

That the report be noted.

Chairman

(The meeting ended at 2.05 p.m.)

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