

**PLANNING AND HIGHWAYS  
REGULATORY COMMITTEE**

10.30 A.M.

6TH MARCH 2017

**PRESENT:-** Councillors Carla Brayshaw (Chairman), Helen Helme (Vice-Chairman), June Ashworth, Stuart Bateson, Eileen Blamire, Dave Brookes, Abbott Bryning, Claire Cozler, Sheila Denwood (Substitute for Robert Redfern), Andrew Kay, Margaret Pattison, Roger Sherlock, Sylvia Rogerson, Malcolm Thomas and Peter Yates

Apologies for Absence:-

Councillor Robert Redfern

Officers in attendance:-

Andrew Drummond	Development Manager (Planning Applications)
Jennifer Rehman	Major Applications Planning Officer (minutes 137-144)
Eleanor Fawcett	Planning Officer (minutes 146 -152)
Angela Parkinson	Senior Solicitor (minutes 137-146)
Tessa Mott	Democratic Support Officer

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W	-	Withdrawn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

**137 MINUTES**

The minutes of the meeting held on the 6<sup>th</sup> February 2017 were signed by the Chairman as a correct record.

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

There were no items of urgent business.

139 DECLARATIONS OF INTEREST

Councillor Margaret Pattison declared an interest in item A6 16/01572/OUT Land Adjacent to Church Bank and Greenways, Over Kellet, Lancashire. Councillor Pattison stated that she had attended a Parish Council meeting regarding this item however confirmed that she would take a fresh view of the application upon consideration.

**APPLICATIONS SUBJECT TO PUBLIC PARTICIPATION**

140 LAND BETWEEN BREWERS BARN AND THE A601(M), CARNFORTH BROW, CARNFORTH

A5	16/00335/OUT	Outline application for the erection of up to 158 dwellings with associated new vehicular access, incorporating a roundabout and access road, and pedestrian/cycle access points for Mr R Hughes	Carnforth and Millhead Ward	A(106)
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A site visit was held in respect of this item on 5<sup>th</sup> December 2016 minute 97 (2016/2017) refers.

Under the scheme of public participation, Philip Shepherd, Steven Richmond, Ken Bond, Christopher Smith, Jim Grisenthwaite, Stuart Langhorn, John Ellwood, Pat Wooff and Roderick Swindell all spoke against the application. Graham Salisbury agent for the application spoke in support, and Councillor John Reynolds spoke finally as Ward Councillor against the application.

It was proposed by Councillor Peter Yates:

“That the application be refused.”

*(The proposal was contrary to the case officer’s recommendation that the application be approved.)*

There being no seconder, the proposition fell.

It was then proposed by Councillor Andrew Kay and seconded by Councillor Helen Helme:

“That the application be approved.”

Upon being put to the vote, 9 Members voted in favour of the proposition, with 1 against and 5 abstentions, whereupon the Chairman declared the proposal to be carried.

***Resolved:***

That Outline Planning Permission be granted subject to the following obligations and conditions listed below:

- 30% Affordable Housing

- Education contribution (£121, 821.54 – to be reassessed at reserved matters stage).
- Off-site POS contribution (£244,426 – to be reassessed at reserved matters stage).
- Provision of amenity space on site (area to be calculated at reserved matters stage) with children's play facilities and young person's provision (if necessary at the reserved matters stage as threshold is 150 dwellings)
- Travel Plan contribution
- Contribution towards review, investigation and improvements to PROW (similar to marina application 13/00211/OUT)
- Maintenance and management of all open space, landscaping areas (hard and soft including boundaries), un-adopted roads and pedestrian links and SuDS.

Conditions:

1. Standard Time Limit (approval of reserved matters);
2. Approved Plans (location plan and access drawings);
3. Site plan indicative only;

**Pre-commencement:**

4. No development to commence until the A601(M) Special Status has been revoked and necessary associated works implemented;
5. Full access details to be submitted and approved and provided before commencement of the development (with some phasing to allow works to the proposed emergency access points where necessary);
6. Full details of the emergency access points to Carnforth Brow and Whernside Grove including details of the measures to prohibit vehicular access and ongoing management/maintenance to be agreed and implemented before occupation and thereafter;
7. Full details of the pedestrian/cycle connections Whernside Grove, Carnforth Brow and the canal towpaths to be agreed and implemented before occupation;
8. Traffic and Construction Management Phasing Plan to be provided and implemented;
9. Surface water drainage scheme to be agreed and implemented;
10. Foul drainage scheme to be agreed and implemented;
11. Contaminated Land (Site Investigation);
12. Assessment of noise impacts and mitigation to be submitted and agreed and mitigation implemented before occupation;

**Pre-construction of dwellings:**

13. Details of on-site POS and equipped play provision;
14. Details of external lighting.

**Pre-occupation:**

15. Submission of full Travel Plan;
16. Maintenance and management of Surface water drainage scheme;
17. Traffic calming and improved footway provision along North Road to be provided in full before occupation, or an alternative agreed programme of implementation.

**Control conditions:**

18. Protection of Visibility splays;
19. Development to be carried out in accordance with the Air Quality mitigation plan;
20. Development to be carried out in accordance with AIA;
21. Development to be carried out in accordance with recommendations set out in the ecological appraisal;
22. Development to be carried out in accordance with the FRA;
23. No dwellinghouses to be located in floodzone 2 and 3;
24. Site to drainage on separate systems;
25. Importation of soil (contaminated land condition);
26. No construction shall take place within 10m of the toe of the canal embankment until details of the foundations have first been submitted to and agreed;
27. Garage Use condition;
28. Removal of PD rights (Parts 1 - Classes A, B, E and F and Part 2).

***The meeting adjourned at 12:07pm and reconvened at 12:15pm.***

***Councillor Margaret Pattison had declared a non-prejudicial interest in the following item.***

**141 LAND ADJACENT TO CHURCH BANK AND GREENWAYS, OVER KELLET, LANCASHIRE**

A6	16/01572/OUT	Outline application for the erection of up to 15 dwellings and creation of a new access for The Late James Cottam (Senior) Will	Kellet Ward	A(106)
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A site visit was held in respect of this item on 30<sup>th</sup> January 2017 minute 126 (2016/2017) refers.

Under the scheme of public participation, Graham Agnew, Martin May, Christopher Pogson, David Whiteley and Nick Ward spoke against the application. Julian Handy agent for the application spoke in support.

It was proposed by Councillor Helen Helme and seconded by Councillor Stuart Bateson:

“That the application be approved.”

Upon being put to the vote, 9 Members voted in favour of the proposition and 6 abstained, whereupon the Chairman declared the proposal to be carried.

***Resolved:***

That subject to the applicant entering into a legal agreement to include for the provisions identified in Paragraph 8.1 of the report, Outline Planning Permission be granted subject to the following planning conditions:

1. Timescales.
2. Approved Plans.
3. Access Plan.
4. Offsite Highway works.

5. Surface Water Drainage.
6. Foul Drainage.
7. Surface Water Management Scheme.
8. Provision of Open Space.
9. Development in Accordance with AIA.
10. Provision of Tree Protection Plan / Arboricultural Method Statement.
11. Unforeseen contaminated land assessment.
12. Ecological Enhancement Measures.
13. Provision of electric vehicle charging points.
14. Removal of Permitted Development Rights.
15. Finished Floor Levels to include site levels.
16. Public rights of way.

***The meeting adjourned at 13:00pm and reconvened at 13:30pm.***

**142 LUNE VALLEY LAWNMOWERS, SYLVESTER STREET, LANCASTER**

A7	16/01150/FUL	Demolition of existing industrial building and erection of 4 residential flats with associated car parking for Mr Colin Stephens	Castle Ward	A
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Under the scheme of public participation; Paul Lewis, Paul Pavli, Joanne Stott and Linda Grieve spoke against the application. Warren Cadman spoke in support as the applicant's representative.

It was proposed by Councillor Dave Brookes and seconded by Councillor Andrew Kay:

"That the application be refused."

*(The proposal was contrary to the case officer's recommendation that the application be approved.)*

Upon being put to the vote, 4 Members voted in favour of the proposition, with 10 against and 1 abstention, whereupon the Chairman declared the proposal to be lost.

It was then proposed by Councillor Margaret Pattison and seconded by Councillor Sheila Denwood:

"That the application be approved."

Upon being put to the vote, 10 Members voted in favour of the proposition, with 4 against and 1 abstention, whereupon the Chairman declared the proposal to be carried.

***Resolved:***

That Planning Permission be granted subject to the following conditions:

1. Standard time limit.
2. Approved Plans list.
3. Tree protection measures in accordance with Arboricultural Implications

4. Assessment, produced by Yew Tree & Garden, dated 06.09.16.
4. Scheme for the disposal of foul and surface water drainage to be submitted pre-commencement.
5. Schedule of window/door/roof details (including rainwater goods) to be submitted pre-construction of the building.
6. Schedule and samples of all external materials and finishes to elevations and details of surfacing treatments to be submitted pre-construction of the building.
7. Landscaping scheme including external lighting to be submitted pre-construction of the building.
8. Scheme for making good the exposed elevation of the remaining business unit to be agreed and implemented.
9. Notwithstanding details submitted, details of refuse and secure cycle storage and provision to be agreed (pre-occupation).
10. Landscaping including type and distribution of new trees.
11. Noise Condition (10/12/8.4 acoustic glazing with trickle ventilation).
12. Site to be drained on separate systems.
13. Hours of construction.
14. Car parking provision prior to occupation.
15. Standard Contaminated Land Condition.
16. Contaminated Land – Importation of Soil, Materials & Hardcore.

**143 81 HEST BANK LANE, HEST BANK, LANCASTER**

A10	17/00028/FUL	Partially retrospective application for the erection of a two storey side extension, construction of a dormer extension to the rear elevation and creation of a new access point for Mr P. Jackson	Bolton and Slyne Ward	A
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Under the scheme of public participation, Sydney Wainwright and Judy Hamer spoke against the application.

It was proposed by Councillor Sylvia Rogerson and seconded by Councillor Peter Yates:

“That the application be refused.”

*(The proposal was contrary to the case officer’s recommendation that the application be approved).*

Upon being put to the vote, 6 Members voted in favour of the proposition with 9 against, whereupon the Chairman declared the proposal to be lost.

It was then proposed by Councillor Dave Brookes and seconded by Councillor Andrew Kay:

“That the application be approved.”

Upon being put to the vote, 9 Members voted in favour of the proposition with 6 against, whereupon the Chairman declared the proposal to be carried.

***Resolved:***

That Planning Permission be granted subject to the following conditions:

1. Development in accordance with submitted plans.
2. Use as a single dwellinghouse.
3. Removal of selected PD rights – Class D porches and Class E outbuildings.
4. Obscure glazing to side elevation garage window and door.
5. Retention of 1.8m high fencing to boundary with No. 79 Hest Bank Lane.
6. Retention front boundary wall.
7. Implement third parking space before occupation and retain – restriction in place so that garage cannot be converted to a room.
8. Driveway surfacing.

***Councillor Claire Cozler left the meeting at this point and returned during the officer presentation of the following item.***

**APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION**

**144 LAND OPPOSITE 26 TO 48, LANCASTER ROAD, OVERTON**

A8	16/01136/FUL	Erection of 32 dwellings with associated access, internal roads, open space and landscaping for Messrs Hancock & Grantham	Overton Ward	A
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It was proposed by Councillor Helen Helme and seconded by Councillor Margaret Pattison:

“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 subject to the outcome of the current consultation period, that Planning Permission be granted (but delegated back to the Chief Officer to allow for the consultation period to expire) subject to the following obligations (to be secured by a legal agreement):

- 12 affordable dwellings
- Education contribution (£60,727)
- Off-site POS towards outdoor sports facilities (£41,466)
- Maintenance and management of all open space, landscaping areas (hard and soft/boundaries) and SuDS

and the conditions listed below plus any relevant ones required from the ongoing consultation:

1. Standard Time Limit.

2. Approved Plans List (TBC).

**Pre-commencement**

3. Site Investigation (contamination).
4. Drainage scheme to be agreed (TBC) and implemented in full before occupation.
5. FFL for units and finished ground levels of roads, gardens and landscape areas.
6. Scheme for mitigation as set out in the HRA.

**Pre-construction of dwellings**

7. Landscaping scheme including details of open space and external hard surfacing (having regard to recommendations of submitted ecological appraisal).
8. Samples of external facing materials (including stonework), window and door details (including recess), roofing details (eaves/verge and ridge including rain water goods).
9. Boundary details to be provided (unless submitted with amended plans – TBC) and boundary treatment to be provided before occupation and retained at all times.

**Pre-occupation**

10. Importation of materials (contaminated land condition).
11. Maintenance and management of surface water drainage scheme.
12. Car parking to be provided and made available for the parking of cars before occupation of each dwelling.

**Control conditions**

13. Foul and surface water to be on separate systems.
14. Development to be carried out in accordance with FRA.
15. Tree Protection.
16. Restriction of timing of hedgerow removal/alterations/works to avoid bird breeding season.
17. Removal of PD rights (precise classes TBC subject to drainage proposals and amendments TBC).
18. Protection of visibility splays (TBC).
19. Off-site highway works to be provided in full (as shown on approved plans) before first occupation unless otherwise agreed in writing with the LPA.

***Councillor Andrew Kay left the meeting at this point. Councillor Kay was not present for the following item and returned during the officer presentation of item A9.***

***With the Committee's agreement the Chairman decided to bring forward agenda item A16.***

**145 GRASSCROFT, BORWICK AVENUE, WARTON**

A16	17/00038/VCN	Erection of three dwellings with garages and associated access and landscaping (pursuant to the variation of condition 2 of planning application 15/00425 to amend the site layout and amend windows and materials) Mr Julian Stainton	Warton Ward	A
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It was proposed by Councillor Helen Helme and seconded by Councillor Malcolm Thomas:

“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 Planning Permission be granted subject to the following conditions:

1. Approved Plans list.
2. Details of garage doors.
3. Parking areas to be provide and maintained.
4. Root protection measures set out in the detailed Arboriculture Assessment to be retained during the construction period.
5. No tree/hedges to be felled other than those agreed.
6. Landscaping/planting scheme.
7. The hedgerow boundary to Borwick Avenue shall be retained at its current height of 2.0m unless otherwise agreed.
8. Details of external materials of double garage to plots 2 and 3.
9. Details/samples of all external materials to dwellings.
10. Details of all boundaries including internal plot boundaries.
11. Details of construction and finish to windows and doors.
12. Details of rainwater goods, eaves and fascia.
13. The use of the garages shall be ancillary to the dwellings only.
14. Obscure glazing to be provided and maintained to all first floor gable windows.
15. GDO tolerance removed window and door openings.
16. GDO tolerances removed extension.
17. Hours of construction.
18. Unforeseen contamination.

**146 ARNA WOOD FARM EAST, ARNA WOOD LANE, LANCASTER**

A9	16/01617/VCN	Installation of arrays of PV panels, string inverters, underground cabling, substation, security fencing and CCTV mounted on up to 3m high masts, together with construction of internal access roads and formation of access off Arna Wood Lane to form a solar farm (pursuant to the variation of condition 2 on planning permission 14/00907/FUL to amend the plans, including the alteration to the design and position of the substation, alteration of the site layout and siting of	Scotforth West Ward	A
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buildings to house  
transformers) for Canadian  
Solar UK Projects Ltd

It was proposed by Councillor Helen Helme and seconded by Councillor Andrew Kay:

“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 Planning Permission be granted subject to no concerns being raised by Environmental Health and the following conditions:

1. Development to accord with approved plans.
2. Construction method statement.
3. Scheme for the construction of the access points.
4. Implementation of the Arboricultural Implications Assessment detailed within the Arboriculture Appraisal dated, 24.10.14.
5. Implementation of planting proposals and submission of maintenance regime and a commitment to replace any trees/plants that fail to establish during this 10 year period post planting.
6. Ecological mitigation to include:
  - Ecological construction method statement
  - Bird mitigation strategy including monitoring
  - Habitat management plan
7. Access and maintenance roads to be constructed using permeable materials.
8. Details of materials for substation.
9. Colour and finish of pole for CCTV.
10. Boundary treatments.
11. All cabling underground.
12. Reinstatement of land after 25 years in accordance with scheme to be submitted.
13. If the solar panels fail to produce electricity for a continuous period of 12 months the panels and associated equipment shall be removed from the site and the land shall be reinstated within a period of 3 months from the end of that 12 months in accordance with a reinstatement scheme.
14. No structure should be erected within 6.5 metres of a public sewer.

**147 THE LOFT AND SELLERLEY SHIPPON, SELLERLEY FARM, CONDER GREEN ROAD**

A11	16/01592/RCN	Change of use and conversion of agricultural building to residential dwelling and post graduate student family/holiday flats (pursuant to the removal of condition 8 on planning permission 99/00489/CU to permit the continuance of permanent residential occupancy) for Mr Edward Newsham	Ellel Ward	A
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It was proposed by Councillor Helen Helme and seconded by Councillor Margaret Pattison:

“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 Planning Permission be granted subject to a Deed of Variation to relate the legal agreement to this consent, and the following conditions:

1. Plans.
2. Agricultural Workers restriction to dwelling.
3. Removal of permitted development rights – Parts 1 and 2 of Schedule 2.
4. Parking – maintenance of path and adjacent hedgerow.
5. Retention of footpath.

**148 THE LOFT AND SELLERLEY SHIPPON, SELLERLEY FARM, CONDER GREEN ROAD**

A12	16/01612/VLA	Variation of legal agreement attached to planning permission 99/00489/CU to vary or revoke the occupancy restriction for Mr Edward Newsham	Ellel Ward	A
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It was proposed by Councillor Helen Helme and seconded by Councillor Margaret Pattison:

“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 legal agreement attached to planning consent 99/00489/CU is varied to remove the post-graduate and holiday use occupancy restrictions in relation to the two flats.

**149 1 TO 3, SELLERLEY FARM, CONDER GREEN ROAD**

A13	16/01593/RCN	Change of use and conversion farm buildings to form student/tourist accommodation (3 units) (pursuant to the removal of condition 8 on planning permission 01/00874/CU to be removed to permit the continuance of permanent residential	Ellel Ward	A
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occupancy) for Mr Edward  
Newsham

It was proposed by Councillor Helen Helme and seconded by Councillor Margaret Pattison:

“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 Planning Permission be granted subject to the following conditions:

1. Plans.
2. Parking spaces.
3. Removal of permitted development rights – Parts 1 and 2 of Schedule 2.
4. Retention of footpath – maintenance of path and adjacent hedgerow.

**150 1 TO 3 SELLERLEY FARM, CONDER GREEN ROAD, GALGATE**

A14	16/01613/VLA	Variation of legal agreement attached to planning permission 01/00874/CU to vary or revoke the occupancy restriction for Mr Edward Newsham	Ellel Ward	A
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It was proposed by Councillor Helen Helme and seconded by Councillor Margaret Pattison:

“That the legal agreement attached to planning consent 01/00874/CU be discharged.”

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 legal agreement attached to planning consent 01/00874/CU be discharged.

**151 5 TO 8 SELLERLEY FARM, CONDER GREEN ROAD, GALGATE**

A15	16/01594/RCN	Change of use and conversion of redundant buildings to form tourist and overnight accommodation (pursuant to the removal of condition 7 and 8 on planning permission 05/00742/CU to permit the continuance of permanent residential occupancy) for Mrs Bargh	Ellel Ward	A
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It was proposed by Councillor Helen Helme and seconded by Councillor Margaret Pattison:

“That the application be approved.”

*(The proposal was contrary to the case officer’s recommendation of refusal.)*

Upon being put to the vote, 13 Members voted in favour of the proposition and 2 abstained, whereupon the Chairman declared the proposal to be carried.

***Resolved:***

That planning permission be granted subject to the following conditions (suitably worded):

1. Plans.
2. Permitted development rights removed.
3. Path and adjacent hedgerow to be retained and maintained.
4. Parking spaces.
5. Bothy is subject to holiday occupancy only.

**152 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.

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Chairman

(The meeting ended at 3.46 p.m.)

**Any queries regarding these Minutes, please contact  
Tessa Mott, Democratic Services: telephone (01524) 582074 or email  
tmott@lancaster.gov.uk**