

**PLANNING AND HIGHWAYS
REGULATORY COMMITTEE**

10.30 A.M.

31ST MAY 2017

PRESENT:- Councillors Carla Brayshaw (Chairman), Helen Helme (Vice-Chairman), June Ashworth, Eileen Blamire, Dave Brookes, Abbott Bryning, Ian Clift, Claire Cozler, Karen Leytham, Jane Parkinson, Robert Redfern, Sylvia Rogerson, Susan Sykes and Malcolm Thomas

Officers in attendance:-

Mark Cassidy	Planning Manager
Charlotte Seward	Planning Officer (minute 11)
Angela Parkinson	Senior Solicitor
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W	-	Withdrawn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

1 APPOINTMENT OF VICE-CHAIRMAN

The Chairman requested nominations for the position of Vice-Chairman of the Planning and Highways Regulatory Committee for the Municipal Year 2017/2018.

It was proposed by Councillor Sylvia Rogerson and seconded by Councillor Jane Parkinson that Councillor Helen Helme be appointed Vice-Chairman of the Planning and Highways Regulatory Committee for the Municipal Year 2017/2018.

There being no further nominations, the Chairman declared the proposal to be carried.

Resolved:

That Councillor Helen Helme be appointed Vice-Chairman of the Planning and Highways Regulatory Committee for the Municipal Year 2017/2018.

2 MINUTES

The minutes of the meeting held on the 8th May 2017 were signed by the Chairman as a correct record.

3 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

4 DECLARATIONS OF INTEREST

Councillor Dave Brookes declared an interest in item A6 17/00073/FUL Land Adjacent Aikengill, Scotforth Road, Lancaster. The nature being that he used to work with the applicant very closely for the same company.

APPLICATIONS SUBJECT TO PUBLIC PARTICIPATION

5 LAND TO THE SOUTH WEST OF THORNEYCROFT, KIRKBY LONSDALE ROAD, ARKHOLME

A7	17/00244/OUT	Outline application for the erection of 12 dwellings, creation of a new vehicular access, field access road and pedestrian links for Mr T Jenkinson	Kellet Ward	R
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A site visit was held in respect of this item on 5th December 2016 minute 97 (2016/2017) refers.

Under the scheme of public participation, Phil Gibson, Cecilia McPhail, Martin Ellam and Charles Waddington spoke against the application. Graham Salisbury agent for the application spoke in support.

It was proposed by Councillor Helen Helme and seconded by Councillor Robert Redfern:

“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 Outline Planning Permission be refused for the following reasons:

1. The proposed development, by virtue of the site's divorced location away from the existing built-up part of Arkholme village would not represent a sustainable or suitable extension to the village. As a consequence, the proposal fails to appropriately integrate with the natural and built environment and would result in an unacceptable encroachment of the open and rural countryside to the detriment of the visual amenities of the area and the intrinsic character of the rural landscape and settlement. As a consequence the proposal is considered contrary to saved

policy E4 of the Lancaster District Local Plan, policies SC1, SC5 and E1 of the Core Strategy, policies DM28, DM35 DM41 and DM42 and the Development Management Development Plan Document and paragraphs 7, 17 and Section 7 of the National Planning Policy Framework.

2. The applicant has not sufficiently demonstrated that the proposed drainage strategy, which relies on discharging post-development surface water to a series of field ditches and land outside the applicants control before entering the River Lune, would provide a practical, reliable and enforceable surface water drainage solution for the life time of the proposed development. Failure to secure a reliable and enforceable surface water drainage scheme (including maintenance) would increase the likelihood of flooding on the site itself or elsewhere. As a consequence the proposed development is considered contrary to paragraph 17 and 103 of the NPPF, Core Strategy SC1 and policies DM35 and DM 39 of the DM DPD.

The meeting adjourned at 11:05am and reconvened at 11:10am.

6 LAND REAR OF INGLEBOROUGH VIEW, STATION ROAD, HORNBY

A8	17/00170/OUT	Outline application for the erection of up to 11 dwellings and creation of a new access and associated landscaping for Mr and Mrs Norris	Upper Lune Valley Ward	R
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A site visit was held in respect of this item on 27th March 2017 minute 156 (2016/2017) refers.

Under the scheme of public participation, Neil Wallace representative for the Parish Council spoke in support.

It was proposed by Councillor Helen Helme and seconded by Councillor Susan Sykes:

“That the application be approved.”

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

Upon being put to the vote, 6 Members voted in favour of the proposition, with 7 against and 1 abstention, whereupon the Chairman declared the proposal to be lost.

It was then proposed by Councillor Robert Redfern and seconded by Councillor Dave Brookes:

“That the application be refused.”

Upon being put to the vote, 7 Members voted in favour of the proposition, with 6 against and 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Outline Planning Permission be refused for the following reasons:

1. By reason of the siting and the extent of alterations required to the southern field boundary and Wennington Road to accommodate a safe and appropriate means of vehicular access to the site with adequate sightlines, together with the provision of a significant length of unnecessary footway along this stretch of rural road extending to Lunesdale Court, would lead to an overly-urbanising adverse impact that would be detrimental to the rural character, quality and appearance of this country road within the Forest of Bowland AONB. The proposal is therefore contrary to policies SC1, SC5 and E1 of the Core Strategy, policies DM28, DM35, DM41 and DM42 of the Development Management Development Plan Document, saved policies E3 and E4 of the Lancaster District Local Plan and the aims and objectives of the NPPF, in particular paragraphs 7, 17 and Section 7 and 11.
2. The development proposed by virtue of the sites position on the north and east sides of a drumlin, partially elevated above surrounding development, together with the inappropriate siting of the vehicular access, would result in overly-prominent development that poorly relates to the existing built form of the settlement and as a consequence will unacceptably encroach the countryside to the detriment of the natural beauty, character and appearance of the AONB and the visual amenity of the countryside area, therefore failing to represent sustainable development. The proposal is therefore contrary to policies SC1, SC5 and E1 of the Core Strategy, policies DM28, DM35, DM41 and DM42 of the Development Management Development Plan Document, saved policies E3 and E4 of the Lancaster District Local Plan and the aims and objectives of the NPPF, in particular paragraphs 7, 17, Section 7 and 11.

7 LAND TO THE REAR OF, DRAGONS HEAD HOTEL, MAIN STREET

A9	17/00352/FUL	Demolition of outbuildings, conversion of barn to dwelling, erection of 3 dwellings with associated landscaping, parking and alterations to the existing access and erection of a first floor side extension over existing pub for Mr Simon Nutter	Upper Lune Valley Ward	R
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A site visit was held in respect of this item on 30th January 2017 minute 126 (2016/2017) refers.

Under the scheme of public participation, Barbara Atkinson representative for the Parish Council spoke in support.

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

“That the application be approved.”

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

Upon being put to the vote, 4 Members voted in favour of the proposition, with 9 against and 1 abstention, whereupon the Chairman declared the proposal to be lost.

It was then proposed by Councillor Dave Brookes and seconded by Councillor Claire Cozler:

"That the application be refused."

Upon being put to the vote, 9 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 refused for the following reasons:

1. The site is located within a small rural settlement with very limited services and as such is not considered to be sustainable in terms of its location. It is not considered that a sufficient and robust justification has been put forward to justify four new dwellings in this unsustainable location. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Sections 6 and 8, Policy SC1 of Lancaster District Core Strategy and Policies DM20, DM42 and DM49 of the Development Management Development Plan Document.
2. The proposed alterations to the barn do not respect the character and appearance of the building and would result in an overly domestic appearance. The design and layout of the new dwellings does not relate well to the surrounding built heritage and fails to provide an appropriate level of private amenity space, including in relation to the barn conversion, and the extension to the public house is not in keeping with the character and appearance of the existing building and is not considered to preserve or enhance the special characteristics of the Conservation Area. It is therefore considered that the proposal does not represent good design and is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 7, and Section 12, and policies DM8, DM31, DM32, DM33, DM35 and DM42 of the Development Management Development Plan Document.
3. As a result of increased traffic movements and poor visibility at the site's entrance, the application has failed to demonstrate that it will benefit from a safe access point onto the public highway. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular Section 4, and policies DM20 of the Development Management Development Plan Document.

Councillor Abbott Bryning left the room at this point and returned during the officer presentation of the following item.

Councillor Dave Brookes had declared an interest in the following item. Councillor Dave Brookes left the room during the determination of the following item and did not participate in the vote.

APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION

8 LAND ADJACENT AIKENGILL, SCOTFORTH ROAD, LANCASTER

A6	17/00073/FUL	Erection of 7 dwellings with associated new access and cycle paths for Fellside Land Developments Ltd	Scotforth East Ward	A(P)
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It was proposed by Councillor Eileen Blamire and seconded by Councillor Helen Helme:

"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 but delegated back to the Chief Officer (Regeneration and Planning) to resolve the outstanding high way issues and subject to the following conditions:

1. Standard 3 year timescale.
2. In accordance with agreed plans.
3. Foul and surface water drainage details.
4. Surface water management and maintenance.
5. Pre-commitment vehicular access to base course and then fully implemented, including protection of visibility splay.
6. External ground levels and finished floor levels.
7. Full construction details of cycleway and subsequent implementation.
8. Off-site highway improvement works for traffic calming measures.
9. Landscaping final detail and maintenance.
10. Material details for dwelling.
11. Location and material details of all boundaries.
12. Implementation of tree protection plan and mitigation measures.
13. Implementation of ecological mitigation measures.
14. First floor window on side elevations for bath rooms to be obscure glazed.
15. Separate drainage of foul and surface water.

The meeting adjourned at 12:30pm and reconvened at 13:30pm.

9 LAND OPPOSITE 26 TO 48, LANCASTER ROAD, OVERTON

A10	16/01136/FUL	Erection of 32 dwellings with associated access, internal roads, open space and landscaping for Messrs Hancock & Grantham	Overton Ward	A(106)
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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, 13 Members voted in favour of the proposition with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Planning Permission be granted subject to a legal agreement to secure 12 affordable housing units, the education contribution, the off-site contribution towards existing public open space and the management and long term maintenance of on-site open space, landscaping and drainage proposals, together with the following conditions:

1. Standard Time Limit.
2. Approved Plans List.

Pre-commencement

3. No development shall commence until a surface water drainage connection between the site and the watercourse (as indicated in the drainage strategy) has been legally secured and provided – to be maintained in perpetuity.
4. Precise details of surface water drainage scheme including full details of the connection pursuant to condition 3.
5. Maintenance and management of surface water drainage scheme including full details of the connection pursuant to condition 3.
6. Detailed Arboricultural Method Statement to be provided.
7. Finished floor levels for units and finished ground levels of roads, gardens and open space/landscaped areas including details of attenuation basin and associated safety measures;
8. Scheme for mitigation as set out in the Habitat Regulations Assessment, including homeowner packs.

Pre-construction of dwellings

9. Full landscaping scheme including details of open space (having regard to recommendations of submitted ecological appraisal and sufficient new planting to mitigate hedgerow loss).
10. Details of pumping station and any associated enclosure.
11. Details of surfacing treatments and materials to parking bays, drives and internal road network, together with details of any external lighting (and associated columns).
12. Samples of external facing materials to the dwellings (including stonework detail/samples), window and door details (construction, design and materials) and roofing details (eaves/verge and ridge including rain water goods).
13. Notwithstanding the details submitted, plot enclosures and boundary details to be agreed and provided in full before occupation and retained at all times.
14. Scheme for cycle parking provision and details.
15. Scheme for provision of electric charging points within the development.

Pre-occupation

16. Car parking to be provided and made available for the parking of cars before occupation of each dwelling and retained at all times thereafter.

Control conditions

17. Unforeseen contamination.
18. The approved access shall to be provided to base course level before the

- construction of the development within the site and provided in full upon completion of the development.
19. Off-site highway works to be provided in full before first occupation unless otherwise agreed in writing with the LPA.
 20. Foul and surface water to be on separate systems.
 21. Areas of open space as indicated on the site plan to be retained as open space at all times thereafter.
 22. Development to be carried out in accordance with Flood Risk Assessment.
 23. Development to be carried out in accordance with Tree Report and updated Tree Protection Plan.
 24. Restriction of timing of hedgerow removal/alterations/works to avoid bird breeding season.
 25. Removal of PD rights (Class B – alterations to a roof) remove PD rights relating to hard surfacing to the front of the properties and erection of fences/walls/measures of enclosure forward of any of the front elevations of the dwellings.
 26. Protection of visibility splays.

10 LAND EAST OF RAILWAY LINE, ST MICHAELS LANE, BOLTON LE SANDS

A11	16/01487/VLA	Variation of legal agreement attached to planning permission 15/01167/FUL to vary the affordable housing provision for Mr Gary Middlebrook	Bolton and Slyne Ward	A(P)
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Members received further information that the City Council's Planning Viability Consultant had advised that the viability of the development was threatened by the scale of the obligations. Having negotiated on the affordable housing contribution, the recommendation to Members was that there were now insufficient grounds to justify refusing the variation to the legal agreement, and that in accordance with national advice, Officers reluctantly were recommending approval based upon viability evidence. The Section 106 shall be varied to amend the affordable housing provision and tenure to provide 4 x 2-bedroom intermediate units. In doing so, it is accepted that the Public Open Space and Education contributions are omitted from the Obligation.

It was proposed by Councillor Helen Helme and seconded by Councillor Susan Sykes:

"That the application be approved."

Upon being put to the vote, 12 Members voted in favour of the proposition, with 2 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the application be approved in principle and delegated to the Chief Officer (Regeneration and Planning) to execute the deed of variation.

11 LAND ADJACENT MARINE ROAD CENTRAL, MARINE ROAD WEST AND
SANDYLANDS PROMENADE , MORECAMBE, LANCASHIRE

A12	17/00304/FUL	Demolition and reconstruction of the Wave Reflection Wall, incorporating creation of new occasional-use vehicular accesses onto the Morecambe Promenade from the Marine Road West, Marine Road Centre and Central Drive roundabouts and at the Marine Road West/Regent Road Junction, creation of new keynote 'up and over' access points opposite the Frontierland Development Site and opposite Regent Road, demolition of an existing toilet block and shelter, upgrading the existing stepped access at West End Gardens and associated works for Lancaster City Council	Harbour Ward	A(P)
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It was proposed by Councillor Malcolm Thomas and seconded by Councillor Claire Cozler:

"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 application being delegated back to the Chief Officer (Regeneration and Planning) for the outstanding matters to be resolved, and the following conditions:

1. Standard 3 year timescale.
2. Development in accordance with approved plans.
3. Materials, including wall and steps, balustrades, surface treatments, seating, lighting, signage, bins, bollards, design of patterned wall embellishments.
4. Details of render to be agreed for the replacement wall and repaired section of wall adjacent to Midland Hotel and on the Stone Jetty.
5. Scheme for planting.
6. Ecological mitigation measures.
7. Works to be undertaken in accordance with the submitted Flood Risk Report.
8. Hours of work (Mon to Fri 0800-1800 and Sat 0800-1400).

9. Noise mitigation measures.
10. Construction Management Plan (including dust control).
11. Off-site highway works, including traffic regulatory orders and any necessary repair works to footpaths/cycleway.

12 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 1.55 p.m.)

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