

**PLANNING AND HIGHWAYS  
REGULATORY COMMITTEE**

**10.30 A.M.**

**26TH JUNE 2017**

**PRESENT:-** Councillors Carla Brayshaw (Chairman), June Ashworth, Dave Brookes, Abbott Bryning, Ian Clift, Claire Cozler, Mel Guilding (Substitute for Sylvia Rogerson), Tim Hamilton-Cox, Janice Hanson (Substitute for Eileen Blamire), Robert Redfern, Susan Sykes, Malcolm Thomas and Phillippa Williamson (Substitute for Helen Helme).

Apologies for Absence:-

Councillors Helen Helme (Vice-Chairman), Eileen Blamire, Karen Leytham, Jane Parkinson and Sylvia Rogerson

Officers in attendance:-

Mark Cassidy	Planning Manager
Andrew Drummond	Development Manager (Planning Applications)
Sarah Hope	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W	-	Withdrawn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
SD	-	Split Decision

**13 MINUTES**

The minutes of the meeting held on the 31<sup>st</sup> May 2017 were signed by the Chairman as a correct record.

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

There were no items of urgent business.

**15 DECLARATIONS OF INTEREST**

Councillor Mel Guilding declared an interest in item A5 17/00340/VCN - Land Rear of Cemetery, Back Lane, Carnforth, the reason being that she had inadvertently mentioned at a Carnforth Town Council meeting on 21<sup>st</sup> June 2017 that she would be supporting the refusal of the application.

**16 SITE VISIT**

A site visit was held in respect of the following applications:

17/00466/CU	Sea View, Ringstones Lane, Lowgill, Lancaster	Lower Lune Valley Ward
17/00224/FUL	Land to the Rear of Pointer Grove and Adjacent to High Road, Halton	Halton with Aughton Ward

The following members were present at the site visit, which took place on Monday 19<sup>th</sup> June 2017:

Councillors Carla Brayshaw, Dave Brookes, Abbott Bryning, Ian Clift, Claire Cozler, Mel Guilding, Jane Parkinson and Robert Redfern.

Officers in Attendance:

Andrew Drummond – Development Manager (Planning Applications)  
Tessa Mott – Democratic Support Officer

**APPLICATIONS SUBJECT TO PUBLIC PARTICIPATION**

***Councillor Mel Guilding had declared an interest in the following item. Councillor Guilding left the room at this point and returned after determination of the item.***

**17 LAND REAR OF CEMETERY, BACK LANE, CARNFORTH**

A5	17/00340/VCN	Outline application for 16 affordable residential units with associated access, drainage and landscaping arrangements (pursuant to the variation of condition 5 on the approved application 11/00668/OUT in relation to flood mitigation measures) for Mr Graham Wallbank	Carnforth and Millhead Ward	R
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Under the scheme of public participation, Ward Councillor Peter Yates spoke against the application and the applicant Graham Wallbank spoke in support.

It was proposed by Councillor Robert Redfern and seconded by Councillor June Ashworth:

“That the application be refused.”

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

***Resolved:***

That the variation to Condition 5 of Planning Permission 11/00668/OUT be refused for the following reason:

1. Without the benefit of the by-pass culvert, which was previously considered necessary to allow for the scheme to be approved, it is considered there would be an increased risk of flooding, and therefore the application fails to conform to Policies DM38 and DM39 of the Development Management DPD, Policy SC1 of the Core Strategy, and Paragraphs 17 and 103 of National Planning Policy Framework.

**18 WOODSIDE, ASHTON ROAD, ASHTON WITH STODDAY**

A8	17/00363/OUT	Outline application for the erection of 1 residential dwelling for Mr Blackwell	Ellel Ward	R
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Under the scheme of public participation, Ward Councillor Susie Charles spoke in support of the application.

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

“That the application be refused.”

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

***Resolved:***

That Outline Planning Permission be refused for the following reasons:

1. The site is located off Ashton Road within the scattered hamlet of Ashton with Stodday. Ashton with Stodday contains minimal key services and as such is not considered to be sustainable in terms of its location. The site does not have immediate and direct access to key services and infrastructure, and would realistically only be accessible by using a private car. In addition it has not been demonstrated that the development would enhance or maintain the vitality of the local community or help sustain services in nearby settlements. There has been no exceptional justification provided to support the provision of a dwelling in this isolated location. As such the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, and does not fall within any of the circumstances set out in Paragraph 55, Core Strategy policy SC1, and Policies DM20 (criteria II) and DM42 of the Development Management Development Plan Document.

19 SEA VIEW, RINGSTONES LANE, LOWGILL

A10	17/00466/CU	Change of use and conversion of redundant agricultural buildings to a single storey dwelling and a domestic storage and garage for Mr George Morphet	Lower Lune Valley Ward	R
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A site visit was held in respect of this item on 19<sup>th</sup> June 2017 minute 16 (2017/2018) refers.

Under the scheme of public participation, Parish Council representative Bronwen Osborne and Ward Councillor Joan Jackson both spoke in support of the application.

It was proposed by Councillor Janice Hanson and seconded by Councillor Robert Redfern:

“That the application be refused.”

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

**Resolved:**

That Planning Permission be refused for the following reason:

1. The site is located within the open countryside, divorced from services and as such is not considered to be sustainable in terms of its location. It is considered that there are no special circumstances, in this instance, to justify a new dwelling in this isolated, unsustainable location. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 6, Policy SC1 of Lancaster District Core Strategy and Policies DM20 and DM42 of the Development Management Development Plan Document.

**APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION**

***Councillor Tim Hamilton-Cox left the meeting at this point and returned during the officer presentation of the following item.***

20 FARMHOUSE TAVERN AND MOTEL, MORECAMBE ROAD, LANCASTER

A6	17/00136/FUL	Change of use and conversion of the tavern into five dwellinghouses (C3) including demolition of conservatory and motel building and erection of 11 dwellinghouses (C3) with associated landscaping and parking for Tom Hill	Skerton West Ward	R
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It was proposed by Councillor Dave Brookes and seconded by Councillor Claire Cozler:

“That the application be refused.”

Upon being put to the vote, 11 Members voted in favour of the proposition and 2 against, whereupon the Chairman declared the proposal to be carried.

***Resolved:***

That Planning Permission be refused for the following reasons;

1. It is considered that the development would not make a positive contribution to the area given inadequate separation distances between dwellings, coupled with a lack of appropriate garden spaces. It is therefore considered that the scheme has not demonstrated good design and the scheme as proposed would compromise the amenity of future and existing residents due to the over-developed nature of the site, and therefore the scheme would fail to conform to Policy DM35 of the Development Management DPD, Policy SC5 of the Core Strategy, and Section 7 of the National Planning Policy Framework.
2. The scheme would potentially adversely impact on a large mature preserved copper beach tree that is established close to the existing conservatory, and given the development has the potential to impact on the root protection area of this impressive, protected specimen, the relationship between the development and the tree is unacceptable. In addition the works to the large mature horse chestnut tree, in terms of the extent of pruning required is considered excessive and as such the development is contrary to Policy DM29 of the Development Management DPD.
3. There are concerns for the setting of the Tavern which results from the siting of Units 6 and 7 in front of the listed building. It is considered that the harm to the setting of this building has not been demonstrated to the satisfaction of the local planning authority, as there is a lack of clear and convincing justification, and therefore the scheme fails to comply with Policies DM30 and DM32 of the Development Management DPD and Paragraphs 132 and 134 of the National Planning Policy Framework.
4. The applicant is not proposing any affordable housing as part of the scheme. Whilst a viability appraisal has been submitted in support of the scheme to demonstrate that it is not viable to support any affordable housing contribution, in the opinion of the Local Planning Authority the applicant needs to reconsider costs put forward as part of the development appraisal as at present there is a lack of confidence in the applicant's assessment and therefore the scheme is considered contrary to Policy DM41 of the Development Management DPD.
5. The Tavern is a former public house, and would have previously provided the community of Scale Hall with a valuable local service. However it is considered that the applicant has failed to provide the necessary compelling and detailed evidence which is required under Policy DM49 of the Development Management DPD to enable the local planning authority to consider its loss is justified and appropriate.

***Councillors Susan Sykes and Phillippa Williamson left the room at this point and did not return to the meeting.***

**21 FARMHOUSE TAVERN AND MOTEL, MORECAMBE ROAD, LANCASTER**

A7	17/00137/LB	Listed building application to facilitate the conversion of the tavern into five dwellinghouses (C3) including demolition of conservatory and motel building and erection of 9 dwellinghouses (C3) for Tom Hill	Skerton West Ward	SD
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It was proposed by Councillor Claire Cozler and seconded by Councillor Dave Brookes:

“That the split decision outlined in the report 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 a split decision is reached. In the first instance;

That Listed Building Consent for internal and external works comprising the insertion of internal partition walls and demolition of internal walls, construction of the extension to the north facing elevation and the demolition of the existing motel units be refused for the following reason:

- 1) At this time there is insufficient justification that the proposed works required to the listed building to facilitate a residential development, as shown on the submitted plans, is the optimum viable use of the building given the use is not established via the planning application it would be premature to support a scheme. Without such justification the local planning authority cannot conclude that the harm identified would be outweighed by the public benefits of the proposal, including securing its optimum viable use, and is therefore considered that the scheme is contrary to DM30 of the Development Management DPD and Paragraph 132 and 134 of the NPPF.

In the second instance;

That Listed Building Consent for external works comprising the removal of the existing conservatory, the removal of the outbuildings, the removal of the fire escape stair, air conditioning units, alarm boxes and service installations, replacement rainwater goods, replacement windows including roof-lights, stone gate posts repaired, steps, paving and balustrades repaired and re-instated and stone boundary walls repairs, can be granted subject to the following conditions;

- 1) LB time Limit.
- 2) Insofar as it relates to the approved works listed above, the development be carried out in accordance with approved drawings.
- 3) Precise LB details to be submitted and agreed with the LPA.

- Precise window and door construction details/sample including colour and finish.
  - Details of stone and stone cill/head samples to reinstated openings.
  - Precise details repair methods to stonework and roof (including mortar and pointing samples and any new roof covering materials).
  - New roof lights to main roof and motel units.
  - Details of the repairs to stone gate posts, stone walls, steps, paving and balustrades.
  - Hardstanding areas to be made good following the removal of the conservatory.
  - Details of rainwater goods.
- 4) Archaeology Recording.

***Councillor Abbott Bryning left the room at this point and returned during the officer presentation of the following item. Councillor Abbott Bryning did not participate in the vote.***

**22 FORMER ST PATRICKS CATHOLIC CHURCH, ST JOHNS ROAD, HEYSHAM**

A9	17/00333/VLA	Variation of legal agreement attached to planning permission 06/00666/FUL to alter the affordable housing provisions for Mrs Carla Clarke	Heysham North Ward	A
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It was proposed by Councillor June Ashworth and seconded by Councillor Janice Hanson:

“That the recommendations out lined in the report be approved.”

Upon being put to the vote, 8 Members voted in favour of the proposition and 1 against, whereupon the Chairman declared the proposal to be carried.

***Resolved:***

That the following recommendations be approved:

- (i) A Deed of Variation to make provisions to allow for a leaseholder “buy back option” to be exercised on 8 St Johns Road and for the resulting 100% freehold ownership to be free of any affordable housing restrictions.
- (ii) Any future applications for Variation of Legal Agreements to the remaining 13 properties constructed under 06/00666/FUL to be delegated to Officer’s to determine.

***The meeting adjourned at 12:50 and reconvened at 12:55.***

**23 5 CHEAPSIDE, LANCASTER, LANCASHIRE**

A11	17/00140/FUL	Change of use of shop (A1) to restaurant (A3) and installation of a flue to the rear for Mr Ali Ezdi	Castle Ward	A
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It was proposed by Councillor Dave Brookes and seconded by Councillor Mel Guilding:

“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. Standard three year time condition.
2. Development to accord with plans.
3. Opening Hours (0800-2300 Monday to Friday; 0800-0200 Saturday, and 1000-2300 Sunday).

**24 LAND ADJACENT TO RAILWAY BRIDGE, ST GEORGES QUAY, LANCASTER**

A12	17/00361/FUL	Siting of a temporary sales cabin with associated parking for Rachael Graham	Castle Ward	A
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It was proposed by Councillor Dave Brookes and seconded by Councillor Robert Redfern:

“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. Temporary consent to 31 December 2017, including land restoration.
2. Development in accordance with approved plans.
3. Car parking to be retained for the duration of the use of the sales cabin.

**25 18 YEALAND DRIVE, LANCASTER, LANCASHIRE**

A13	17/00555/FUL	Partial demolition of existing detached garage and erection of a single storey side and rear extension for Mr & Mrs R Cope	Scotforth East Ward	A(C)
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It was proposed by Councillor Robert Redfern and seconded by Councillor Ian Clift:

“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. Standard three year timescale.
2. Development in accordance with amended plans.
3. Materials to match.
4. Retention of boundary wall between driveway.
5. Removal of permitted development rights – garage to be used solely for the housing of a private motor vehicle or storage associated with the main dwelling.

**26 10 DENNY AVENUE, LANCASTER, LANCASHIRE**

A14	17/00168/FUL	Erection of a single storey rear extension and construction of a disabled access ramp for Mr Greenwood	Skerton West Ward	A
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It was proposed by Councillor June Ashworth 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 following conditions:

1. Standard three year timescale.
2. Development in accordance with amended plans.
3. No balcony on the flat roof.

**27 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 1.13 p.m.)

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