

**PLANNING REGULATORY
COMMITTEE**

10.30 A.M.

25TH APRIL 2022

PRESENT:- Councillors Keith Budden (Chair), Sandra Thornberry (Vice-Chair), Paul Anderton, Victoria Boyd-Power, Dave Brookes, Abbott Bryning, Roger Cleet, Tim Dant, Kevin Frea, Mel Guilding, Janice Hanson, Cary Matthews, Robert Redfern and Peter Yates (substitute for Malcolm Thomas)

Apologies for Absence:-
Councillor Malcolm Thomas

Officers in attendance:-

Mark Potts	Planning Applications Manager
Jennifer Rehman	Principal Planning Officer
Petra Williams	Planning Officer
Robert Clarke	Planning Officer
Daniel Spencer	Lawyer
Eric Marsden	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W	-	Withdrawn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

87 MINUTES

The minutes of 28th February 2022 were agreed as a true record and signed by the Chair.

The meeting scheduled for 28th March 2022 was postponed for public safety reasons following lack of power at Morecambe Town Hall (Urgent Business: 127).

88 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business.

89 DECLARATIONS OF INTEREST

Councillor Keith Budden declared an interest in agenda item A9 21/01295/FUL Hawthorne House, By-pass Road, Bolton-le-Sands. The reason being that the applicants have a family connection to Councillor Keith Budden through marriage. Councillor Budden would recuse himself from the meeting for the duration of consideration of the item.

There were no other declarations of interest.

APPLICATIONS SUBJECT TO PUBLIC PARTICIPATION

90 LAND NORTH OF WHERNSIDE ROAD WATERY LANE LANCASTER

A5	20/01442/FUL	Demolition of existing dwelling and erection of 78 dwellings (C3) with associated vehicular and pedestrian access, internal roads, footpaths and parking, re-grading of land and retaining structures, drainage infrastructure and the provision open space and equipped play area.	Skerton West Ward	R
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A site visit was held in respect of this application on Monday 21st February 2022 by Councillors Paul Anderton, Victoria Boyd-Power, Dave Brookes, Keith Budden, Roger Cleet, Tim Dant, Cary Matthews, Robert Redfern, Malcolm Thomas and Sandra Thornberry. In attendance were Officers Mark Potts, Jennifer Rehman, Charlotte Greenhow, Alex Harrison and Eric Marsden.

Under the scheme of public participation, residents Amy Fischer, Paul Green, Peter Lovett Horn, Alan Sandham and Peter Turnbull spoke against the application; Daniel Hughes (PWA Planning) responded in favour of the application; with Ward Councillors Mandy King and Jean Parr also speaking against the application.

It was proposed by Councillor Sandra Thornberry and seconded by Councillor Dave Brookes, contrary to the officer's recommendation in the report:

"That the application be refused on the grounds that:

1. The proposed development, by virtue of its tight and poorly designed access arrangement, the resulting 'backland' character of the development, together with development elevated on the crest of the existing drumlin feature, fails to constitute high quality design and would not be in-keeping and in scale with the landscape character of the site and its surroundings. Consequently, the development fails to positively influence the overall quality of the area and would not constitute sustainable development, contrary to the requirements of Section 12 of the National Planning

Policy Framework and policies DM29 and DM46 of the Development Management Development Plan Document (DM DPD).

2. Policy DM27 states that the Council will protect amenity spaces, particularly in the main urban settlements of Lancaster, Morecambe, Heysham and Carnforth that are not specifically designated as open space but have an economic, environmental, or social value. The proposed development would result in the loss of a unique area of undesignated natural open space, forming part of an existing drumlin feature with a distinct pond at its crest, within a densely built-up area of North Lancaster. The site is significantly valued and used by the local community for its social (recreation, health, and well-being) and environmental (nature conservation and local landscape) purposes. The sites uniqueness, distinctive character and openness within this urban setting positively contributes to the social and environmental appreciation of it. Furthermore, policy DM44, requires proposals to retain, protect and enhance ecological networks to prevent existing habitats from becoming fragmented and isolated. The proposed development results in the severing of existing ecological corridors (between the existing pond and woods to the north) and proposes the reengineering of the existing pond feature, thereby reducing the overall environmental value of the site further. Consequently, the proposed development would be contrary to the requirements of policies DM27 and DM44 of the Development Management Development Plan Document (DM DPD).

Upon being put to the vote, all 14 Councillors voted in favour of the proposal with none against and no abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be refused on the grounds that:

1. The proposed development, by virtue of its tight and poorly designed access arrangement, the resulting 'backland' character of the development, together with development elevated on the crest of the existing drumlin feature, fails to constitute high quality design and would not be in-keeping and in scale with the landscape character of the site and its surroundings. Consequently, the development fails to positively influence the overall quality of the area and would not constitute sustainable development, contrary to the requirements of Section 12 of the National Planning Policy Framework and policies DM29 and DM46 of the Development Management Development Plan Document (DM DPD).
2. Policy DM27 states that the Council will protect amenity spaces, particularly in the main urban settlements of Lancaster, Morecambe, Heysham and Carnforth that are not specifically designated as open space but have an economic, environmental, or social value. The proposed development would result in the loss of a unique area of undesignated natural open space, forming part of an existing drumlin feature with a distinct pond at its crest, within a densely built-up area of North Lancaster. The site is significantly valued and used by the local community for its social (recreation, health, and well-being) and environmental (nature conservation and local landscape) purposes. The sites uniqueness, distinctive character and openness within this urban setting positively contributes to the social and environmental appreciation of it. Furthermore, policy DM44, requires proposals to retain, protect and enhance ecological networks to prevent existing habitats from becoming fragmented and

isolated. The proposed development results in the severing of existing ecological corridors (between the existing pond and woods to the north) and proposes the reengineering of the existing pond feature, thereby reducing the overall environmental value of the site further. Consequently, the proposed development would be contrary to the requirements of policies DM27 and DM44 of the Development Management Development Plan Document (DM DPD).

COUNCILLOR CARY MATTHEWS LEFT THE MEETING AT 12:05.

**THE CHAIR ADJOURNED THE MEETING AT 12:05
AND RECONVENED AT 12:15.**

**91 LAND AT HIGHER BOND GATE ABBEYSTED ROAD DOLPHINHOLME
LANCASTER**

A6	21/00798/REM	Reserved matters application for the erection of 18 dwellings.	Ellel Ward	A(C)
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Under the scheme of public participation, residents Roy Appleton, Iain Collinson, Rosalind Hayhurst and Allen Norris spoke against the application. Paul Tunstall (JWPC Ltd) responded in favour of the application.

It was proposed by Councillor Keith Budden and seconded by Councillor Mel Guilding:

“That the application be approved subject to the conditions in the Committee Report.”

Upon being put to the vote, all 13 Councillors voted in favour of the proposal with none against and no abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to the conditions in the Committee Report:

1. Standard timescale.
2. Development in accordance with Approved Documents.
3. Materials/Details.
4. Landscaping Details.
5. Boundary Treatments.
6. Plant Screening.
7. Environment Management Plan.
8. Waste Collection.
9. Minimum Reduction against Part L 2013.
10. Development in accordance with BNG Enhancement Measures including Bird and Bat boxes.

92 **LAND AT HIGHER BOND GATE ABBEYSTED ROAD DOLPHINHOLME LANCASTER**

A7 21/00799/REM Reserved matters application Ellet Ward A(C)
for the erection of 9
dwellings.

Under the scheme of public participation, residents Roy Appleton, Iain Collinson, Rosalind Hayhurst and Allen Norris spoke against the application. Paul Tunstall (JWPC Ltd) responded in favour of the application.

It was proposed by Councillor Keith Budden and seconded by Councillor Mel Guiding:

“That the application be approved subject to the conditions in the Committee Report.”

Upon being put to the vote, all 13 Councillors voted in favour of the proposal with none against and no abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to the conditions in the Committee Report:

1. Standard timescale.
2. Development in accordance with Approved Documents.
3. Materials/Details.
4. Landscaping Details.
5. Boundary Treatments.
6. Plant Screening.
7. Environment Management Plan.
8. Waste Collection.
9. Minimum Reduction against Part L 2013.
10. Development in accordance with BNG Enhancement Measures including Bird and Bat boxes.

**THE CHAIR ADJOURNED THE MEETING AT 13:29
AND RECONVENED AT 14:00.**

APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION

93 **LAND NORTH OF A683 BAY GATEWAY, HEATON WITH OXCLIFFE**

A8 21/00695/FUL Installation of a 99.9MW Overton Ward A(C)
battery storage facility with
ancillary development
including 3m high fencing,
battery storage containers,
substation, transformers,
switchroom, control room,
welfare cabin and storage
room, construction of internal

access points, creation of hardstanding and turning area, erection of gates and 4m high CCTV columns, creation of temporary compound area, raising of land levels and construction of new access onto the A683 Bay Gateway.

It was proposed by Councillor Kevin Frea and seconded by Councillor Sandra Thornberry:

“That the application be approved subject to the conditions in the Committee Report.”

Upon being put to the vote, all 13 Councillors voted in favour of the proposal with none against and no abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to the conditions in the Committee Report:

1. Timescale.
2. Approved Plans.
3. Highway Works.
4. Tree Protection Plan/AIA.
5. Final Sustainable Drainage Scheme.
6. CEMP.
7. Access Hard Surfacing.
8. Visibility Splays.
9. Colour samples.
10. Landscaping/biodiversity enhancement scheme/management plan.
11. SuDS Operation/Maintenance Plan/Verification Report.
12. Compound removed/land restored.
13. In accordance with CTMP.
14. In accordance with FRA.
15. Nesting Birds.

COUNCILLOR KEITH BUDDEN LEFT THE MEETING AT 14:11.

**IN THE ABSENCE OF COUNCILLOR KEITH BUDDEN,
COUNCILLOR SANDRA THORNBERRY CHAIRED THE MEETING.**

94 HAWTHORNE HOUSE BYE-PASS ROAD BOLTON LE SANDS

A9	21/01295/FUL	Demolition of existing restaurant and erection of five new dwellings (C3) with associated landscaping and altered access.	Bolton and Slyne Ward	R
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It was proposed by Councillor Robert Redfern and seconded by Councillor Janice Hanson:

“That the application be refused for the reasons set out in the Committee Report.”

Upon being put to the vote, 9 Councillors voted in favour, with 1 against, and 2 abstentions, whereupon the Chair declared the proposal to be carried.

Resolved:

That the application be refused for the reasons set out in the Committee Report:

The applicant has failed to evidence to the satisfaction of the Local Planning Authority that a robust and transparent marketing exercise has taken place demonstrating that the retention of the existing use is no longer economically viable or feasible. In addition, it has not been demonstrated that the current use no longer retains an economic and social value for the community serves. Therefore, the proposed development is contrary to Policy DM56 of the Development Management Development Plan Document and Section 8 of the National Planning Policy Framework.

**COUNCILLOR KEITH BUDDEN RETURNED TO THE MEETING
AND RECOMMENCED AS CHAIR AT 14:25.**

95 DUNALD MILL QUARRY LONG DALES LANE NETHER KELLET

A10	22/00237/CCC	County Council Consultation request for the variation of condition 1 of planning permission LCC/2016/0061 to allow for continued operation of the concrete batching plant until 21 February 2034, with all buildings, plant and associated equipment being removed and the site restored by 21 February 2035.	Kellet Ward	NO
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It was proposed by Councillor Tim Dant and seconded by Councillor Janice Hanson:

“That the City Council has no objection to the proposal subject to the conditions set out in the Committee Report.”

Upon being put to the vote, all 13 Councillors voted in favour, with none against, and no abstentions, whereupon the Chair declared the proposal to be carried.

Resolved:

That the City Council has no objection to the proposal, on the assumption that application LCC/2021/0058 is supported by the County Council, and subject to the imposition of conditions associated with the parent consent remaining.

96 FURNESS COLLEGE TOWER AVENUE LANCASTER UNIVERSITY LANCASTER

A11	22/00041/FUL	Change of use of second floor offices (E) to 7 cluster apartments for student accommodation (Sui Generis) comprising of 1 7-bed, 3 8-bed, 2 9-bed and 1 11-bed and installation of louvers to all elevations.	University and Scotforth Rural Ward	A(P)
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It was proposed by Councillor Tim Dant and seconded by Councillor Robert Redfern:

“That the application be approved subject to the conditions set out in the Committee Report.”

Upon being put to the vote, all 13 Councillors voted in favour, with none against, and no abstentions, whereupon the Chair declared the proposal to be carried.

Resolved:

That the application be approved subject to the conditions set out in the Committee Report and that the Head of Planning and Place be delegated to resolve outstanding noise issues within the statutory determination period and subject to:

1. Time limit.
2. Approved plans.
3. Details and provision of noise attenuation measures.
4. Details and provision of Homeowner packs and information boards.
5. Details and provision of cycle storage.
6. Provision of bin storage facilities.

97 DELEGATED LIST

The Service Head for Planning and Place submitted a Schedule of Planning Applications dealt with under the Scheme of Delegation of Planning Functions to Officers.

Resolved:

That the report be noted.

Chair

(The meeting ended at 2.45 p.m.)

**Any queries regarding these Minutes, please contact
Eric Marsden - Democratic Services: email emarsden@lancaster.gov.uk**