

**PLANNING REGULATORY
COMMITTEE**

10.30 A.M.

18TH SEPTEMBER 2023

PRESENT:- Councillors Sandra Thornberry (Chair), Louise Belcher, Dave Brookes, Keith Budden, Tom Fish, Alan Greenwell, John Hanson, Sally Maddocks (Substitute), Joyce Pritchard, Robert Redfern, Sue Tyldesley and Paul Tynan

Apologies for Absence:-

Councillors Roger Dennison and Jack Lenox

Officers in attendance:-

Mark Potts	Service Manager - Development Management
Mark Jackson	Planning Applications Manager
Rephael Walmsley	Senior Solicitor and Deputy Monitoring Officer
Hannah Little	Legal Assistant
Andrew Clement	Senior 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W	-	Withdrawn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

44 MINUTES

The minutes of 4th September 2023 were agreed as a true record and signed by the Chair.

45 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business.

46 DECLARATIONS OF INTEREST

Councillor Sally Maddocks declared an interest in agenda item A7 23/00750/VCN Land at Grid Reference E346580 N452460 Lancaster Road Cockerham. The reason being that she was Ward Councillor for this application. Councillor Maddocks stated that she would be viewing the application fairly and with an open mind.

Councillors Dave Brookes and Sandra Thornberry each declared an interest in agenda item A9 23/00982/PAD Former Skerton High School Owen Road Lancaster. The reason being that they had both been members of the Cabinet of Lancaster City Council where the application had been previously discussed. Consequently, both Councillors would recuse themselves from the meeting for the duration of consideration of this item.

Senior Solicitor Rephael Walmsley and Legal Assistant Hannah Little each declared an interest in agenda item A9 23/00982/PAD Former Skerton High School Owen Road Lancaster. The reason being that as Legal Officers for the City Council they both had prior involvement in the matter. Consequently, they would both recuse themselves from the meeting for the duration of consideration of this item.

There were no other declarations of interest.

47 HAWESWATER AQUEDUCT, HELKS BROW, WRAY, LANCASHIRE

A5	21/00792/FUL	Proposed works for and use of replacement section of aqueduct, including earthworks and ancillary infrastructure including: a new valve house building within fenced compound with permanent vehicular access provision and an area of proposed ground raising for landscaping, with the installation of a tunnel shaft and an open cut connection area within a temporary construction compound, to include site accesses, storage areas, plant and machinery, and drainage infrastructure. In addition, a temporary satellite park and ride facility with vehicle marshalling area, a temporary residents' parking area; and a series of local highway works.	Halton-with-Aughton and Kellet Ward; Lower Lune Valley Ward	A
----	--------------	---	---	---

It was proposed by Councillor Keith Budden and seconded by Councillor Joyce Pritchard:

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

Upon being put to the vote, 12 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 following conditions and related obligations:

- Time Limit – to allow for the necessary commencement of the scheme.
- Approved Plans and Documents – to ensure effective alignment between the proposed working arrangements and required environmental mitigations.
- Phasing of Works – to allow for the agreement of the LPA to the specific timing/phasing of the proposed works. No works to commence at any specific location until appropriate complete details (including final extent and complete reinstatement proposals) have been submitted to and agreed in writing by the LPA. All works to then accord with those approved details.
- Operating/Construction Code of Practice and Environmental Management Strategies – to tie the proposed ways of working to the agreed method statements and management strategies during the construction phase.
- Final Construction Traffic Management Plan – to require and ensure the appointed contractor’s strict adherence with the agreed construction traffic management plan (CTMT) and arrangements (including specified access routes/impact mitigation measures and other actions) for each phase of development. The condition will also ensure implementation of highway improvements that are required by Lancashire Highways prior to any construction works commencing.
- Appropriate Landscape Restoration, Reinstatement and Aftercare – to ensure the implementation of the required/agreed landscape and other reinstatements and for appropriate extended maintenance period.
- Lower Houses and Other Compounds Schemes – to require the temporary working compound to be appropriately screened (including hoardings and other mechanisms), to be sympathetically illuminated and otherwise appropriately marshalled and operated.
- Valve House Materials – to ensure the use of appropriate local building materials.
- Approved Hours of Working – to ensure compliance with specified/agreed local working arrangements/the CTMP.
- Tree/Landscape Safeguarding and Reinstatement Measures – no works to commence until required/agreed tree and landscape protection measures are in place/comprehensive reinstatement plans submitted and thereafter appropriately reinstated.
- Scheme of Archaeological Works – in order to safeguard areas of archaeological importance.
- Footpath Diversions and Reinstatements – in order to appropriately safeguard and reinstate the affected public footpaths.
- AONB Safeguarding Conditions – requiring a Construction Environment Management Plan, Precautionary Working Methods, Habitat Creation Restoration and Management Plans and the appropriate removal of all temporary construction features.

- Drainage/Flood Risk Assessment/Surface Water Sustainable Drainage/surface Water and Private Water Supply Management Plans – to ensure compliance with all the agreed water management solutions.
- Employment and Skills Plan – to ensure compliance with the proposed related local employment opportunities.

- and subject to the following related planning obligations:

- No Implementation until Waddington Fell Quarry Permission Extant.
- Delivery of Biodiversity Net Gains/Compensatory habitats.
- Provision of the Community Liaison Officer.
- Ecological Clerk of Works.
- Safeguarding of Existing Residences and Premises.
- Traffic Impact Reinstatements.
- Traffic Management Contributions.
- Delivery of North Yorkshire Traffic Enhancements.

48 PENTECOSTAL CHURCH HUNTER STREET CARNFORTH

A6	23/00699/FUL	Relevant demolition of Church and erection of a two storey building comprising of 9 apartments and bin store with associated garden areas and landscaping.	Carnforth and Millhead Ward	W
----	--------------	--	-----------------------------	---

Officers informed the committee that item A6 23/00699/FUL Pentecostal Church, Hunter Street, Carnforth had been withdrawn from the agenda by the applicant.

49 LAND AT GRID REFERENCE E346580 N452460 LANCASTER ROAD COCKERHAM

A7	23/00750/VCN	Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane (pursuant to the variation of condition 3 on planning permission 19/01223/OUT to alter the visibility splays).	Ellel Ward	A(C)
----	--------------	--	------------	------

It was proposed by Councillor Sandra Thornberry and seconded by Councillor Keith Budden:

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

Upon being put to the vote, 12 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 signing and completion of a Deed of Variation to the s106 planning obligation and subject to the following conditions:

1. Two year timescale.
2. Development in accordance with the approved plan (red edge and access).
3. No part of the development shall be occupied or brought into use until the vehicular access hereby approved, as detailed on the Access and visibility splays plan, referenced K39505 17 RevB, dated 26/05/23, has been constructed in accordance with the following approved plans and is available for vehicular use, and shall be retained as such at all times thereafter:

- Section 278 works typical sections and details, referenced 2021-042-C002, dated 07.01.22
- Road and footway sections, referenced 2021-042-C003, dated 07.01.22
- Kerb details plan, referenced 2021-042-C004, dated 07.01.22

No part of the development shall be occupied or brought into use until visibility splays hereby approved, as detailed on the Access and visibility splays plan, referenced K39505 17 RevB, dated 26/05/23, measuring 2.4m x 105m to the north and 2.4m x 60 metres to the south, have been implemented in full on both sides of the approved vehicular access. No walls, fences, trees, hedges, shrubs, ground or other structures within these splays shall exceed 1 metre in height above the centre line of the adjacent carriageway for the lifetime of the development.

4. Scheme for Sustainable Surface Water Drainage.
5. Construction Environmental Management Plan.
6. Submission of Finished Floor and Site Levels.
7. Scheme for Foul Water Drainage Scheme.
8. Employment and Skills Plan.
9. Off-site Highway Works.
10. Provision of Nationally described space standards across all units.
11. At least 20% of the units to be M4 (2) compliant (Accessible and Adaptable) and housing mix to be agreed.
12. Scheme for the provision of open space.
13. Scheme for the connection to the Public Right of Way.
14. Scheme for external lighting.
15. Provision of electric vehicle charging points.
16. Provision of Home Owner Packs.
17. Vegetation clearance to be undertaken from 1st March to 31st July.
18. Scheme to be undertaken in accordance with the ecological mitigation methods.
19. Development in accordance with the submitted AIA.
20. Unforeseen contaminated land.

50 LAND EAST OF ARKHOLME METHODIST CHURCH KIRKBY LONSDALE ROAD ARKHOLME

A8	22/01463/OUT	Outline application for the development of up to 23 residential dwellings and creation of a new access.	Halton-with-Aughton and Kellet Ward	A
----	--------------	---	-------------------------------------	---

It was proposed by Councillor Sandra Thornberry and seconded by Councillor John Hanson:

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

Upon being put to the vote, 11 Councillors voted in favour of the proposal with none against and 1 abstention, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to the following conditions:

- 40% provision of affordable housing (percentage, size, type, phasing to be agreed at Reserved Matters stage based on local housing needs and the tenure of affordable homes split into 50/60% affordable/social rent and 50/40% intermediate tenure);
- Detail, contribution and provision for open space (to be calculated at Reserved Matters Stage);
- Biodiversity net gain, including an updated metric at the time of a reserved matters application, that continues to demonstrate 10% net gain and a Landscape and Ecological Creation and Management Plan showing 30 year management; and,
- Provision for long term drainage, open space and landscaping/BNG, maintenance and management company;

- and subject to the following conditions:

1. Timescale for commencement (2 years).
2. Development in accordance with approved plans.
3. Arboricultural Impact Assessment details, submission of Arboricultural Method Statement and Tree Protection Plan.
4. Final surface water sustainable drainage strategy (SuDS).
5. Foul water scheme.
6. Finished site and floor levels (including gardens and open space).
7. Full landscaping and ecological management plan.
8. Ecology mitigation measures, including updated protected species appraisal.
9. Full energy efficiency measures, at least 4% enhancement.
10. Submission of an Employment and Skills Plan.
11. Submission of construction management plan.
12. Submission of construction surface water management plan.
13. Full details of site access/footway/crossing/lighting.
14. Contaminated land - following recommendations of the report.
15. Boundary and surface treatments remove permitted development.
16. Scheme for the full engineering, drainage and construction details of the internal estate roads.
17. Off-site highway works, including pavements.
18. Visibility splays.
19. Sustainable drainage system operation and maintenance manual.
20. Verification report of constructed sustainable drainage system.
21. Scheme of archaeological work.
22. Public right of way (PROW) connection scheme.
23. Cycle and bin storage details.
24. Housing mix address local need/policy.

- 25. Requirements of M4(2) accessibility and adaptability.
- 26. Nationally Described Space Standards.
- 27. Limit up to 2 storey.

THE CHAIR ADJOURNED THE MEETING AT 11:10 A.M.

THE CHAIR RECONVENED THE MEETING AT 11:15 A.M. AND BROUGHT FORWARD IN THE AGENDA ITEM A10 DELEGATED LIST

51 DELEGATED LIST

The Chief Officer - Planning and Climate Change submitted a Schedule of Planning Applications dealt with under the Scheme of Delegation of Planning Functions to Officers.

Resolved:

That the report be noted.

COUNCILLORS DAVE BROOKES AND SANDRA THORNBERRY RECUSED THEMSELVES FROM THE MEETING FOLLOWING THEIR DECLARATIONS OF INTEREST (ABOVE).

LEGAL OFFICERS REPHAEL WALMSLEY AND HANNAH LITTLE LEFT THE MEETING, AND LEGAL OFFICER DAN SPENCER JOINED THE MEETING, AT 11:15 A.M.

In the absence of the Chair and Vice-Chair, it was proposed by Councillor Robert Redfern and seconded by Councillor Louise Belcher that Councillor Keith Budden be the Chair of the meeting for item A9 23/00982/PAD Former Skerton High School. With no further nominations received, the proposition was carried.

Resolved:

That Councillor Keith Budden be the Chair for the meeting for item A9 23/00982/PAD.

52 FORMER SKERTON HIGH SCHOOL OWEN ROAD LANCASTER

A9	23/00982/PAD	Prior approval for the demolition of former Skerton High School, caretakers house and bunker.	Skerton Ward	R
----	--------------	---	--------------	---

It was proposed by Councillor Joyce Pritchard and seconded by Councillor Keith Budden:

“That prior approval is required and refused due to insufficient information:

- Insufficient information has been provided to justify the removal of the mature trees and landscaping within the immediate vicinity of the school that are categorised as Cat A and B specimens. Thus, the Local Planning Authority does not consider the remediation and visual appearance of the site following the demolition of the buildings to be acceptable.

- Insufficient information has been provided regarding the demolition and remediation of two bunkers that are known within the site. The Local Planning Authority cannot be certain how these elements of the demolition process will be remediated and, as such, it is not therefore possible to conclude that the method of demolition and remediation of the site is acceptable.”

Upon being put to the vote, 7 Councillors voted in favour of the proposal with 1 against and 2 abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That prior approval is required and refused due to insufficient information.

- Insufficient information has been provided to justify the removal of the mature trees and landscaping within the immediate vicinity of the school that are categorised as Cat A and B specimens. Thus, the Local Planning Authority does not consider the remediation and visual appearance of the site following the demolition of the buildings to be acceptable.
- Insufficient information has been provided regarding the demolition and remediation of two bunkers that are known within the site. The Local Planning Authority cannot be certain how these elements of the demolition process will be remediated and, as such, it is not therefore possible to conclude that the method of demolition and remediation of the site is acceptable.

Chair

(The meeting ended at 11.55 a.m.)

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