

**PLANNING AND HIGHWAYS
REGULATORY COMMITTEE**

10.30 A.M.

12TH DECEMBER 2011

PRESENT: Councillors Keith Budden (Chairman), Roger Sherlock (Vice-Chairman), Eileen Blamire, Dave Brookes, Abbott Bryning (for Minute Nos. 115 to 125 only), Roger Dennison, Sheila Denwood, Tim Hamilton-Cox (substitute for Chris Coates), Janice Hanson (substitute for Vicki Price) (for Minute Nos. 115 to 123 only), Helen Helme, Tony Johnson, Andrew Kay (for Minute Nos. 115 to 124 only), Geoff Marsland, Margaret Pattison, Robert Redfern, Sylvia Rogerson (for Minute Nos. 115 to 125 only), Richard Rollins, Ron Sands (for Minute Nos. 115 to 120 only), Susan Sykes and Paul Woodruff

Apologies for Absence:

Councillors Chris Coates and Vicki Price

Officers in Attendance:

Andrew Dobson	Head of Regeneration and Policy Service (for Minute Nos. 115 to 127 only)
Mark Cassidy	Assistant Head (Development Management)
Angela Parkinson	Senior Solicitor
Jane Glenton	Democratic Support Officer

115 MINUTES

The minutes of the meeting held on 14th November 2011 were signed by the Chairman as a correct record.

116 SITE VISIT

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

Application No. 11/00548/CU Land South of Ashton Hall ELLEL WARD
Cottages, Ashton-with-Stodday

The following Members were present at the site visit, which took place on Monday, 5 December 2011:

Councillors Keith Budden (Chairman), Dave Brookes, Janice Hanson, Helen Helme, Geoff Marsland, Margaret Pattison, Robert Redfern, Richard Rollins, Ron Sands and Susan Sykes.

Officers in Attendance:

Andrew Drummond	-	Development Manager (Planning Applications)
Ian Lunn	-	Planning Assistant
Jane Glenton	-	Democratic Support Officer

117 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

In accordance with Section 100B (4) of the Local Government Act 1972 (as amended), the Chairman ruled that the Committee should consider two items of urgent business (1) relating to a request for views on the consultation process for the Heysham/M6 Link Road Infrastructure Planning Commission Acceptance Procedure (Minute No. 123 refers) and (2) relating to an update on the results of ongoing investigations into camping and caravanning activities at Gibraltar Farm, which were the subject of a petition to Council in 2011 (Minute No. 124 refers).

The reasons for urgency were (1) because the Infrastructure Planning Commission had set a deadline for a response by 19th December 2011, and (2) the matter needed to be referred to the Committee for decision rather than be determined under delegated powers.

118 DECLARATIONS OF INTEREST

Members were advised of the following declarations of interest:

Councillor Sheila Denwood declared personal and prejudicial interests in A5 11/00548/CU – Land South of Ashton Hall Cottages, Ashton-with-Stodday, Lancaster - being acquainted with the public speakers.

Councillor Roger Dennison declared personal and prejudicial interests in an item of Urgent Business - Heysham/M6 Link Road Infrastructure Planning Commission Acceptance Procedure (Minute No. 123 refers) - being an objector at the Public Inquiry.

Councillor Sylvia Rogerson declared personal and prejudicial interests in A8 11/00852/FUL, A9 11/00865/LB and A10 11/00853/CON – Lancaster Girls Grammar School, Regent Street, Lancaster - her husband having business dealings with Lancaster Girls Grammar School.

Councillor Susan Sykes declared a personal interest in A8 11/00852/FUL, A9 11/00865/LB and A10 11/00853/CON – Lancaster Girls Grammar School, Regent Street, Lancaster - being a former pupil of Lancaster Girls Grammar School.

119 PLANNING APPLICATIONS

The Head of Regeneration and Policy submitted a Schedule of Planning Applications and his recommendations thereon.

Resolved:

- (1) That the applications be determined as indicated below (the numbers denote the schedule numbers of the applications).
- (2) That, except where stated below, the applications be subject to the relevant conditions and advice notes, as outlined in the Schedule.
- (3) That, except where stated below, the reasons for refusal be those as outlined in the Schedule.

(a) NOTE

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

CATEGORY A APPLICATIONS

Applications to be dealt with by the District Council without formal consultation with the County Council.

APPLICATIONS SUBJECT TO PUBLIC PARTICIPATION

It was noted that Councillor Denwood had declared personal and prejudicial interests in the following item, being acquainted with the public speakers, and left the meeting during its consideration and did not vote on the matter.

120 LAND SOUTH OF ASHTON HALL COTTAGES, ASHTON-WITH-STODDAY, LANCASTER

A5 11/00548/CU Change of use of land to ELLEL WARD R
touring caravan site, erection
of a facilities building,
associated re-grading of land,
landscaping, formation of
access road, lay-bys and cycle
link, and creation of wildlife
pond for Stodday Land Ltd

Under the Scheme of Public Participation, Sarah Walton, Tony Camp and Susan Counsell spoke in objection to the application. Councillor Susie Charles spoke as Ward Councillor in objection to the application.

Members considered the application, the public representations and the Ward Councillor's representation.

It was proposed by Councillor Sherlock and seconded by Councillor Sykes:

"That Planning Permission be granted."

Upon being put to the vote, 7 Members voted in favour of the proposition and 8 against, with 4 abstentions, whereupon the Chairman declared the proposal to be lost.

It was then proposed by Councillor Helme and seconded by Councillor Dennison:

“That Planning Permission be refused.”

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

Upon being put to the vote, 9 Members voted in favour of the proposition and 7 against, with 3 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Planning Permission be refused for the following reasons (suitably worded):

1. Highway safety.
2. Impact of the character of the development upon the countryside and the character of the access road.
3. Impact upon local residential amenity.
4. Precedent.

Councillor Sands left the meeting midway through the following item.

121 ANCHOR BUILDINGS, WESTGATE, MORECAMBE

A12	11/00818/VCN	Chance of use of warehouse and office premises to retail use (in part) and external alterations (pursuant to vary conditions 3 and 4 to allow sale of bulky goods to an extended retail area of 200 sq m for Mr. Ian Rawlins	WESTGATE WARD	R
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Under the Scheme of Public Participation, Councillor David Kerr spoke as Ward Councillor in support of the application.

Members considered the application and the Ward Councillor’s representation.

It was proposed by Councillor Kay and seconded by Councillor Blamire:

“That Planning Permission be refused.

Upon being put to the vote, 11 Members voted in favour of the proposition and 5 against, with 4 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Planning Permission be refused for the following reasons, as set out in the case officer’s report:

1. The proposed development by virtue of its out of centre location is contrary to Planning Policy Statement 4, Policy W5 of the Regional Spatial Strategy, Policy ER5 of the Core Strategy and Lancaster District Local Plan Policy S1.

2. The proposed development by virtue of creating new retail space out of central Morecambe would have an adverse impact on the District's regeneration objectives and therefore is contrary to Policy ER2 of the Core Strategy.
3. The applicant has not been able to adequately demonstrate that the proposed level of parking within the site would be sufficient to accommodate the proposal. Therefore the proposal is likely to put additional pressure on the neighbouring residential roads in terms of on-street parking to the detriment of highway safety and efficiency.

122 24 SUNNYFIELD AVENUE, MORECAMBE

A15 11/00922/FUL Erection of 2 storey side BARE WARD A
extension and raising of the
roof to create a second storey
for Mr. Kevin Lodge

Under the Scheme of Public Participation, Janice Gerrard, Jean Assitt and Mrs. Bailey spoke in objection to the application.

Members considered the application and the public representations.

It was proposed by Councillor Dennison and seconded by Councillor Marsland:

"That the application be deferred to enable a site visit to take place."

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

Resolved:

That the application be deferred to enable a site visit to take place on Tuesday, 3rd January 2012.

APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION

The Chairman advised that, with the agreement of Members, the following items of Urgent Business would be considered next.

It was noted that Councillor Dennison had declared personal and prejudicial interests in the following item, having been an objector at the Public Inquiry, and left the meeting during its consideration and did not vote on the matter.

**123 REQUEST FOR VIEWS ON THE CONSULTATION PROCESS FOR THE HEYSHAM/M6
LINK ROAD INFRASTRUCTURE PLANNING COMMISSION ACCEPTANCE
PROCEDURE**

Members received the report of the Head of Regeneration and Policy to authorise a response to the Infrastructure Planning Commission on the acceptability of the applicant's consultation process by 19th December 2011.

It was reported that the revisions required to reduce the costs of the M6 Link Road scheme following the Comprehensive Spending Review had to be considered by the Infrastructure Planning Commission following the coming into force of the Planning Act 2008. The revised planning application, the side road orders and the proposals for the Compulsory Purchase Order had been considered by the Commission.

Members were advised that the Council was a statutory consultee and would be invited to prepare and submit a Local Impact Report, giving its formal views on the scheme, once the application had been formally accepted. Prior to being sent to the Commission, the Local Impact Report would be submitted to the Committee.

It was reported that before the application was formally accepted, the Council would be asked to examine the developer's Statement of Community Consultation. The developer was the County Council. The Commission would not accept the application for examination unless it was satisfied that the consultations specified in Sections 42, 47 and 48 of the Planning Act had been properly carried out.

Members' authority was sought to respond to a consultation from the Commission on whether, in their view, the duty to consult had been complied with.

It was proposed by Councillor Johnson and seconded by Councillor Sherlock:

"That the Infrastructure Planning Commission be advised that the City Council considers that the duty to consult has been complied with."

Upon being put to the vote, 11 Members voted in favour of the proposition and 3 against, with 3 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the Infrastructure Planning Commission be advised that the City Council considers that the duty to consult has been complied with.

Councillor Hanson left the meeting at this point.

124 ITEM OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN - GIBRALTAR FARM, LINDETH ROAD, SILVERDALE

Members received the report of the Head of Regeneration and Policy to update Committee on the results of ongoing investigations into camping and caravanning activities at Gibraltar Farm, which had been the subject of a petition to Council on 14th September 2011.

It was reported that the petition had complained about errors made by the Regeneration and Policy Service with the issuing of a Certificate of Lawfulness for a seasonable caravan site at Gibraltar Farm and made allegations about other breaches of planning control relating to camping and caravanning activities on the site. The Council had been asked to ensure that its officers continued to investigate those complaints, even though the site owners had successfully rebutted the Council's efforts to correct the error relating to lawful use.

Council had resolved that the Heads of Regeneration and Policy & Health and Housing be instructed to conduct a detailed investigation into the allegations of unlawful activity at Gibraltar Farm and, in consultation with the Head of Governance, to consider the expediency of the case for enforcement or other regulatory action under the Planning acts and other associated legislation, having regard to the impacts on the landscape and amenities of the Arnside/Silverdale AONB, the amenities of local residents and any other material considerations.

It was reported that the Council, as local planning authority, had a duty to investigate alleged breaches of planning control in line with national policy on the enforcement of planning control (PPG 18). The aim of such investigations was to consider whether there was a breach and, if so, whether it was expedient to take enforcement action. Clear evidence of harm, which was defensible at appeal, had to be identified. The Council had to maintain its impartiality when investigating enforcement matters and act in the wider public interest and not simply support the interests of either party in dispute.

Members were advised that the complainants and the landowners had accused the Council, in writing, of acting in a biased manner. Both accusations were completely unfounded, as the Council had pursued only the wider public interest. The objectors had asked Council officers to consider whether there was merit in trying to reach a negotiated settlement with the landowners to try to achieve a resolution to the amenity impacts, which they said were harming the living conditions of local residents and the amenities of the Arnside/Silverdale AONB. Because of the complex nature of the case in terms of planning law, it was being handled by the Head of Regeneration and Policy and the Assistant Head.

It was reported that the landowners had provided the Council with a comprehensive description of what they record as the uses they have undertaken on the site and had identified those activities on a plan of the site. They had indicated a willingness, in principle, to enter into a negotiated settlement and had indicated areas where they had been prepared to self-regulate their use of the land. Officers had discussed the claims made with the objectors to look for areas of common ground.

Members were advised that steps would be taken to assess the planning and enforcement merits of the various claims in detail and to discuss them with an external advisor with a specific expertise in complex enforcement law. In the meantime, the aim would be to continue to discuss the claims of lawful rights with local objectors and consider the self-regulation identified by the land owners to see if there was scope for agreement between the parties to find compromise.

It was proposed by Councillor Blamire and seconded by Councillor Johnson:

- “(1) That the progress made on the investigation be noted.
- (2) That a recommendation on the matter be referred to the Committee for decision.”

Upon being put to the vote, 16 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

- (1) That the progress made on the investigation be noted.

- (2) That a recommendation on the matter be referred to the Committee for decision.

Councillor Kay left the meeting midway through the following item.

125 LAND OPPOSITE 19-25, STRANDS FARM COURT, HORNBY

A6 11/00943/FUL Erection of 10 affordable UPPER LUNE A(C)
dwellings and alteration of VALLEY WARD
access to previously approved
B1 units for Mr. Ian
Beardsworth

It was proposed by Councillor Redfern and seconded by Councillor Blamire:

“That Planning Permission be granted.”

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be clearly carried.

Resolved:

That Planning Permission be granted, subject to the signing and completion of a S106 agreement covering:

- 100% affordable housing provision (including tenure and occupancy criteria).

And the following conditions, as set out in the case officer's report:

1. Standard 3 year timescale.
2. Development to accord with approved plans.
3. Adoptable highway details required.
4. Visibility splays.
5. Parking provision.
6. Wheel cleaning facilities during construction.
7. Landscaping scheme.
8. Notwithstanding plans, external and surface materials – details required (including finishes and colours) – reconstituted stone, natural slate, eaves, ridges and verges, rainwater goods, windows and doors, lintels, porches.
9. Notwithstanding plans, site and plot boundary treatments, including a native hedgerow to the western site boundary.
10. 10% on site renewables.
11. At least Code Level 3.
12. Hours of construction (0800-1800 Monday to Friday and 0800-1400 Saturday only).
13. Dust control.
- 14-17. Contamination conditions.
18. Refuse storage details.
19. Separate drainage system.
20. Surface water management system.
21. Removal of PD rights.

And to the following additional condition (suitably worded):

22. Tree protection areas.

The meeting was adjourned at 1.15 p.m. and reconvened at 1.40 p.m.

Councillors Rogerson and Bryning left the meeting at this point.

126 ST GEORGES WORKS, ST GEORGES QUAY, LANCASTER

A7 11/00885/FUL Phase 1 of Luneside East CASTLE A
Masterplan including external WARD
works, car parking and all
related demolition and
remedial works for Mr. Guy
Illingworth

It was proposed by Councillor Blamire and seconded by Councillor Redfern:

“That subject to the (separate) signing of a Section 278 Highway Agreement, Planning Permission be granted.”

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be clearly carried.

Resolved:

That subject to the (separate) signing of a Section 278 Highway Agreement, Planning Permission be granted, subject to the following conditions, as set out in the case officer's report:

Standard Conditions

1. Standard three-year consent.
2. Development to be carried out in accordance with plans.
3. Hours of construction, including remediation, engineering and demolition to be restricted to 0800-1800, Monday to Saturday only.
4. The use and layout of the ground floor of the premises shall be as stated on Drawing Number AL01 Rev D (dated February 2011) received on 3 October 2011. The use of the upper floors shall be as stated on Drawing Number(s) AL02 Rev D, AL03 Rev D and AL04 Rev D (dated February 2011), all of which were received by the local planning authority (LPA) on 3 October 2011.

Conditions Requiring Formal Discharge Prior to Commencement of Any Site Activity

5. Standard contaminated land condition (including site investigation, submission of Remediation Method Statement, treatment of unforeseen contamination and requirement to produce a Validation Report and Certificate) and subsequent approval of all matters by the LPA.
6. Standard condition – prevention of importing of soil and soil materials unless agreed by LPA.

7. Standard condition – requirement for asbestos site survey.
8. Standard condition – scheme for the control of dust.
9. Standard condition – scheme for the assessment and control of environmental noise impacts.
10. No impact-driven pile-driving (except where already agreed as part of a scheme for environmental noise control).
11. Standard condition – provision of wheel-cleaning facilities with the site for the duration of all remediation, demolition, engineering, conversion and construction activity.
12. Scheme to be agreed with LPA for the route for all demolition, remediation, construction etc. traffic, including the transportation of waste material arising from Phase One only.
13. Standard condition – bat survey and mitigations to be implemented.
14. Standard condition – breeding birds.
15. No works other than site remediation (only) to commence until Demolition Method Statement agreed with LPA.

Conditions Requiring Formal Discharge Prior to Commencement of Development (but not including Works of Remediation, Engineering or Demolition)

16. Standard condition – assessment of activities that may cause contamination of land/water.
17. Surface water drainage to discharge to river subject to agreement with LPA; separate foul drainage systems.
18. Standard condition – finished floor levels to be agreed by LPA.
19. Standard condition – full constructional details of access roads, junctions, visibility splays etc. to be agreed with LPA.
20. Standard condition – the following details shall be agreed with the LPA.
 - Samples of all external materials, including any new stonework, zinc cladding, zinc roofing material and all public realm treatments and external surfaces.
 - Full details of pointing, glazing and curtain walling, canopies, louvres, doors, aluminium windows, new sills and heads, rainwater goods, decking areas, bin store, external seating, rooftop plant area and details of replacement site boundary wall.
 - Details of all external lighting.
 - Details of any stonework cleaning/restoration.
 - Ventilation ducts, fans and motors.
 - Details of all renewable energy technologies to be incorporated as part of providing at least 10% of the predicted energy requirements arising from the development.
21. Standard Landscaping Condition, including details of temporary meadow to be agreed with LPA.
22. Standard Condition – Removal of Japanese Knotweed.

Conditions Requiring Formal Discharge Prior to Occupational/First Use of the Development

23. All approved car parking spaces and motorcycle spaces to be completed to specification and available for use at all times.
24. Details of the covered cycle storage spaces to be agreed with LPA and provided.

25. Scheme for the off-site highway improvements as stipulated by the outline consent to be agreed with LPA, along with a Programme of Implementation.
26. Scheme for the provision of bus service to serve the site as stipulated by the outline consent to be agreed with LPA, along with a Programme of Implementation.
27. Travel Plan for Phase One to be agreed with the LPA and implemented, including a Parking Management Scheme (to prevent commuter parking) and all elements required by Condition 33 of 10/01134/RENU.
28. Standard condition – scheme for the minimisation and dispersal of fumes and odours arising from food preparation and cooking (prior only to first occupation by any A3 use or any A1 use that involves the preparation of food).
29. Scheme for riverfront artwork feature as stipulated by the outline consent to be agreed with LPA along with a Programme of Implementation.
30. Scheme for the management of all public realm areas to be agreed with LPA.

Conditions in Perpetuity

31. No Phase One work hereby approved shall directly or indirectly affect the nearby Pot House site which shall be the subject of archaeological evaluation as part of the future phases of wider site redevelopment.
32. No development to occur within 8m of the inner face of the river defence wall.
33. Standard condition – no walls, trees, fences, etc. within the visibility splays.
34. Standard condition – impervious bunds to any tanks containing oils or chemicals.
35. Hours of use of any use on the ground floor of the premises to be restricted to 0900-2300 daily unless otherwise agreed by the LPA.
36. Standard condition – no external loudspeakers installation.
37. Standard condition – no external storage permitted (except for approved bin storage areas).
38. The converted mill shall achieve at least BREEAM ‘Very Good’ rating (or equivalent).

The Chairman advised that, with the agreement of Members, the following item of business would be brought forward.

127 CASTLE ENGINEERING, ST GEORGES QUAY, LANCASTER

A14	11/00881/CON	Demolition of 2 industrial units for Lancaster City Council	CASTLE WARD	A(C)
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It was proposed by Councillor Blamire and seconded by Councillor Redfern:

“That Conservation Area Consent be granted.”

Upon being put to the vote, 14 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Conservation Area Consent be granted, subject to the following conditions, as set out in the case officer’s report:

1. Standard Conservation Area consent timescale.

2. Works to be undertaken in accordance with the submitted demolition method statement.
3. Hours of construction/demolition – 0800-1800 Monday to Friday, 0800-1400 Saturday.
4. Dust control.
5. Finished surface treatment – details required.
6. Recommendations of the bat survey to be implemented in full.

And subject to the following additional condition (suitably worded):

7. Any materials capable of being re-used to be stored and re-used on site.

Advice Note

Network Rail comments.

The Head of Regeneration and Policy left the meeting at this point.

It was noted that Councillor Rogerson had declared personal and prejudicial interests in the following item, her husband having business dealings with Lancaster Girls Grammar School, but had left the meeting prior to its consideration.

It was noted that Councillor Sykes had declared a personal interest in the following item, being a former pupil of Lancaster Girls Grammar School.

128 LANCASTER GIRLS GRAMMAR SCHOOL, REGENT STREET, LANCASTER

A8 11/00852/FUL Erection of additional sixth DUKE'S WARD A(C)
form teaching building with
ancillary works for the School
Governors

It was proposed by Councillor Blamire and seconded by Councillor Redfern:

“That Planning Permission be granted.”

Upon being put to the vote, 8 Members voted in favour of the proposition and 3 against, with 4 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Planning Permission be granted, subject to the following conditions, as set out in the case officer's report:

1. Standard three year time limit.
2. Development to be undertaken in accordance with the approved plans.
3. Amended plans – render to rear wall and front window detail.
4. Archaeology investigation to be undertaken.
5. Additional tree planting to be agreed and implemented.
6. Tree maintenance regime to be agreed.
7. Tree protection scheme to be implemented as the approved arboricultural report.
8. Re-use of boundary stone wall material and door surround within the scheme.

9. Update of School Travel Plan including regular monitoring audit and update.
10. Sample of roofing slate to be provided for the approval of the LPA.
11. Details of roof ridge, verges and eaves to be provided to the approval of the LPA.
12. Details of any rainwater pipes/outlets to be provided to the approval of the LPA.
13. Details of the new gates including colour facing Queen Street to be agreed to the approval of the LPA.
14. A sample panel of the re-used sandstone walling including the use of the quoins and including hydraulic lime mortar pointing to be provided to the approval of the LPA.
15. A specification of any cleaning of the salvaged sandstone walling material and a sample is to be provided to the approval of the LPA.
16. Details of the coursing and jointing of the new ashlar sandstone walling and window reveal setback is to be provided to the approval of the LPA.
17. A sample of the new ashlar stone is to be provided for the approval of the LPA.
18. Details of the windows and external doors including colours is to be provided to the approval of the LPA.
19. A sample of the zinc material and details of the zinc cladding panels and projecting surrounds including rainwater drainage disposal is to be provided to the approval of the LPA.
20. Details of the base and top of the sandstone ashlar walling is to be provided to the approval of the LPA.
21. Details of the canopy are to be provided to the approval of the LPA.
22. Details of the rooflights are to be provided for the approval of the LPA.
23. The rear elevation to be finished in Weber Monocouche render EARTH ref 012 (or similar to be approved by the LPA) to match the sandstone masonry rather than a rough cast render to the approval of the LPA.
24. Details of the fixing method and colour/finish of the photovoltaic panels are to be provided to the approval of the LPA.
25. Hours of construction 0 0800-1800 Monday to Friday, 0800-1400 on Saturday.

And to the following additional condition (suitably worded):

26. Construction management scheme condition.

129 LANCASTER GIRLS GRAMMAR SCHOOL, REGENT STREET, LANCASTER

A8 11/00865/LB Listed Building Consent for the DUKE'S WARD A
demolition of boundary wall to
Queen Street, Lancaster for
the School Governors

It was proposed by Councillor Blamire and seconded by Councillor Redfern:

"That Listed Building Consent be granted."

Upon being put to the vote, 9 Members voted in favour of the proposition and 2 against, with 4 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Listed Building Consent be granted, subject to the following conditions, as set out in the case officer's report:

1. Standard listed building consent.
2. Works to be undertaken in accordance with the approved scheme.
3. No buildings to be demolished until planning consent is granted for redevelopment and a contract for the works entered into.
4. Site management plan for demolition.
5. Hours of site clearance and demolition restricted 0800-1800 Monday to Friday and 0800-1400 Saturdays only.
6. Re-use of stone and door surrounds to be incorporated within the approved building scheme.

130 LANCASTER GIRLS GRAMMAR SCHOOL, REGENT STREET, LANCASTER

A10 11/00853/CON Conservation Area Consent for DUKE'S WARD A
demolition of part of
technology building to allow
the construction of new sixth
form teaching building for the
School Governors

It was proposed by Councillor Blamire and seconded by Councillor Redfern:

"That Conservation Area consent be granted."

Upon being put to the vote, 10 Members voted in favour of the proposition, with 5 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Conservation Area consent be granted, subject to the following conditions, as set out in the case officer's report:

1. Standard Conservation Area 3 year time limit.
2. No buildings to be demolished until planning consent is granted for redevelopment and a contract for the works entered into.
3. Site management plan for demolition.
4. Hours of site clearance and demolition restricted 0800-1800 Monday to Friday and 0800-1400 Saturdays only.

131 LAND AT MOSSGATE PARK, MOSSGATE PARK, HEYSHAM

A11 11/00861/VCN Reserved Matters Application HEYSHAM A
for the erection of 396 SOUTH WARD
dwellings including associated
infrastructure and public open
space (pursuant to variation of
condition 2 to vary house type
and footprint on 5 plots) for Mr.
John Bennett

It was proposed by Councillor Sherlock and seconded by Councillor Blamire:

“That Planning Permission be granted.”

Upon being put to the vote, 12 Members voted in favour of the proposition, with 3 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Planning Permission be granted, subject to a Deed of Variation being signed and completed to link the new permission to the existing legal agreement, and to the following conditions, as set out in the case officer’s report:

1. List of approved plans.
2. Development in accordance with approved plans.
3. Materials.
4. Boundary treatments.
5. Landscaping scheme.
6. Soft landscaping specification.
7. Landscaping phasing.
8. Tree and hedge protection plan.
9. Landscape maintenance plan.
10. Landscape maintenance – minimum 5 years.
11. Spine road completion before completion and occupation of 250 dwellings.
12. Drainage infrastructure.
13. Traffic calming scheme on Kingsway.
14. Car parking provision.
15. Cycle storage.
16. Construction hours – 0800-1800 Monday to Saturday only.
17. Traffic calming on estate roads.
18. Protection of visibility splays.
19. Construction details of proposed access roads.
20. Protection of forward visibility splays.

132 55 BEAUFORT ROAD, MORECAMBE

A13 11/00941/FUL Erection of a single storey side TORRISHOLME A(C)
and rear extension for Mr. M. WARD
Iftikhar

It was proposed by Councillor Sherlock and seconded by Councillor Denwood:

“That planning permission be granted.”

Upon being put to the vote, 12 Members voted in favour of the proposition, with 3 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That planning permission be granted, subject to the following conditions, as set out in the case officer’s report:

1. Standard Planning Permission Timescale.
2. Amended Plans.

3. Development to be in accordance with approved plans.
4. Materials to match existing property.
5. No trees to be removed.
6. Trees to be protected during construction.
7. Details of means of surfacing, sealing and draining vehicular areas.
8. Garage to be retained solely for car parking in conjunction with the dwelling.

And subject to the following additional condition (suitably worded):

9. Boundary details to be agreed and retained at all times thereafter.

133 7 CHEAPSIDE, LANCASTER

A16 11/00923/CU Change of use from retail DUKE'S WARD A
(Class A1) to coffee shop
(Class A3) for Mr. P. Kirton

It was proposed by Councillor Dennison and seconded by Councillor Denwood:

"That Planning Permission be granted."

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

Resolved:

That Planning Permission be granted, subject to the following conditions, as set out in the case officer's report:

1. Standard 3 year time limit.
2. Development carried out in accordance with approved plans.
3. Hours of opening restricted to 0800 to 1800 Monday to Sunday.

134 WILLIAMSON PARK, WYRESDALE ROAD, LANCASTER

A17 11/00947/LB Proposed remedial work to JOHN A(P)
external steps to Ashton O'GAUNT
Memorial for Lancaster City WARD
Council

It was proposed by Councillor Dennison and seconded by Councillor Redfern:

"That, subject to referral to the National Planning Casework Unit, Listed Building Consent be granted."

Upon being put to the vote, 14 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That, subject to referral to the National Planning Casework Unit, Listed Building Consent be granted, subject to the following conditions, as set out in the case officer's report:

1. Standard Listed Building Consent timescale.
2. Sample of repair work to the Cornish granite steps is to be prepared.
3. Sample of mortar.
4. Re-use of the existing Cornish granite steps, including storage during works.
5. Construction compound and traffic.

135 DELEGATED PLANNING DECISIONS

The Head of Regeneration and Policy submitted a Schedule of Planning Applications dealt with under the Scheme of Delegation of Planning Functions to Officers.

Resolved:

That the report be noted.

136 NEW PLANNING ENFORCEMENT CHARTER

Members received the report of the Head of Regeneration and Policy advising of the Development Management Team's Draft Planning Enforcement Charter and seeking formal adoption of this.

It was reported that some local planning authorities had developed specific guidance or established a formal Charter in respect of their planning enforcement activities. It was proposed that a new Planning Enforcement Charter be adopted by the City Council to provide an overview of the role of enforcement within the planning system; advice regarding types of development and unauthorised development, an 'Order of Priority' for all planning enforcement complaints; revised formal timescales for acknowledgment of planning enforcement complaints and timescales for visiting sites that are the subject of enforcement investigations; advice regarding the issues of 'expediency' and 'harm'; details of planning enforcement methods; remedies and penalties for non-compliance; and a Code of Conduct for the Planning Enforcement Officers.

Members were advised that a previous report to the Committee in 2005 had identified that breaches of planning control could be split into 3 priority areas, namely (1) those that required 'prompt action with immediate effect'; (2) those that would be considered in date order; and (3) those that were considered to be 'low priority' because the development caused no demonstrable harm.

It was reported that the 2011 Order of Priority developed the system further to reflect enforcement priorities in both the national and local context by categorising types of unauthorised development based upon the severity of the alleged breach of planning control, as follows:

- *High Priority* – including works that constituted a criminal offence, such as unauthorised works to listed buildings or preserved trees;
- *Medium Priority* – including unauthorised works or development within areas of protected landscape, or where development caused demonstrable harm;
- *Low Priority* – including minor breaches of planning control that appear to cause little or no demonstrable harm;

- *Lowest Priority* – minor development that would have benefited from planning permission (had a retrospective application been submitted), or complaints submitted anonymously.

Members were advised that the Planning Enforcement Charter would be an important element in the continuing modernisation of the Development Management Service, and the advice it would provide, alongside the formal introduction of target timescales, would mean that the enforcement function could rise to the continual challenges posed by unauthorised development in the district.

It was proposed by Councillor Denwood and seconded by Councillor Redfern:

- “(1) That agreement be given to the immediate formal adoption of the Planning Enforcement Charter.
- (2) That, following adoption, the Charter be cross-referenced in the emerging Development Management Development Plan Document (DPD).”

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be clearly carried.

Resolved:

- (1) That agreement be given to the immediate formal adoption of the Planning Enforcement Charter.
- (2) That following adoption, the Charter be cross-referenced in the emerging Development Management Development Plan Document (DPD).

137 OFFICER SCHEME OF DELEGATION

Members received the report of the Head of Governance to enable the Committee to approve an updated scheme of delegation to officers in respect of matters within its terms of reference.

It was reported that Part 3, Section 15 (Scheme of Delegation to Officers) of the Council’s Constitution was currently being reviewed to ensure that it was up to date and reflected the Council’s operational needs.

Cabinet and each regulatory committee approved the delegations within their terms of reference. It was intended that delegations be reviewed so that an updated Scheme of Delegation, which made it clearer which member body is responsible for each delegation, could be brought to Council for approval and subsequent inclusion in the Constitution.

A revised list of officer delegations in respect of the areas of work which fell within the remit of the Planning and Highways Regulatory Committee was set out in Appendix 1 to the report. The list had been drafted to meet the operational and legal requirements of the planning and highway matters for which the Committee had responsibility.

It was proposed by Councillor Sherlock and seconded by Councillor Redfern:

“That the delegations to officers, for inclusion in the Council’s Constitution as part of the Scheme of Delegation to Officers, be approved.”

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be clearly carried.

Resolved:

That the delegations to officers, for inclusion in the Council’s Constitution as part of the Scheme of Delegation to Officers, be approved, as follows:

TO THE HEAD OF REGENERATION AND POLICY

In consultation with the Head of Governance or the Legal Services Manager, to instruct Counsel to advise and/or represent the Council.

To designate authorised officers for the purposes of Sections 196A, 196B, 214B, 214C, 219, 324 and 325 of the Town and Country Planning Act 1990 and Sections 88 and 88A of the Planning (Listed Buildings and Conservation Areas) Act 1990, who may then act on behalf of the Council under the relevant legislation in accordance with their designation as authorised officer.

To set fees and charges for planning applications and any other services provided under the terms of reference of the Committee.

TO THE HEAD OF REGENERATION AND POLICY AND ANY OTHER STAFF DESIGNATED BY HIM/HER IN WRITING

To determine applications under the provisions of Part III and VIII of the Town and Country Planning Act 1990 and Part I of the Planning (Listed Buildings and Conservation Areas) Act 1990, having regard to the approved Development Plan and any relevant approved statement of policy, including proposals affecting Listed Buildings or in Conservation Areas EXCEPT for the following categories of development:

- Applications in the major category as defined by the DCLG which are recommended for approval and are the subject of any objections
- Applications recommended for approval which are departures from the Development Plan
- Applications made by the City Council or major applications made by the County Council
- Applications by Members or officers of the Council and other parties where considerations of probity indicate that a Committee decision is required
- Any application which the Head of Regeneration and Policy considers should be determined by the Committee
- Any application which a member of the Council asks to be referred to the Committee

To secure compliance with associated conditions or legal agreements in respect of any planning permission granted, to vary such conditions or agreements and to discharge any requirements of such agreements.

To respond to consultations under the provisions of sections 42 and 43 of the Planning Act 2008 with the exception of responding formally to the Infrastructure Planning

Commission or its successors in title under Sections 55 and 60 with the council's view on Statements of Community Involvement and Local Impact Reports.

To decline to determine applications for planning permission pursuant to Section 70A of the Town and Country Planning Act 1990.

To determine requests for amendments to submitted or determined planning applications or other development related consents.

To advertise and consult on advertising of planning and other like applications.

In conjunction with the Head of Governance to contest appeals regarding matters within the terms of reference of the Planning and Highways Regulatory Committee.

To serve notices for the preservation/repair of Listed Buildings or buildings/structures worthy of listing under the provisions of sections 3, 48 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

To make and enforce Tree Preservation Orders and related provisions.

To determine applications for Certificates of Lawful Use or Lawful Development under the provisions of Section 191- 94 of the Town and Country Planning Act 1990.

To issue a screening opinion or a scoping opinion under the Provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

To waive the charge for the making of Revocation and Modification Orders in appropriate cases.

To serve statutory notices in respect of any highway matter within the terms of reference of the Planning and Highways Regulatory Committee.

To make observations on development and development plans proposed by neighbouring authorities.

TO THE HEAD OF GOVERNANCE AND LEGAL SERVICES MANAGER AND ANY OFFICERS DESIGNATED BY EITHER OF THEM IN WRITING

To make appropriate arrangements for the institution or defence of any legal proceedings relating to matters within the terms of reference of the Planning and Highways Regulatory Committee.

To prepare any documentation necessary to bring into effect a decision of the Planning and Highways Regulatory Committee.

In consultation with the Head of Regeneration and Policy to issue, serve and withdraw Enforcement Notices, Stop Notices and Temporary Stop Notices, Planning Contravention Notices, Breach of Condition Notices and Notices under Section 215 of the Town and Country Planning Act 1990.

To make arrangements for the service of notices under Section 330 of the Town and Country Planning Act 1990.

Chairman

(The meeting ended at 2.50 p.m.)

**Any queries regarding these Minutes, please contact
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jglenton@lancaster.gov.uk**