

**PLANNING AND HIGHWAYS
REGULATORY COMMITTEE**

10.30 A.M.

6 JANUARY 2014

PRESENT:- Councillors Keith Budden (Chairman), Roger Sherlock (Vice-Chairman), Eileen Blamire, Dave Brookes, Roger Dennison, Helen Helme, Tony Johnson, Andrew Kay, Richard Newman-Thompson (Substitute for Sheila Denwood), Margaret Pattison, Robert Redfern, Sylvia Rogerson, Ron Sands, Malcolm Thomas (Substitute for Richard Rollins) and Paul Woodruff

Apologies for Absence

Councillors Sheila Denwood and Richard Rollins

Officers in attendance:-

Mark Cassidy	Assistant Head (Regeneration and Planning) Development Management
Andrew Drummond	Development Manager (Planning Applications)
Angela Parkinson	Senior Solicitor
Martin Brownjohn	Environmental Protection District Team Leader
Tom Silvani	Democratic Support Officer

95 MINUTES

The minutes of the meeting held on 9 December 2013 were signed by the chairman as a correct record.

96 SITE VISIT

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

A5 13/01018/FUL Land to the Side of Willey Lane, Willey Ellet Ward
Lane, Cockerham

The following members were present at the site visit, which took place on Friday 3 December 2013:

Councillors Keith Budden (Chairman), Helen Helme, Tony Johnson, Margaret Pattison, Richard Rollins and Roger Sherlock.

Officers in Attendance:

Mark Cassidy	-	Assistant Head Regeneration and Planning (Development Management)
Karl Glover	-	Planning Assistant
Jenny Kay	-	Democratic Support Officer

97 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

98 DECLARATIONS OF INTEREST

Members were advised of the following declarations of interest:

Councillor Brookes declared an interest in A7 **13/01099/FUL** – Land Opposite 1 And 2 Farm View, Ridge Lane (northern), Lancaster – as the applicant was a member of the Green group.

Councillor Kay declared an interest in A7 **13/01099/FUL** – Land Opposite 1 And 2 Farm View, Ridge Lane (northern), Lancaster – as the applicant was a member of the Green group, and he was directly involved with the project.

99 PLANNING APPLICATIONS

The Chief Officer (Regeneration and Planning) 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

APPLICATIONS SUBJECT TO PUBLIC PARTICIPATION

100 LAND TO THE SIDE OF WILLEY LANE, WILLEY LANE, COCKERHAM

A5 **13/01018/FUL** Erection of 17 two storey Ellet Ward A
affordable dwelling houses,
associated landscaping and
creation of new access for R P
Tyson Construction Ltd

Under the scheme of public participation, Margaret Williams, Philip Irvine, Chris Green and Denis Reilly spoke in objection to the application. Andy Armstrong of Condry & Lofthouse Ltd spoke in support, and Councillor Susie Charles spoke in objection as ward councillor.

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

“That the application be approved”

Upon being put to the vote, 12 members voted in favour of the proposition and 1 against, with 2 abstentions, whereupon the chairman declared the proposition to be carried.

Resolved:

That planning permission be granted subject to the following conditions, as set out in the case officers report, with the removal of conditions 13 and 14, and variations to conditions 6, 7, 15 and 27:

1. Time Limit – Standard three year consent
2. Amended plans and documents received – 6th November 2013
3. Amended documents in relation to tree works received – 13th November 2013
4. Works must be undertaken in accordance with Arboricultural Impact Assessment dated 6th November 2013
5. Full Arboricultural Method Statement to be provided
6. Full details of all hard and soft landscaping to be provided and maintained thereafter
7. No development to commence until all boundary treatments have been agreed, including secure fencing to the boundary of The Nest, and hedgerow planting to the southern and eastern site boundaries (suitably worded)
8. No development to commence until details of all external materials have been provided and agreed
9. Development to be carried out in accordance with the Ecological Survey and mitigation measures proposed
10. The site internal estate road must be constructed in accordance with LCC Specification for Construction of Estate Roads
11. Protection of the visibility splays
12. No development to commence until:
 - The re-alignment of existing kerb lines along the dual carriageway of A588 have been completed
 - Re-location of north bound bus stop to a location on Marsh Lane
 - Scheme for off site highway works including the introduction of TRO on Lancaster Road for the implementation of reducing the speed limits from

- 40mph to 30mph
 - Once TRO has been successful then creation of variable interactive signs review of public lighting and signage
13. New vehicular access gates to be set back 2.4m from carriageway
 14. Before vehicular access is used for vehicular purpose the first 2.4m in to site shall be tarmac
 15. Construction management plan including wheel cleaning facilities; dust control; site security; location of site compound, welfare facilities, material storage, contractors parking.
 16. No development to commence until a scheme for construction of a means of access from Lancaster Road has been submitted
 17. No part of the development shall be occupied or opened for trading until conditions 10, 12 and 16 have been constructed and completed
 18. Hours of Construction - 0800-1800 Mon to Fri and 0800-1400 Sat only
 19. Investigation and remediation of contaminated land
 20. Details in relation to the importation of soil, materials & hardcore
 21. Scheme for the prevention of new contamination
 22. Bunding of Tanks containing fuels/solvents
 23. Separate drainage system
 24. Scheme for surface water drainage system
 25. Removal of permitted development rights for Part 1 and Part 2 Schedule 2 of the GPDO.
 26. Removal of permitted development rights for fences and walls
 27. Removal of permitted development rights for outbuildings and for creating areas of hardstanding on front and rear gardens (suitably worded)
 28. The dwellings hereby approved shall be and remain 100% Affordable Housing at all times
 29. Sustainable construction - at least Code level 3

APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION

101 MARKET HALL, COMMON GARDEN STREET, LANCASTER

A6	13/01172/FUL	Alterations (including selected demolition) and extension to former Market Hall and existing retail units to create a 2-storey retail unit, including associated realignment of existing pedestrian mall and creation of a new pedestrian mall into Marketgate	Duke's Ward	A
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It was proposed by Councillor Johnson and seconded by Councillor Blamire:

"That the application be approved"

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the chairman declared the proposition to be carried.

Resolved:

That planning permission be granted subject to the following conditions as set out in the case officer's report, and a variation to condition 4:

1. Standard 3-year consent.
2. Development as per approved plans.
3. No opening of the main retail unit until the reconfigured pedestrian mall and the new pedestrian mall are both constructed in accordance with the approved plans, and are fully available for pedestrian use.
4. Prior to commencement (and notwithstanding the details indicated on the plans), precise details of the following materials to be agreed in writing:
 - All stonework
 - Render and paint colours and finishes
 - New escape gates
 - Footway treatments
 - Lighting
 - CCTV camera at Golden Ball Lane
 - All louvres and plant equipment
 - All new canopies, walkway ceilings and rainwater goods
 - Windows, doors, pillars, stallrisers, pilasters and all glazing
 - Stone cleaning methodology
5. Both of the reconfigured pedestrian malls shall be maintained as open malls at all times thereafter (i.e. no gating or enclosure)
6. Standard hours of construction condition
7. Standard unforeseen land contamination condition

It was noted that Councillor Brookes had previously declared an interest in the following item, being a member of the Green group, and left the room during its consideration and did not vote on the matter.

It was noted that Councillor Kay had previously declared an interest in the following item, being a member of the Green group, and being involved with the project, and left the room during its consideration and did not vote on the matter.

102 LAND OPPOSITE 1 AND 2 FARM VIEW, RIDGE LANE (NORTHERN), LANCASTER

A7	13/01099/FUL	Installation of metal container, creation of hardstanding for parking, erection of four polytunnels and two compost toilets within wooden sheds associated with horticulture	Bulk Ward	A(C)
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It was proposed by Councillor Dennison and seconded by Councillor Thomas:

"That the application be approved"

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the chairman declared the proposition to be carried.

Resolved:

That planning permission be granted subject to the following conditions as set out in the case officer's report, with a variation to condition 8 and additional condition 9:

1. Standard 3 year time limit
2. Development to be built in accordance with approved plans
3. Use of the hardstanding and parking area in association with Claver Hill field only
4. Hours of Construction
5. Provision of a detailed tree/hedgerow planting scheme
6. Tree protection plan/method statement
7. No loss of hedgerows
8. Submission of a management plan covering details of service infrastructure requirements, finishes and condition of proposed structures and the retailing module
9. Removal of agricultural and horticultural permitted development rights over and above that shown on the approved plans (suitably worded)

Councillors Brookes and Kay returned to the meeting at this point.

103 1 BANK CLOSE, GALGATE, LANCASTER

A8 13/00952/FUL Erection of a conservatory to Ellet Ward A
the side

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

"That the application be approved"

Upon being put to the vote 14 members voted in favour of the proposition and 1 against whereupon the chairman declared the proposition to be carried.

Resolved:

That planning permission be granted subject to the following conditions:

1. Standard 3 year timescale
2. Development to be carried out in accordance to approved plans

Councillor Sands was absent from the room for part of the debate regarding the following item and did not take part in the vote.

104 110 PATTERDALE ROAD, LANCASTER, LANCASHIRE

A9 13/01124/FUL Erection of a single storey rear Bulk Ward A
extension and access ramp

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

“That the application be approved”

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the chairman declared the proposition to be carried.

Councillor Sands did not take part in the vote.

Resolved:

1. Standard 3 year timescale
2. Development to be carried out in accordance to approved plans

OTHER ITEMS:-

105 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

The chairman advised that, with the agreement of members, the following item of business would be brought forward and considered prior to agenda item no. 11.

**106 URGENT BUSINESS REPORT - VARIATION TO PLANNING & HIGHWAYS
REGULATORY COMMITTEE RESOLUTION - MOSSGATE PARK, HEYSHAM**

The Chief Officer (Governance) submitted a report to advise members of action taken by the Chief Executive, in consultation with the chairman of the Planning and Highways Regulatory Committee.

That there be a variation to Planning and Highways Regulatory Committees resolution on 11th November 2013 in accordance with minute 78 which enables the Chief Officer (Regeneration and Planning) to either issue the decision as originally resolved or refuse the application should the legal agreement not be signed, completed, and sealed before 21st December 2013.

The committee were advised that the Chief Executive, in consultation with the chairman of the Planning & Highways Regulatory Committee had been requested to agree a variance to the resolution of the Planning and Highways Regulatory Committee on 11 November 2013 to delay the issuing of a decision on Miller Homes planning application 13/00964/FUL for one week.

Members were advised that the reason for the urgency was that the Planning and Highways Regulatory Committee had set a deadline of 13 December 2013 for this decision to be issued to require the developer Miller Homes to deliver planning obligations under section 106 of the Planning Acts. Miller Homes had failed to meet the deadline, but

had arrangements in place to complete the required legal agreement by 20th December 2013. A further extension of time for one week was deemed acceptable in the circumstances as refusal of the application and the subsequent delay in resubmission could have prejudiced external funding from the homes and communities agency to assist in the delivery of the affordable housing on this site.

After consulting with the chairman of the Planning and Highways Regulatory Committee, the Chief Executive had taken the decision, as set out below:

That there be a variation to Planning and Highways Regulatory Committees resolution on 11th November 2013 in accordance with minute 78 which enables the Chief Officer (Regeneration and Planning) to either issue the decision as originally resolved or refuse the application should the legal agreement not be signed, completed, and sealed before 21st December 2013.

Resolved:

That the action taken by the Chief Executive, in consultation with the chairman of the Planning & Highways Regulatory Committee, in accordance with the Scheme of Delegation, be noted

The meeting adjourned at 1.05 p.m. and reconvened at 1.30 p.m.

Councillor Woodruff left the meeting at this point.

During consideration of the following item Councillor Blamire left the meeting and did not return.

107 CAMPING AND CARAVANNING AT GIBRALTAR FARM, SILVERDALE

The Chief Officer (Regeneration and Planning) submitted a report to inform members of the conclusion of a legal agreement to resolve a planning dispute into camping and caravanning activities at Gibraltar Farm, Silverdale.

Members were advised of the actions taken by officers following resolutions made by the committee in March 2013, to resolve a planning dispute concerning camping and caravanning at Gibraltar Farm, Silverdale. The details of the legal agreement that had been concluded between the city council and the owners of the camping and caravan site were presented to the committee in detail.

The key aspects and benefits of the legal agreement were outlined to members as follows:

	Planning matter	Benefits
1	Site owners and City Council have agreed clear identification of caravan and camping areas, with all land areas and features mapped. Caravan numbers limited to 60 (except for rallies, see (4) below): tent numbers limited to 60. These	All parties know the permitted numbers and agree the specific areas to be used for tents and caravans. Any changes to the agreed numbers will require planning consent and amended Environmental Health site licences.

	Planning matter	Benefits
	capacities tied to the City Council's Environmental Health site licences.	
2	Site owners have agreed not to hold events which require an events licence.	This aspect of the agreement deals with one of the principal concerns of local residents, relating to noise generated by events held on the site.
3	Site owners have agreed that the caravan site will be used for holiday purposes only.	This ensures that the site will not be used for residential purposes.
4	Site owners and City Council have agreed to allow caravan rallies on land at Gibraltar Farm for 28 days a year by Exempted Organisations, up to a maximum of 50 caravans.	This regularises the times and numbers of caravans allowed on the land at levels lower than have used the site in the recent past. These are agreed to be restricted to the area which has been used in the past and not to spread over other parts of the site.
5	Site owners have also agreed to relinquish their permitted development rights on all other open land currently used for agriculture at Gibraltar Farm.	This distinguishes the boundaries of the caravan park from the farm land and makes clear the City Council's intent to prevent camping and caravan use spreading to the land in open agricultural use.
6	Site owners and City Council have agreed a number of detailed matters including the number of electrical hook-ups (60), hard standings (37), and the location of the main access tracks to service the site. It also ensures that no tents or caravans will be positioned within the woodland areas.	This clarifies some of the detailed matters, for the avoidance of doubt.
7	Site owners will allow the City Council to monitor the agreement, to check compliance.	This will be undertaken by occasional pre-arranged and un-announced visits.

It was advised that two aspects of the committee's resolution had not been delivered during the investigation; firstly the council had had to concede that no enforcement action could be taken against the extension to the tent camping area; secondly, the positioning of some hard standings could not be challenged because the works had been undertaken more than four years prior to the decision to take enforcement action. Officers advised that these aspects of the committee's resolution had been considered less important than the need to stop further spread of this usage across the larger farm site, and the need to control the intensity of use.

The agreement was considered to be a good and fair outcome for the city council in exercising its planning responsibilities, and is better than was originally envisaged when negotiations had begun with the owners of Gibraltar Farm. It was advised that officers would continue to engage with the site owners and local residents, to ensure that all aspects of the agreement were understood and complied with.

The case had prompted the need to review the city council's planning policies for camping and caravanning uses within the AONB, and this would be done as part of the preparation of the Arnsdale and Silverdale Development Planning Document (DPD).

The committee were advised that officers intended to meet with local residents in order to explain the details of the legal agreement with the owners of Gibraltar Farm.

The Committee wished to thank Officers from Regeneration & Planning and Legal Services who have been responsible for completing the negotiations.

Resolved:

That the report be noted

Chairman

(The meeting ended at 1.43 p.m.)

**Any queries regarding these Minutes, please contact
Tom Silvani, Democratic Services: telephone (01524 582132) or email
tsilvani@lancaster.gov.uk**