

**PLANNING AND HIGHWAYS
REGULATORY COMMITTEE**

10.30 A.M.

13TH NOVEMBER 2017

PRESENT:- Councillors Carla Brayshaw (Chairman), Helen Helme (Vice-Chairman), June Ashworth, Jon Barry, Eileen Blamire, Dave Brookes, Abbott Bryning, Ian Clift, Claire Cozler, Andrew Kay, Jane Parkinson, Robert Redfern, Sylvia Rogerson, Susan Sykes and Malcolm Thomas

Officers in attendance:-

Mark Cassidy	Planning Manager
Andrew Drummond	Development Manager (Planning Applications)
Paul Cartmell	Senior Environmental Health Officer (Minutes 77-81)
Angela Parkinson	Senior Solicitor
Tessa Mott	Democratic Support Officer

Applications were determined as indicated below (the numbers denote the schedule numbers of the applications).

Except where stated below, the applications were subject to the relevant conditions and advice notes, as outlined in the Schedule of Planning Applications.

Except where stated below, the reasons for refusal were those as outlined in the Schedule of Planning Applications.

A	-	Approved
R	-	Refused
D	-	Deferred
A(C)	-	Approved with additional conditions
A(P)	-	Approved in principle
A(106)	-	Approved following completion of a Section 106 Agreement
W	-	Withdrawn
NO	-	No objections
O	-	Objections

The Chairman noted with sadness the recent death of Councillor Roger Sherlock. Prior to the commencement of the meeting, the Committee stood for one minute silence in his memory.

77 MINUTES

The minutes of the meeting held on the 16th October 2017 were signed by the Chairman as a correct record.

78 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

79 DECLARATIONS OF INTEREST

Councillor Jane Parkinson declared an interest in item A5 17/00770/RCN 23-25 North Road, Lancaster. The reason being that she is the owner of a student property within the area.

Councillor Helen Helme declared an interest in item A6 17/00970/OUT Land at Higher Bond Gate, Abbeystead Road, Dolphinholme. The reason being that she is a member of Ellel Parish Council. Councillor Helen Helme stated that she abstained from voting when the Parish Council made their decision regarding the item.

Councillor Susan Sykes declared an interest in item A7 17/00736/OUT Land North of 17 Main Street, Warton. The reason being that she is the Ward Councillor and she requested that the item be brought to the Committee.

Councillor Ian Clift declared an interest in item A9 17/00868/FUL Bay Scaffolding, Northgate, White Lund Industrial Estate. The reason being that he is a Member of Heaton with Oxcliffe Parish Council.

Councillor Dave Brookes declared an interest in both items A14 17/01151/FUL The Storey, Meeting House Lane, Lancaster and A15 17/01207/LB The Storey, Meeting House Lane, Lancaster. The reason being that he is the Treasurer of the Friends of the Storey Gardens which is funding the works within the applications.

80 SITE VISIT

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

17/01074/HYB	Land at Royal Albert Farm, Pathfinders Drive, Lancaster	Scotforth West Ward
17/00947/FUL	Craggs of Conder Green, Thurnham Mill, Thurnham	Ellel Ward
16/01551/FUL	Land at Bowerham Lane, Lancaster	Scotforth East Ward
17/00868/FUL	Bay Scaffolding, Northgate, White Lund Industrial Estate, Morecambe	Westgate Ward

The following Members were present at the site visit, which took place on Monday 6th November 2017:

Councillors June Ashworth, Stuart Bateson, Carla Brayshaw, Dave Brookes, Abbott Bryning, Ian Clift, Claire Cozler, Helen Helme, Jane Parkinson, Robert Redfern, Sylvia Rogerson, Susan Sykes and Malcolm Thomas.

Officers in Attendance:

Andrew Drummond – Development Manager (Planning Applications)
Mark Potts – Major Applications Planning Officer

Petra Williams – Planning Officer
Tessa Mott – Democratic Support Officer

Councillor Jane Parkinson had previously declared an interest in the following item. Councillor Jane Parkinson left the meeting at this point and returned after deliberation of the following item.

APPLICATIONS SUBJECT TO PUBLIC PARTICIPATION

81 23-25 NORTH ROAD, LANCASTER

A5	17/00770/RCN	Phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising 32 studios, one 3-bed, two 5-bed cluster flats (C3), four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis) and gym area with associated internal and external alterations, erection of two 2-storey rear extensions, associated landscaping and carparking and Relevant Demolition of existing rear extensions (pursuant to the removal of condition 18 on planning permission 16/00274/FUL to remove the need to undertake pre-occupation noise monitoring) for Mr Trevor Bargh.	Bulk Ward	R
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Under the scheme of public participation, Councillor Lucy Atkinson, Councillor Sam Armstrong, Councillor Charlie Edwards, Councillor Nathan Burns, Joshua Woolf and Paul Morris all spoke against the application. Andrew Piatt representative for the applicant spoke in support and Ward Councillor Caroline Jackson spoke finally against the application.

It was proposed by Councillor Andrew Kay and seconded by Councillor Jon Barry:

‘That the application be refused.’

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

Members clarified the reasons for the contrary proposal, being that, in the absence of acoustic testing mechanisms and explicit baseline noise data, there would be no safeguards in place to adequately protect residential amenity.

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

Resolved:

That the application be refused for the following reason:

In the absence of acoustic testing mechanisms and explicit baseline noise data, there are no safeguards in place to adequately protect residential amenity and therefore it is considered that the proposal is contrary to Paragraph 123 of the National Planning Policy Framework and Policies DM35 and DM46 of the Development Management DPD.

Councillor Helen Helme had previously declared an interest in the following item.

82 LAND AT HIGHER BOND GATE, ABBEYSTEAD ROAD, DOLPHINHOLME

A6	17/00970/OUT	Outline application for the development of 18 residential dwellings with associated access for Mr & Mrs D Wallbank.	Ellel Ward	A(106)
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Under the scheme of public participation, Roy Appleton, Rosalind Hargreaves, Kevin Bedford, Mary McMurrin, Iain Collinson, Allen Norris and John Entwistle all spoke against the application. Graham Salisbury agent for the application spoke in support.

It was proposed by Councillor Helen Helme and seconded by Councillor Sylvia Rogerson:

‘That the application be refused.’

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

Members clarified the reasons for the contrary proposal being that: the site was in an unsustainable location and this would cause an over reliance on the use of private vehicles.

Upon being put to the vote, 7 Members voted in favour of the application and 7 against, with 1 abstention, whereupon the Chairman, in accordance with Council Procedure Rule 19.2, used her casting vote and declared the proposal to be lost by virtue of her casting vote.

It was then proposed by Councillor Eileen Blamire and seconded by Councillor Robert Redfern:

‘That the application be approved.’

Upon being put to the vote, 7 Members voted in favour of the application and 7 against, with 1 abstention, whereupon the Chairman, in accordance with Council Procedure Rule 19.2, used her casting vote and declared the proposal to be carried by virtue of her casting vote.

Resolved:

That subject to the applicant entering into a Section 106 agreement to secure the obligations listed in Paragraph 8.1, Outline Planning Permission be granted subject to the following conditions:

1. Standard Timescales.
2. Approved Plans.
3. Access Detail.
4. Off-site Highway works.
5. Surface Water Drainage Scheme.
6. Foul Water Drainage Scheme.
7. Development in accordance with principles within the Flood Risk Assessment.
8. Provision of electric vehicle charging points.
9. Development in accordance with mitigation measures within the ecological appraisal.
10. Provision of an Environmental Management Plan.
11. Scheme for external lighting to be agreed.
12. Unforeseen land contamination.
13. Restriction of vegetation clearance during bird breeding season.
14. Footpath connection.
15. Finished floor and site levels.
16. Removal of permitted development rights.
17. Provision of open space.

The meeting adjourned at 13:10 and reconvened at 13:43.

Councillor Jon Barry left the meeting at this point and did not return.

Councillor Claire Cozler left the meeting during the Officer presentation of the following item and did not return.

Councillor Susan Sykes had previously declared an interest in the following item A7. Councillor Susan Sykes left the meeting at this point and returned during the public speaking element of item A9. Councillor Susan Sykes did not participate in the vote for items A7 and A9.

83 LAND NORTH OF 17 MAIN STREET, WARTON

A7	17/00736/OUT	Outline application for the erection of nine dwellings and associated access for Strong Developments Ltd.	Warton Ward	A(106)
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Under the scheme of public participation, Cliff Robinson, Paul Nicholson, Simon O'Connor and Parish Council Representative Colin Peacock all spoke against the application. Alastair Skelton agent for the application spoke in support.

It was proposed by Councillor Helen Helme and seconded by Councillor Malcolm 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 proposal to be carried.

Resolved:

That subject to the applicant entering into a Section 106 Agreement to secure the obligations as set out in Paragraph 8.1 of the report Outline Planning Permission be granted subject to the following conditions:

1. Standard 3 year timescale.
2. Approved plans.
3. Restriction on dwelling height to be no more than 2 storeys in height.
4. Access arrangements.
5. Surface water drainage scheme based on sustainable drainage solutions.
6. Maintenance plan for the surface water drainage scheme.
7. Provision of a Tree Works Schedule, Arboricultural Method Statement, and Tree Protection Scheme.
8. Development in accordance with ecological report mitigation measures.
9. Foul water drainage arrangements.
10. Unforeseen land contamination condition.
11. Removal of Permitted Development rights.
12. Protection of visibility splays.
13. Electric vehicle charging Points.
14. Finished floor levels.
15. Provision of homeowner packs.

Councillor Ian Clift had previously declared an interest in the following item. Councillor Ian Clift left the meeting at this point and returned after deliberation of the following item.

84 BAY SCAFFOLDING, NORTHGATE, WHITE LUND INDUSTRIAL ESTATE

A9	17/00868/FUL	Demolition of factory building and erection of 4 industrial units, installation of a raised replacement roof and erection of a single storey infill extension to the front and first floor side extension to existing industrial unit for Bay Scaffolding Ltd.	Westgate Ward	R
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A site visit was held in respect of this item on 6th November 2017 minute 80 (2017/2018) refers.

Under the scheme of public participation, Councillor Charlie Edwards spoke in support of the application.

It was proposed by Councillor Robert Redfern and seconded by Councillor Andrew Kay:

‘That the application be refused.’

Upon being put to the vote, 6 Members voted in favour of the application and 5 against, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Planning Permission be refused for the following reasons and delegated back to the Chief Officer (Regeneration and Planning) to add a second reason for refusal if the Lead Local Flood Authority object to the application:

1. The proposal will result in the loss of a non-designated heritage asset without a robust justification for its loss. The building is considered to be of particular local importance given that it is one of the few remaining buildings from the First World War National Filling Factory. As a consequence, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Principles and Section 12, and Policy DM33 of the Development Management Development Plan Document.

Councillors Eileen Blamire and Andrew Kay left the meeting at this point and did not return.

85 81 - 83 ULLSWATER ROAD AND 2 RYDAL ROAD, LANCASTER

A11	17/01156/FUL	Change of use from a mixed use comprising retail and an associated residential dwelling to a retail unit (A1), 2 bed dwelling (C3) and a house in multiple occupation (C4), and replacement of timber windows with uPVC windows for Mr Tariq Malik.	Bulk Ward	A
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Under the scheme of public participation, Ward Councillor Tim Hamilton-Cox spoke against the application.

It was proposed by Councillor Dave Brookes and seconded by Councillor Ian Clift:

'That the application be approved.'

Upon being put to the vote, 10 Members voted in favour of the application with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Planning Permission be granted subject to the following conditions:

1. Standard 3 year timescale.
2. Development to accord with approved plans.
3. Secure and covered cycle storage to be submitted and agreed, and implemented in full prior to occupation and retained at all times.
4. Details of windows and doors to be agreed.
5. Bin storage to be provided in full and retained at all times.
6. Student occupancy condition for the C4 use.
7. Hours of use and deliveries to the retail unit.

APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION

86 ST GEORGES QUAY DEVELOPMENT SITE, ST GEORGES QUAY, LANCASTER

A8	17/00203/VCN	Erection of 149 dwellings with associated landscaping and car parking (pursuant to the variation of conditions 2, 4, 6, 7, 12 and 30 and removal of condition 25 on planning permission 14/01186/VCN to amend the layout to include the substation, agree external materials and detailing of the development, reduce the minimum recess from 100mm to 85mm for doors and windows to the frontage units, to vary the trigger for the implementation of an agreed off-site highway improvement scheme and to remove the requirements for a risk assessment to be agreed alongside Network Rails operational land) for Mr Chris Gowlett.	Marsh Ward	A
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It was proposed by Councillor Abbott Bryning and seconded by Councillor Dave Brookes:

‘That the application be approved.’

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

Resolved:

That conditions 2, 4, 6, 7, 12 and 30 be varied as set out in the submission and that condition 25 be removed. The Section 73 application can be granted subject to the following conditions:

1. Approved Plans list (reflecting and including additional detail agreed by conditions).
2. In accordance with previously agreed phasing scheme.
3. Development to be carried out in accordance with agreed materials plan (list materials and colour of windows and detailing/eaves detail).
4. Minimum recess condition – amended to 85mm in accordance with agreed specification.
5. Development to be carried out in accordance with agreed sustainability measures.
6. Development to be carried out in accordance with agreed access details.
7. Protection of visibility splays (retain as originally worded).

8. Travel Plan condition.
9. Refuse and cycle storage provision to be provide and retained.
10. Agreed landscaping to be implemented and maintained.
11. No development shall occur within 3 m of the base of the functional and disused railway (retain as originally worded).
12. Ecological mitigation to be implemented in full (retain as originally worded).
13. Development to be carried out in accordance with agreed external lighting.
14. Separate foul and surface water drainage (retain as originally worded).
15. Development to be carried out in accordance agreed drainage scheme.
16. Development to be carried out in accordance with site-specific remediation report (contamination).
17. Development to be carried out in accordance with agreed Construction Method Statement.
18. Hours of construction (retain as originally worded).
19. No impact pile driving without noise impact assessment and mitigation being agreed. *TBC subject to ongoing discussions.*
20. Archaeology condition.
21. Public sewer condition (retain as originally worded).
22. Development to be carried out in accordance with approved noise mitigation set out in Noise and Vibration report (retain as originally worded).
23. Development to be carried out in accordance with approved secure by design scheme.
24. Tree Protection condition (retain but worded tweaked to account for tree protection currently in place).
25. Flood risk assessment condition (retain as originally worded).
26. Agreed off-site highway works comprising traffic calming measures to West Road/Lune Road and the stopping up of Long Marsh Lane as a through-route with a turning head as illustrated on the submitted drawings to be implemented in full before the occupation of the 30th dwelling, unless an alternative timetable for implementation is otherwise agreed in writing with the LPA.
27. Removal of PD to limit future occupants inserting new windows/doors to the frontage plots.
28. Car parking to be made available before occupation of each dwelling house/apartment block and retained at all times thereafter.

87 LAND AT THE HAYLOFT BARN, ASHTON ROAD, ASHTON

A10	17/00965/VCN	Change of use of land to 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 (pursuant to the variation of conditions 4, 6, 7 and 15 on planning permission 12/00212/CU to delay the creation of wildlife pond and cycle link and for the addition of a vehicle barrier and bin compound) for Mr Roger Clark.	Ellel Ward	D
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This item was deferred for consideration at a future meeting.

Councillor Sylvia Rogerson left the meeting at this point and returned during the deliberation of the item. Councillor Sylvia Rogerson did not participate in the vote.

88 ORCHARD HOUSE, UGGLE LANE, LANCASTER

A12	17/01120/FUL	Retrospective application for the erection of a dwelling for Mr T P West.	Scotforth West Ward	A
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It was proposed by Councillor Dave Brookes and seconded by Councillor Helen Helme:

‘That the application be approved.’

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

Resolved:

That Planning Permission be granted subject to the following conditions:

1. Development in accordance with the approved plans.
2. Sample of cedar weatherboarding.
3. Windows of northern elevation to be obscure glazed and non-opening – 3 months from date of decision to implement.
4. No use of garage roof as balcony of sitting out area.
5. Submission and implementation of hard and soft landscaping scheme – to be implemented within 3 months of the date of decision notice.
6. Details of boundary to be submitted and implemented – to be implemented within 3 months of the date of decision notice.
7. Removal of permitted development rights for extensions, windows, doors and outbuildings.
8. Garage use restriction.
9. Hours of construction.

89 CRAGGS OF CONDER GREEN, THURNHAM MILL, THURNHAM

A13	17/00947/FUL	Erection of extension to existing agricultural retail premises, and change of use of agricultural retail storage area to general self-storage units (B8) for Mr Richard Cragg.	Ellel Ward	A
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A site visit was held in respect of this item on 6th November 2017 minute 80 (2017/2018) refers.

It was proposed by Councillor Helen Helme and seconded by Councillor Susan Sykes:

‘That the application be approved.’

(The proposal was contrary to the case officer's recommendation that the application be refused).

Members clarified the reason for the contrary motion was the overriding need for agricultural diversification given the circumstances of this particular case, aligned with proven local demand for the proposed use.

Upon being put to the vote, 8 Members voted in favour of the proposition and 2 against, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Planning Permission be granted subject to the following conditions suitably worded:

1. Standard 3 year timescale.
2. Development in accordance with approved plans.
3. Restrictive use of self-storage element – no business or trade to be carried out there.
4. Development carried out in accordance with mitigation measures set out with FRA.
5. Hours as submitted (8:00 - 17:30 – Monday to Friday and 8:00 - 16:00 – Saturday).
6. No change to number and size of self-storage units – laid out as plan.
7. Additional storage area (extension) to be used in association with existing agricultural machinery sales and repairs business.
8. Details of foul drainage.

***Councillor Dave Brookes had previously declared an interest in the following two items.
Councillor Dave Brookes left the meeting at this point and did not return.***

Councillor June Ashworth left the meeting at this point and did not return.

90 THE STOREY, MEETING HOUSE LANE, LANCASTER

A14	17/01151/FUL	Replacement of a timber door with a powder coated automated aluminium door to the rear elevation for Ms Sarah Price.	Castle Ward	A
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It was proposed by Councillor Sylvia Rogerson and seconded by Councillor Helen Helme:

‘That the application be approved.’

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

Resolved:

That Planning Permission be granted subject to the following conditions:

1. Standard 3 year timescale.
2. Development to be carried out in accordance to amended approved plans.
3. Door finished in a matt colour to match adjacent colour scheme.

91 THE STOREY, MEETING HOUSE LANE, LANCASTER

A15	17/01207/LB	Listed Building application for the replacement of a timber door with a powder coated automated aluminium door to the rear elevation for Ms Sarah Price.	Castle Ward	A
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It was proposed by Councillor Robert Redfern and seconded by Councillor Ian Clift:

‘That the application be approved.’

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

Resolved:

That Listed Building Consent be granted subject to the following conditions:

1. Standard 3 year timescale.
2. Works to be carried out in accordance to amended approved plans.
3. Door finished in a matt colour to match existing colour scheme other external doors on the building.

92 QUARTERLY REPORTS

Members received the Quarterly Planning Reports from the Development Management Service.

Resolved:

That the report be noted.

93 DELEGATED PLANNING LIST

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.

Chairman

(The meeting ended at 3.42 p.m.)

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

