

**PLANNING AND HIGHWAYS
REGULATORY COMMITTEE**

10.30 A.M.

4TH FEBRUARY 2019

PRESENT:- Councillors Carla Brayshaw (Chairman), Helen Helme (Vice-Chairman), June Ashworth, Jon Barry, Stuart Bateson, Alan Biddulph, Eileen Blamire, Dave Brookes, Abbott Bryning, Ian Clift, Mel Guilding, Jane Parkinson, Robert Redfern and Sylvia Rogerson

Apologies for Absence:-

Councillor Jean Parr

Officers in attendance:-

Andrew Drummond	Development Manager (Planning Applications)
Mark Potts	Major Applications Planning Officer
Ian Blinkho	Locum Planning 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W	-	Withdrawn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

109 MINUTES

The minutes of the meeting held on 7th January 2019 were signed by the Chairman as a correct record.

110 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

111 DECLARATIONS OF INTEREST

Councillor Helen Helme declared an interest in agenda item A5 18/00335/FUL Land at Chapel Lane, Galgate. The reason being that she is a Member of Ellel Parish Council but stated that she took no part in discussions regarding this application. Councillor Helme also stated that she knew some of the public speakers and the landowner in her capacity as a Galgate resident and Ward Councillor for Ellel. Councillor Helme stated that she would be viewing the application fairly and with an open mind.

Mr Andrew Drummond declared an interest in agenda item A5 18/00335/FUL Land at Chapel Lane, Galgate. The reason being that he lives near the application site.

Councillor Jon Barry declared an interest in agenda item A10 16/00276/OUT Lune Industrial Estate, New Quay Road, Lancaster. The reason being that he had made comments about the application around 2 years ago. Councillor Barry stated that he would be viewing the application fairly and with an open mind.

Councillor Helen Helme declared an interest in agenda item A11 18/01583/OUT Land adjacent to Stonehaven, Bay Horse Lane, Bay Horse. The reason being that she is a Member of Ellel Parish Council but stated that she took no part in discussions regarding this application.

Councillor Carla Brayshaw declared an interest in agenda item A11 18/01583/OUT Land adjacent to Stonehaven, Bay Horse Lane, Bay Horse. The reason being that she knew the son and daughter-in-law of the applicant. Councillor Brayshaw stated that she would be viewing the application fairly and with an open mind.

112 SITE VISIT

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

18/01100/FUL	B and Q Superstore, Aldcliffe Road, Lancaster	Castle Ward
16/00276/OUT	Lune Industrial Estate, New Quay Road, Lancaster	Marsh Ward
18/01183/FUL	Land North East of Ex Servicemens Club, Scotland Road, Carnforth	Carnforth and Millhead Ward

The following members were present at the site visit, which took place on Monday 28th January 2019:

Councillors Jon Barry, Alan Biddulph, Carla Brayshaw, Dave Brookes, Abbott Bryning, Mel Guilding, Helen Helme, Jane Parkinson and Sylvia Rogerson.

Officers in Attendance:

Andrew Drummond – Development Manager (Planning Applications)

Jennifer Rehman – Major Applications Planning Officer

Petra Williams – Planning Officer

Tessa Mott – Democratic Support Officer

Councillor Helen Helme and Mr Andrew Drummond had both previously declared an interest in the following item.

Mr Andrew Drummond left the meeting at this point and returned after deliberation of the application.

APPLICATIONS SUBJECT TO PUBLIC PARTICIPATION

113 LAND AT CHAPEL LANE, GALGATE

A5	18/00335/FUL	Erection of 32 dwellings (C3) with associated access and landscaping.	Ellel Ward	A(106/C)
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Under the scheme of public participation, Janette Ireland, Andrew Poulter, Peter Cheason (on behalf of Susan Aspinall), Graham Creer, Averil McClelland, Anthony Newton, Mary Breakell, Myles Griffiths, Peter Lea and Stephen Constantine all spoke against the application. Deborah Smith agent for the application spoke in support.

It was proposed by Councillor Helen Helme and seconded by Councillor Mel Guilding:

“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 proposal, being that, the need for the provision of the bungalows in the area outweighs the adverse landscape impacts associated with the scheme.

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

Resolved:

Subject to a Section 106 Agreement to secure restriction of use of the bungalows for over 55’s, long term maintenance of non-adopted highways, drainage and landscaping provision, Planning Permission be granted subject to the following conditions:

1. Timescales;
2. Approved Plans;
3. Provision of access;
4. Offsite Highway Work;
5. Building Materials to utilise natural stone, render and slate;
6. Boundary Treatments updated to reflect stone walls along the northern plot boundaries;
7. Amended Landscaping Scheme;
8. Updated AIA/AMS;
9. Provision of electric vehicle charging points;
10. Surface Water Drainage Scheme;
11. Surface Water Management;
12. Foul Water Connection;

- 13. Restriction of PD rights to protect soakaways;
- 14. Garage Use restriction;
- 15. Ecological enhancement and protection measures;
- 16. Acoustic glazing;
- 17. Provision of open space across the site;
- 18. Homes to be built to Accessibility M42 standards.

The meeting adjourned at 11:50 and reconvened at 11:55.

114 LAND SOUTH OF HALA CARR FARM, BOWERHAM ROAD, LANCASTER

A9	18/01413/VCN	Erection of 25 dwellings and creation of a new access and access roads (pursuant to the modification to condition 6 (ii) on planning permission 16/01551/FUL to remove the requirement for street lighting at the junction of Bowerham Lane and Kempton Road, and 6 (iii) to remove the requirement for a pedestrian refuge, together with the submission of details to satisfy conditions 3, 4, 5 and 6 (highways requirements), 7 (foul water drainage), 8 (finished floor levels), 9 (surface water drainage arrangements), 10 (noise mitigation), 11 (earth bund details), 12, 13 and 14 (materials).	Scotforth East Ward	A(P)
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Under the scheme of public participation, George Long spoke against the application and the applicant Chris Middlebrook spoke in support.

It was proposed by Councillor Carla Brayshaw and seconded by Councillor Stuart Bateson:

“That the application be approved with delegated authority to the Planning Manager to finalise an agreement with the Highway Authority.”

Upon being put to the vote, 9 Members voted in favour of the proposition and 3 against, with 2 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

Subject to a Deed of Variation being signed and completed tying the permission to the obligations outlined within the existing Section 106, Planning Permission be granted subject to the following conditions with delegated authority to the Planning Manager to finalise an agreement with the Highway Authority:

1. Timescales development commence by 14 June 2021.
2. Approved plans.
3. Access detail.
4. Construction Risk Method Statement in connection with water main.
5. Construction Method Statement.
6. Off-site highway improvement.
7. Foul drainage.
8. Finished floor levels.
9. Surface water drainage measures.
10. Noise mitigation.
11. Earth bund details.
12. Hard and soft landscaping.
13. Material samples.
14. Boundary treatments.
15. Development in accordance with the approved AIA.
16. Bird breeding season protection.
17. Protection of visibility splays.
18. Car parking spaces provided.
19. Removal of Permitted Development rights.

Councillor Jon Barry had previously declared an interest in the following item.

115 LUNE INDUSTRIAL ESTATE, NEW QUAY ROAD, LANCASTER

A10	16/00276/OUT	Outline application for the demolition of industrial buildings and the erection of up to 249 dwellings with associated access points.	Marsh Ward	R
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A site visit was held in respect of this item on 5th December 2016 minute 97 (2016/2017 refers) and 28th January 2019 minute 112 (2018/2019) refers.

Under the scheme of public participation, Chris Balmer of STS Manufacturing and representing the group Lune Industrial Estate Supporters and Mel Welsh of A1 Supa Skips Ltd both spoke against the application. The applicant Stephen Ashworth spoke in support.

It was proposed by Councillor Robert Redfern and seconded by Councillor Jon Barry:

“That the application be refused.”

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 Outline Planning Permission be refused for the following reasons:

1. The application fails to sufficiently demonstrate that the proposed residential development, with mitigation, can be integrated effectively with the neighbouring industrial uses both on the periphery of the site and those

retained industrial uses in the centre of the site. Even with significant acoustic mitigation proposals, large areas of the site would be subject to noise levels that would give rise to significant adverse impacts, resulting in unacceptable impacts on the health and amenity of future occupants and prejudicing the continued operation of existing industrial uses neighbouring the site. As a consequence, the proposed development is considered contrary to saved policy EC5 of the saved Lancaster District Local Plan, policy DM35 of the Development Management Development Plan Document, Paragraph 180 and 182 of the National Planning Policy Framework and the Noise Policy Statement for England.

2. The application fails to sufficiently demonstrate that the site is capable of achieving the amount of development proposed, together with open space and other infrastructure requirements, in a manner that would demonstrate a well-planned, safe, and high quality designed residential scheme, capable of providing satisfactory standards of amenity for future occupants. As a consequence, the local planning authority are of the opinion that the development does not constitute a sustainable form of development and would be contrary to policies DM26 and DM35 and paragraphs 91 and 127 and 130 of the National Planning Policy Framework.
3. The proposed development is considered to not constitute a sustainable form of development and, as such, would not provide wider sustainability benefits to the community that outweigh the flood risk and therefore fails the first part of the Exception Test. It is therefore contrary to policy DM38 of the Development Management Development Plan Document and paragraph 159 and 160 of the National Planning Policy Framework.

Councillor Eileen Blamire left the meeting at this point and did not return.

The meeting adjourned at 12:52 and reconvened at 13:22.

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

116 LAND ADJACENT TO STONEHAVEN, BAY HORSE LANE, BAY HORSE

A11	18/01583/OUT	Outline application for erection of two dwellings (C3) and associated access.	Ellel Ward	A(C)
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Under the scheme of public participation, David Whitaker Ellel Parish Council representative spoke in support of the application.

Following the public speaking element of this application, Councillor Carla Brayshaw declared an interest in this item. The reasons are stated clearly in minute no 111 above.

It was proposed by Councillor Helen Helme and seconded by Councillor Robert Redfern:

“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 proposal, being that, the small rural development would not have a ribbon effect and the proposal would be sustainable given its proximity to local services on the A6.

Upon being put to the vote, 11 Members voted in favour of the proposition and 2 against, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Planning Permission be granted subject to the following conditions:

1. Standard outline planning permission timescale;
2. Illustrative plans only (other than access);
3. Approved access to be provided prior to other development commencing;
4. Visibility splays to be provided and protected;
5. Landscaping details, including hedgerow mitigation (for loss) and hedgerow translocation (for visibility splays);
6. In accordance with approved Arboricultural Implications Assessment;
7. Tree/hedgerow protection;
8. Foul drainage scheme;
9. Surface water drainage scheme and maintenance plan;
10. Unforeseen contamination.

117 71 NORTH ROAD, LANCASTER

A13	18/00604/FUL	Change of use of retail unit (A1) to takeaway (A5) and retrospective installation of a flue to the rear elevation.	Castle Ward	R
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Under the scheme of public participation, Paul Cusimano of Joseph & Co spoke against the application. The applicant Ranjit Kaur Uppal spoke in support.

It was proposed by Councillor Mel Guiding and seconded by Councillor Ian Clift:

"That the application be refused."

Upon being put to the vote, 11 Members voted in favour of the proposition, with 2 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Planning Permission be refused for the following reasons:

1. The application site is located in Lancaster City Centre's Secondary Retail Frontage area. The proposed takeaway use would, by virtue of the adjoining non-A1 retail uses and the percentage of non-A1 uses along the continuous retail frontage of which the application site forms a part exceeding 20%, be contrary to Policy DM2 of the Development Management DPD. This would have a detrimental impact on the vitality of this part of the City Centre due to the

clustering of non-A1 uses. Although the application states that the use would be open during normal daytime trading hours, it would not seek to maintain or enhance footfall in the area during normal retail opening hours due to the nature of the use being proposed. As such, the proposed change of use is contrary to Policy DM2 of the Development Management DPD, and consequently the provisions of the National Planning Policy Framework, particularly Paragraph 85.

2. The flue, by virtue of its siting and design (including materials), has a detrimental visual impact on the subject property and causes less than substantial harm to the setting of the Conservation Area which is not outweighed by any benefits arising from the proposal. Therefore the application is contrary to policies DM31 and DM35 of the Development Management DPD, and paragraphs 127, 130, 193 and 196 of the NPPF.
3. The submission includes insufficient and inconsistent information in relation to the extraction of fumes and odours from the proposed use. As a result it can only be concluded that the proposal has inadequately addressed this amenity and air pollution issue. Therefore the application is contrary to policy DM35 of the Development Management DPD, and paragraph 181 of the NPPF.

APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION

The Chairman brought forward item A12 to avoid any further delay for the Members of the public in attendance.

118 LAND WEST OF, LITLEDALE ROAD, BROOKHOUSE

A12	18/01348/FUL	Erection of a detached dwelling (C3) with associated access.	Lower Lune Valley Ward	D
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It was proposed by Councillor Jane Parkinson 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.)

During consideration of the reason for the proposal that the application be refused, a second proposal was put forward to defer for a Site visit as this would give the Members the opportunity to consider the landscape impacts of the proposed development. With the agreement of Councillors Parkinson and Rogerson, this superseded the original proposal.

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

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

Upon being put to the vote, 5 Members voted in favour of the proposition and 5 against, with 3 abstentions, 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 the application be deferred to enable a Committee site visit to take place.

119 21-25 NORTH ROAD, LANCASTER

A6	18/01440/VCN	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 car parking and Relevant Demolition of existing rear extensions (pursuant to the variation of condition 2 of planning permission 16/00274/FUL to vary the approved plans to cater for reduction in roof lights, provision of louvre grills and amendments to the layout, to provide for 32 studios, two 2-bed (C3) six 8-bed and one- 9 bed cluster flats (Sui Generis) and amendments to condition 11 to provide for an amended material schedule together with amendments to condition 15 to provide for an amended material schedule for the hard and soft landscaping).	Bulk Ward	A
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It was proposed by Councillor Ian Clift and seconded by Councillor Robert Redfern:
"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 approved plans.
2. Development in accordance with the approved construction method statement.
3. Development in accordance with the approved contaminated land survey.
4. Development in accordance with the approved Written Scheme of Investigation and works to be recorded.
5. Development in accordance with the protection measures for the Mill Race.
6. Development in accordance with the approved surface water drainage detail.
7. Development in accordance with the approved foul water drainage measure.
8. Development in accordance with the approved ventilation scheme.
9. Development to be undertaken in accordance with a Flood Evacuation Procedure system.
10. Building materials.
11. Details of refuse arrangements and cycle provision to be provided.
12. Development to be undertaken in accordance with the approved security measures.
13. Finished Floor Levels as detailed within the Flood Risk Assessment.
14. Building to be undertaken in accordance with PDA Noise Report.
15. No Phase of the development to be occupied or brought into use until the specifications and sound insulation requirements set out in the condition above.
16. Restriction to student use only.

120 21-25 NORTH ROAD, LANCASTER

A7	18/01484/LB	Listed building application for internal alterations consisting of the provision of mezzanine floors, new stud walls, amendments to the feature stairs, and external alterations consisting of the provision of new windows, doors, louvre grills and roofing material and roof lights, erection of two 2-storey rear extensions and demolition of existing rear extensions.	Bulk Ward	A
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It was proposed by Councillor Jon Barry 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. Timescales.
2. Approved Plans.
3. Written Scheme of Investigation – Archaeology.
4. Materials (staircase protection measures, schedule of repairs to plasterwork, transom panels to mezzanine, structural steelwork and cast iron columns).
5. Materials (Windows, doors, rainwater goods, roof-lights, external vents and extraction, glass façade materials, materials, lintels, cills and details of lime putty, retention of stained glass).
6. Materials (Stonework repairs, replacement roof, windows and transom, removal of cage, cleaning method, surfacing material for rear amenity space).
7. Materials (Doors, staircase, transom panels, mezzanine floors).

121 LAND ADJACENT TO , BULK ROAD, LANCASTER

A8	18/01363/VCN	Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping (Pursuant to the variation of condition 7 on planning permission 17/01413/VCN to allow for an amended offsite highway scheme).	Bulk Ward	A(P)
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It was proposed by Councillor Helen Helme and seconded by Councillor Sylvia Rogerson:

“That the application be approved with delegated authority to the Planning Manager to reach agreement with the Highway Authority regarding the precise wording of condition 7.”

Upon being put to the vote, 12 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Planning Permission be granted, with delegated authority to the Planning Manager to reach agreement with the Highway Authority regarding the precise wording of condition 7 and subject to the following conditions:

1. Approved Plans List.
2. Written Scheme of Investigation.
3. Surface Water Drainage.

4. External Refuse Enclosures, Drop Off places, cycle storage.
5. Television and Reception Condition.
6. Highway Access Drawings.
7. Offsite highway works as per this permission.
8. Scheme for ventilation system.
9. Landscaping Scheme.
10. Public Realm Surfacing and Landscaping.
11. Materials.
12. Development in accordance with full Construction Environment Management Plan (CEMP).
13. Restriction on clearance of vegetation – Bird Breeding Season.
14. Finished Floor Levels.
15. Development in accordance with phasing plan.
16. Noise Mitigation measures.
17. Crime prevention methods.
18. Sustainable Energy Measures.
19. Flood Waring and Evacuation Plan.
20. Communal Satellite System.
21. Façade Cleaning.
22. Travel Plan.
23. Delivery , servicing and maintenance plan.
24. Foul Drainage Scheme.
25. Contaminated Land Assessment.
26. Restriction on soils being brought to site.
27. Development in accordance with AIA.
28. Development in accordance with approved FRA.
29. Restriction to students.
30. Removal of PD rights.
31. Lighting detail.

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

122 RECYCLING SITE, ALFRED STREET, LANCASTER

A14	18/01608/FUL	Change of use of vacant land to car sales area associated with commercial garage (Sui Generis).	Bulk Ward	A
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It was proposed by Councillor Ian Clift and seconded by Councillor Robert Redfern:

“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 to accord to approved plans.
2. Permission to be granted for a temporary period of three years.
3. The redundant fencing, fence posts and overgrown vegetation to be removed

from site within two months of the date of the decision.

123 DELEGATED PLANNING LIST

The Planning Manager 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 3.08 p.m.)

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