

**PLANNING REGULATORY
COMMITTEE**

10.30 A.M.

4TH DECEMBER 2023

PRESENT:- Councillors Sandra Thornberry (Chair), Louise Belcher, Dave Brookes, Keith Budden, Roger Dennison, Martin Gawith (Substitute), Alan Greenwell, John Hanson, Colin Hartley (Substitute), Jack Lenox, Sally Maddocks, Joyce Pritchard, Robert Redfern, Sue Tyldesley and Paul Tynan

Apologies for Absence:-

Councillors Claire Cozler and Paul Gardner

Officers in attendance:-

Mark Potts	Service Manager - Development Management
Mark Jackson	Planning Applications Manager
Jennifer Rehman	Principal Planning Officer
Andrew Clement	Senior Planning Officer
Richard Byrne	Planning Officer
Rephael Walmsley	Senior Solicitor and Deputy Monitoring Officer
Daniel Spencer	Lawyer
Eric Marsden	Democratic Support Officer

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

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

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

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W	-	Withdrawn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

71 MINUTES

The minutes of 6th November 2023 were agreed as a true record and signed by the Chair.

72 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business.

73 DECLARATIONS OF INTEREST

Councillor Sally Maddocks declared an interest in agenda item A5 19/01135/OUT Land North East of Bailrigg Lane, Lancaster. The reason being that she was related to Ward Councillor Sophie Maddocks who would be speaking against this application. Councillor Sally Maddocks stated that she would be viewing the application fairly and with an open mind.

Councillors Dave Brookes and Sandra Thornberry each declared an interest in agenda item A11 23/01209/PAD Former Skerton High School Owen Road Lancaster. The reason being that they had both been members of the Cabinet of Lancaster City Council where the application had been previously discussed. Consequently, both Councillors would recuse themselves from the meeting for the duration of consideration of this item.

Senior Solicitor Rephael Walmsley declared an interest in agenda item A11 23/01209/PAD Former Skerton High School Owen Road Lancaster. The reason being that as a Legal Officer for the City Council he had prior involvement in the matter. Consequently, he would recuse himself from the meeting for the duration of consideration of this item.

There were no other declarations of interest.

APPLICATIONS SUBJECT TO PUBLIC PARTICIPATION:

74 LAND NORTH EAST OF BAILRIGG LANE LANCASTER LANCASHIRE

A5	19/01135/OUT	Outline planning application for the demolition of Low Hill House and the erection of up to 644 dwellings (Use Class C3), a local centre (Use Class E) of no more than 280sq m internal floorspace, a community hall (Use Class F2) of no more than 150sq m internal floorspace, public open spaces including equipped children's play areas, land re-grading, recreational routes, landscaping and sustainable urban drainage systems and creation of vehicular access from Bailrigg Lane and Hala Hill to the North.	Scotforth East Ward	R
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A site visit was held in respect of this application on Monday 10th July 2023 by Councillors Louise Belcher, Dave Brookes, Keith Budden, Martin Gawith, Alan Greenwell, Sally Maddocks, Joyce Pritchard and Robert Redfern. In attendance was the Service Manager – Development Management Mark Potts.

Under the scheme of public participation, residents Mary Breakell, Belinda Nixie, John Perrott, Mark Salisbury, Barbara Walker and Ward Councillor Sophie Maddocks all spoke against the application. No applicant or agent was present to reply.

It was proposed by Councillor Robert Redfern and seconded by Councillor Sally Maddocks:

“That the application be refused for the following reason:

The site is located within the Broad Area of Growth within the Local Plan in relation to the Garden Village. The proposal would undermine the integrated and co-ordinated approach in providing the infrastructure requirement to support the level of development proposed. Given it is important that necessary infrastructure which is both local and strategic in nature is delivered in the right place, at the right time, there is no certainty that the transport infrastructure would come forward to support the level of housing sought, and currently based on the full quantum of development this would create a safety concern on the Strategic Road Network. The imposition of planning conditions to secure such improvements or establish the level of development that can come forward without infrastructure upgrades are not considered appropriate, and as such the application would fail to comply with the relevant Growth Principles in SG1. The proposal therefore fails to satisfy the criteria which allows for development to be brought forward at this time and thereby would be contrary to the aims and objectives of the National Planning Policy Framework, in particular Section 8 and 9, Policies SP9, SP10, SG1 and SG3 of the Strategic Policies and Land Allocations Development Plan Document and Policies, DM57, DM58, DM60, DM61 and DM63 of the Review of the Development Management Development Plan Document.

and for reasons 2, 3, and 4 as set out in the Committee Report.”

Upon being put to the vote, 13 Councillors voted in favour of the proposal with none against and 2 abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be refused for the following reason:

The site is located within the Broad Area of Growth within the Local Plan in relation to the Garden Village. The proposal would undermine the integrated and co-ordinated approach in providing the infrastructure requirement to support the level of development proposed. Given it is important that necessary infrastructure which is both local and strategic in nature is delivered in the right place, at the right time, there is no certainty that the transport infrastructure would come forward to support the level of housing sought, and currently based on the full quantum of development this would create a safety concern on the Strategic Road Network. The imposition of planning conditions to secure such improvements or establish the level of development that can come forward without infrastructure upgrades are not considered appropriate, and as such the application would fail to comply with the relevant Growth Principles in SG1. The proposal therefore fails to satisfy the criteria which allows for development to be brought forward at this time and thereby would be contrary to the aims and objectives of the National Planning Policy Framework, in particular Section 8 and 9, Policies SP9,

SP10, SG1 and SG3 of the Strategic Policies and Land Allocations Development Plan Document and Policies, DM57, DM58, DM60, DM61 and DM63 of the Review of the Development Management Development Plan Document.

and for reasons 2, 3, and 4 as set out in the Committee Report:

2. The purpose of policy SG1 is to deliver housing in the Broad Location for Growth, which focuses on high quality development that carefully balances housing and employment requirements, whilst maintaining strong and embedded environmental and high-quality design objectives. This is an outline application, which only seeks full permission for the access and not the layout, scale or appearance of the development. However, it is difficult to categorically conclude that the number of dwellings proposed and the constraints within the site would allow for a high-quality design and overall sense of place to be created. The unique topographical features of the site are the key drivers in dictating how a site would be laid out, the future orientation of buildings and routes, drive sustainable water management and help establish a planting and an energy and noise mitigation strategy. The application does not talk of the distinctiveness and innovation which does not give confidence that the high bar of design of SG1 would be achieved. Whilst there are factors that weigh in favour of the development, they do not outweigh the failure to meet the Key Growth Principles in SG1 to secure high-quality urban design. As a result, the proposed development would be contrary to Lancaster Strategic Policies and Land Allocations DPD Policy SG1, Lancaster Review of the Development Management DPD Policy 29, aims and objectives of the NPPF in particular Section 12.
3. The southeast area of the application site is 700 metres of a commercial wind turbine. The proposal would introduce a form of residential development within the area which is identified to being the most likely affected by shadow flicker. The Shadow Flicker Technical Note (SFTN) and Shadow Flicker Impact Assessment (SFIA) accompanying the application identifies that the turbine has the option of being turned off and advocates that layout design, installation of window blinds and planting of additional trees and bushes are the main safeguarding measures to protect the amenity of future occupiers. This is considered to be inadequate to demonstrate that the safeguarding measures would be sufficient to protect future occupiers in the southeast parcel of land taking into account position and casting shadows. Furthermore, the SFTN and SFIA does not take into account the future operation of the turbine and how it might be affected by the intermittent switching off to address any future complaints which may arise. There is insufficient information to demonstrate the turbine will be able to operate during the majority of optimum times given the frequency of periods of inactivity to overcome any potential future complaints. Given the turbine's purpose contributes to a lower carbon environment the effect on the operation would at times be at odds with the principles of the Council's Climate Emergency. As such, the proposal is contrary to Policy SG1 of the Strategic Policies and Land Allocations Development Plan Document and Policy DM29 of the Review of the Development Management Development Plan Document the aims and objectives of the National Planning Policy Framework, in particular Section 15.
4. The application site is within Flood zones 1, 2 and 3. The applicant has submitted a Flood Risk Assessment which identifies that the site is subject to other forms of flood risk, namely fluvial, ground water, surface water, from sewer/mains and infrastructure failure. The applicant has failed to demonstrate within the application that there to be sequentially acceptable sites which are not subject to a risk of flooding to enable the

Local Planning Authority to reach a view if there are no areas with the lowest risk of flooding in which to steer new development towards. As such the proposed development would be contrary to the National Planning Policy Framework, Development Management (DM) DPD Policy DM33 and Strategic Policies and Land Allocations (SPLA) DPD Policy SG1.

APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION:

75 LAND NORTH EAST OF BAILRIGG LANE LANCASTER LANCASHIRE

A6	19/01137/FUL	Construction of an access link road between Bailrigg Lane and the Health Innovation Campus Road.	Scotforth East Ward	R
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It was proposed by Councillor Robert Redfern and seconded by Councillor Jack Lenox:

“That the application be refused for reason given in the Committee Report.”

Upon being put to the vote, 13 Councillors voted in favour of the proposal with none against and 2 abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be refused for the reason given in the Committee Report:

1. This application is for enabling purposes to form a link between the existing Health Innovation Campus Road (Sir John Fisher Drive) and the proposed residential development to the north which would result in a continuous means of connectivity from the A6 to Hala Hill in the Broad Location for Growth designation supported by the strategic Local Plan Policy SG1. In the absence of a favourable decision for the proposed residential development north of Bailrigg Lane, the proposed link road in isolation, would result in a significant adverse impact on highway safety and no justification and mitigation measures to compensate for the loss of the Bailrigg Lane hedgerow. The development is therefore contrary to A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD DM29: Key Design Principles and DM45: Protection of Trees, Hedgerows and Woodland.

76 LAND TO THE SOUTH OF LAWSONS BRIDGE SITE SCOTFORTH ROAD LANCASTER LANCASHIRE

A7	23/00802/REM	Reserved matters application for the erection of 70 dwellings.	Scotforth West Ward	A
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It was proposed by Councillor Sally Maddocks and seconded by Councillor Robert Redfern:

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

Upon being put to the vote, 14 Councillors voted in favour of the proposal with none against and 1 abstention, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to:

1. Time Limit (2 years).
2. Approved Plans.
3. Material samples.
4. Section 38 Works / Arrangements.
5. Hard and Soft Landscaping.
6. Boundary Treatments.
7. Obscure Glazing.
8. Pedestrian Link Route Details.
9. Bin Stores.
10. Accessibility Homes Details.
11. Water Mains Details.

THE CHAIR ADJOURNED THE MEETING AT 12:15 P.M.

THE CHAIR RECONVENED THE MEETING AT 12:45 P.M. AND BROUGHT FORWARD IN THE AGENDA ITEM A11 23/01209/PAD

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

LEGAL OFFICER REPHAEL WALMSLEY LEFT THE MEETING, AND LEGAL OFFICER DAN SPENCER JOINED THE MEETING, AT 12:45 P.M.

In the absence of the Chair and Vice-Chair, it was proposed by Councillor Robert Redfern and seconded by Councillor Joyce Pritchard that Councillor Keith Budden be the Chair of the meeting for item A11 23/01209/PAD Former Skerton High School. With no further nominations received, the proposition was carried.

Resolved:

That Councillor Keith Budden be the Chair for the meeting for item A11 23/01209/PAD.

77 FORMER SKERTON COMMUNITY HIGH SCHOOL OWEN ROAD LANCASTER LANCASHIRE

A11 23/01209/PAD Prior approval for the Skerton Ward A demolition of former Skerton High School.

It was proposed by Councillor Robert Redfern and seconded by Councillor Colin Hartley:

“That prior approval is required and that the application for demolition is granted.”

Upon being put to the vote, 13 Councillors voted in favour of the proposal with none against and no abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

“That prior approval is required and that the application for demolition is granted.”

**COUNCILLORS DAVE BROOKES AND SANDRA THORNBERRY
RETURNED TO THE MEETING AT 1:05 P.M.**

**LEGAL OFFICER DAN SPENCER LEFT THE MEETING, AND LEGAL
OFFICER REPHAEL WALMSLEY REJOINED THE MEETING, AT 1:05 P.M.**

**78 SITE OF FORMER PONTINS HOLIDAY CAMP NATTERJACK LANE MIDDLETON
LANCASHIRE**

A8	23/00398/FUL	Erection of 49 dwellings (C3) with access, associated infrastructure including provision of bus turning circle, open space and landscaping.	Overton Ward	A(106)
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A site visit was held in respect of this application on Monday 12th June 2023 by Councillors Louise Belcher, Martin Bottoms, Dave Brookes, Claire Cozler, Roger Dennison, Alan Greenwell, John Hanson, Paul Newton, Robert Redfern, Sandra Thornberry, Sue Tyldesley and Paul Tynan. In attendance was Principal Planning Officer Jennifer Rehman.

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

“That the application be approved subject to the completion of the Section 106 Legal Agreement, the conditions in the Committee Report and additional conditions relating to details of the proposed waste and recycling bin storage and an off-site highway mitigation scheme to Carr Lane following successful resolution of negotiations between the Chief Officer Planning and Climate Change and Lancashire County Council as the Local Highway Authority.”

Upon being put to the vote, 12 Councillors voted in favour of the proposal with 1 against and 2 abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to:

- an additional condition regarding waste and recycling bin storage;
- an additional condition for an off-site highway mitigation scheme to Carr Lane following successful resolution of negotiations between the Chief Officer Planning and Climate Change and Lancashire County Council as the Local Highway Authority;

and subject to the completion of the Section 106 Legal Agreement and conditions set out in the Committee Report:

1. Time Limit (2 years).
2. Approved Plans.
3. Employment Skills Plan.
4. Construction Environment Method Statement including HRA mitigation (during construction).
5. Development to be carried out in accordance with the mitigation set out in the PEA, with detailed Reasonable Avoidance Measures (RAMS) first agreed in writing by the LPA.
6. Surface Water Construction Method Statement.
7. Drainage scheme.
8. Final finished floor levels and garden/amenity space levels.
9. Precise details of the sustainable design measures to be incorporated into the design of the dwellings as per the Energy Statement.
10. Materials and architectural detailing to the dwellings.
11. Construction details of all access roads, footways and turning facilities and timetable for provision in full.
12. Full details of the bus turning facilities and bus stop and timetable for provision.
13. Travel Plan.
14. Provision of Homeowner Packs.
15. Precise details of all play equipment and street furniture.
16. Landscaping Maintenance Scheme.
17. Suds Maintenance Scheme.
18. Site Remediation Strategy.
19. Implementation of approved landscaping scheme.
20. Parking Provision.
21. M4(2) to the identified plots.
22. FRA mitigation.
23. Obscure glazed windows to plot 1.
24. Removal of PD rights (extensions, roof additions and outbuildings).

79

228 - 235 MARINE ROAD CENTRAL MORECAMBE LANCASHIRE

A9	23/00858/FUL	Relevant demolition of existing buildings, erection of five storey building comprising ground floor unit (Use Class E) and hotel (Use Class C1) with roof level plant space/enclosure, ancillary facilities, associated works and landscaping.	Poulton Ward	A
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It was proposed by Councillor Keith Budden and seconded by Councillor Roger Dennison:

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

Upon being put to the vote, 15 Councillors voted in favour of the proposal with none against and no abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to the following conditions:

1. Time Limit (3 years).
2. Accord with amended plans.
3. Scheme for contractual arrangements for demolition shortly preceding the physical development.
4. Demolition and construction management plan.
5. Demolition and construction environmental management plan (including timings for high noise disturbance works, such as piling).
6. Employment Skills Plan.
7. Surface Water Sustainable Drainage Strategy.
8. Sustainable Drainage System Operation and Maintenance.
9. Bat boxes details.
10. Flood risk assessment mitigation.
11. Details and samples of external materials (including natural stone walls sample panels, metal cladding, plant compound, glazing, ventilation, external doors, rainwater goods).
12. Flood Emergency Procedure plan.
13. Verification Report of Constructed Sustainable Drainage System.
14. Cumulative noise emissions assessment from proposed plant and external equipment.
15. Odour impact assessment and extraction details.
16. Bicycle storage details.
17. Off-site highway works (mobility parking and goods vehicle loading bays).
18. Visitor information packs – HRA mitigation.
19. Landscaping scheme to front forecourt.
20. Solar panel details.
21. External lighting spill plan.
22. Energy measures and BREEAM excellent rating.
23. Noise mitigation measures.
24. Bat survey mitigation measures.
25. Contamination report measures.
26. Bins stored on-site except collection days.

80 PART OF FORMER ST GEORGES WORKS (PUMP HOUSE) ABRAM CLOSE LANCASTER LANCASHIRE

A10	23/00571/FUL	Change of use and conversion of existing pump house and erection of front and upwards extensions to create 35 studio apartments for students (C3 use) with associated communal areas.	Marsh Ward	A(106)
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It was proposed by Councillor Keith Budden and seconded by Councillor Roger Dennison:

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

Upon being put to the vote, 15 Councillors voted in favour of the proposal with none against and no abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to:

- a Section 106 Legal Agreement to secure £20,000 to the design, implementation and early maintenance of public open space to the north of St George’s Quay;

and subject to the conditions in the Committee Report:

1. Time Limit (3 years).
2. Approved Plans.
3. Scheme for building recording and disseminating history.
4. Contamination report and remediation.
5. CEMP (including pollution control, noise and vibration mitigation, construction hours, vehicle movement, and protection of ecology).
6. Energy efficiency measures.
7. Employment Skills Plan.
8. Scheme for precise details of stairwell, door and tiles in this area.
9. Details and samples of external materials (including cladding, glazing, external doors, rainwater goods).
10. Ecological mitigation (including bat boxes and planting details).
11. Drainage connections.
12. Implement noise mitigation (including glazing, ventilation, fencing).
13. Precise details of the cycle store and trigger for full implementation.
14. Security measures.
15. Homeowner packs – HRA mitigation.
16. Travel plan mitigation (including use of parking for occupants and employees at Pump House and sustainable travel measures).
17. Waste storage and collection.
18. External lighting.
19. Single Occupation Student Occupation Only.

81 LITTLEBIRCH 71 WESTBOURNE DRIVE LANCASTER LANCASHIRE LA1 5EE

A12	23/00817/FUL	Erection of a 1.5 storey side extension, rear single storey infill extension.	Marsh Ward	A
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It was proposed by Councillor John Hanson and seconded by Councillor Jack Lenox:

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

Upon being put to the vote, 15 Councillors voted in favour of the proposal with none against and no abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to the following conditions:

1. Timescales.
2. Development to accord with plans.
3. Materials to match.
4. Details of the bin and bike store.

82 DELEGATED LIST

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

Resolved:

That the report be noted.

Chair

(The meeting ended at 2.35 p.m.)

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