

**PLANNING REGULATORY
COMMITTEE**

10.30 A.M.

20TH JUNE 2022

PRESENT:- Councillors Sandra Thornberry (Chair), Keith Budden (Vice-Chair), Mandy Bannon (substitute for Councillor Dant), Victoria Boyd-Power, Dave Brookes, Abbott Bryning, Roger Cleet, Roger Dennison, Mel Guiding, Mandy King, Robert Redfern and Malcolm Thomas

Apologies for Absence:-

Councillors Tim Dant, Kevin Frea, June Greenwell and Jack Lenox

Officers in attendance:-

Mark Potts	Planning Applications Manager
Rephael Walmsley	Solicitor
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W	-	Withdrawn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

THE CHAIR COMMENCED AND ADJOURNED THE MEETING AT 10:30 A.M.

THE CHAIR RECONVENED THE MEETING AT 10:40 A.M.

14 MINUTES

The minutes of 23rd May 2022 were agreed as a true record and signed by the Chair.

15 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business.

16 DECLARATIONS OF INTEREST

There were no declarations of interest.

17 LAND TO THE SOUTH OF LAWSONS BRIDGE SITE SCOTFORTH ROAD LANCASTER

A5	22/00423/VCN	Outline application for the erection of up to 95 residential dwellings with associated access (pursuant to the variation of conditions 2, 6 and 10 on planning permission 19/00332/OUT for changes to the approved site access arrangements, the proposed great crested newt mitigation strategy and the provision to allow the flexibility for an updated AIA to be prepared and submitted at the time of a reserved matters application).	Scotforth West Ward	A(C)
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It was proposed by Councillor Robert Redfern and seconded by Councillor Malcolm Thomas:

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

Upon being put to the vote, 10 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 approved subject to the conditions in the Committee Report and that the Head of Planning and Place be delegated to approve the application once the consultation period has expired (having regard to any representations received) and subject to the signing and completion of a Deed of Variation to the s106 planning obligation and subject to conditions 2, 6 and 10 be VARIED as follows with all remaining conditions re-imposed:

Condition 2:

The development hereby permitted shall be carried out in accordance with the submitted approved plans:

- Location Plan Dwg No: 100 Rev A dated 23.03.2019
- Development Parameters Dwg No: ID40627-001 dated 15.02.2019
- Proposed Access Plan Dwg No: 21/469/SKH/004 Rev F

In particular, the built development shall be limited to the area marked as 'Development Area' on the approved Parameters Plan. Except for the above referenced plans, all the details indicated on the other drawings submitted shall be regarded as illustrative only and are not approved as part of the application.

Reason: In the interests of good design, securing development that is well-related with the existing settlement and in the interests of the visual amenity of the area.

Condition 6:

No development shall commence, except for any Advance Infrastructure and Enabling Works approved pursuant to Condition 3, until a Biodiversity and Landscape Mitigation and Management Plan (BLMMP) has been submitted to and approved in writing by the local planning authority, including a timetable for the implementation of the approved mitigation and enhancement measures. The BLMMP shall be based on the mitigation and enhancement measures set out in the submitted Ecological Appraisal (February 2019), and the adopted Habitat Regulation Assessment and Appropriate Assessment and must include the following:

- No works to trees or shrubs shall occur or earth works commence between the 1st March and 31st August in any year unless it is confirmed by a suitably qualified ecologist and such is agreed in writing by the Local Planning Authority, that the area of works does not support nesting birds;
- Further bat surveys if any trees identified to be retained as part of the outline approval are later proposed for removal;
- Details of the GCN Mitigation Strategy (comprising details of, and a copy of, the District Level Licence);
- Details of the proposed measures to protect protected species from accidental damage or harm through the construction process;
- A copy of the Homeowner Pack, which shall include details of the measures to mitigate against recreational disturbance on Morecambe Bay (SPA), and a scheme for the display and distribution of the approved Homeowner Pack to future occupiers of the development;
- Habitat creation and enhancement of the boundary buffers and open space to the south (marked green on the approved Parameters Plan pursuant to Condition 2) to compensate for the loss of hedgerow and grassland;
- Measures to secure habitat connectivity;
- Details and locations of bird and bat nesting habitat enhancement measures;
- Details of any external lighting;
- Details of monitoring and management of enhancement measures/areas;

The role and responsibilities of an ecological clerk of works (ECoW) including times during construction when present on site to oversee works.

The development shall be constructed, managed and maintained in accordance with the agreed Plan including the timetable for implementation and future management monitoring where specified in the approved Plan.

Reasons: To adequately protect, maintain and enhance the biodiversity value of the site and to safeguard the conservation objectives of Morecambe Bay SPA, SAC and Ramsar site post construction.

Condition 10a:

The proposed development shall be carried out in accordance with the recommendations set out in the approved Arboricultural Report and Arboricultural Implications Assessment (AIA) by JCA (ref:14486C/PH dated 14 February 2019)) or an updated AIA submitted as part of the first reserved matters application, which shall be submitted to, and agreed in writing by, the local planning authority. The approved AIA shall be incorporated into the layout, landscaping and appearance details submitted as part of any reserved matters application.

Reason: To ensure existing landscape features (trees and hedgerows) are designed into the development proposals and suitably protected, mitigated (where necessary) and enhanced in the interests of the visual amenity and character of the area.

Condition 10b:

Prior to the commencement of development, site preparation/clearance the following details (based on the approved AIA pursuant to condition 10(a) shall be submitted to and approved in writing by the local planning authority:

- Tree Works Schedule;
- Arboriculture Method Statement; and
- Tree Protection Scheme.

The development shall then be carried out in accordance with the agreed details, with the approved protection measures being fully implemented prior to any equipment, machinery or materials being brought onto site, retained in situ for the duration of the works in that phase of development as agreed under condition 4 of this consent, and only removed once the development in that phase is complete and all machinery and works material removed from that parcel.

Reason: To prevent damage to trees/hedges during site works and in the interest of amenity of the area.

and subject to the following conditions:

1. Time limit (from 30 April 2021).
2. Approved plans (as amended and drafted above).
3. Scheme for Infrastructure and Enabling Works.
4. Phasing Plan.
5. Employment Skills Plan.
6. Biodiversity and Landscape Mitigation and Management Plan (as amended and drafted above).
7. Invasive Species Survey and mitigation (if required).
8. Construction Environment Management Plan (CEMP).
9. Contaminated Land.
10. AIA and Tree Works Schedule, Arboricultural Method Statement and tree Protection Scheme (as amended and drafted above).
11. Housing Mix and 20% M4(2) provision.
12. Scheme for Safeguarding Land.
13. Finished Flood Levels and Site Levels.
14. Full access construction details.
15. Scheme for off-site highway works.
16. Scheme for Surface Water Drainage.
17. Foul Drainage Scheme.
18. Noise Mitigation Scheme.
19. Scheme for EV Charging and Cycle Storage provision.
20. Scheme for achieving 10% betterment above Building Regulations.
21. Travel Plan.
22. Management and Maintenance scheme for Drainage.
23. In accordance with FRA.
24. A shared cycle/ped link between access and crossing point to south (Collingham Park) to be incorporated into the layout of the development.
25. All dwellings to meet NDSS.

18 LAND SOUTHEAST OF CHURCH BANK, CHURCH BANK, OVER KELLET, LANCASHIRE

A6 21/01323/FUL Erection of 7 dwellings and associated access road. Kellet Ward A(106)

It was proposed by Councillor Keith Budden and seconded by Councillor Mel Guilding:

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

Upon being put to the vote, Councillors voted unanimously 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 conditions in the Committee Report and subject to a variation to the existing legal agreement to secure the following:

- Linking of 21/01323/FUL to 16/01572/OUT
- Delivery of affordable housing in accordance with submitted scheme (total of 9 units, 4 x affordable rent and 5 x shared ownership)
- Payment of £10,708.16 towards upgrade of village play area
- Management of open space across all development land
- Requirement to deliver *both* planning permissions 21/01323/FUL and 16/01572/OUT (inc REM)

and subject to the following conditions:

1. Time limit for development.
2. Development to be in accordance with approved plans.
3. Development to be carried out in accordance with the approved highway access arrangements.
4. Installation of Newt Gully pots.
5. Delivery of approved off site highway and ped links.
6. Delivery of secure cycle storage sheds.
7. Delivery of EV charge points.
8. Installation of boundary treatments.
9. Materials as per submitted details.
10. Compliance with surface water and foul drainage details.
11. Compliance with energy statement.
12. Compliance with CEMP document.
13. Compliance with tree protection details.
14. Unforeseen contamination.
15. Removal of Permitted Development (Parts 1 and 2).

19 UNITED UTILITIES LANCASTER WASTEWATER TREATMENT WORKS STODDAY LANE LANCASTER

A7 22/00581/CCC Retention of workshop for use by wastewater network operations team as approved Scotforth West Ward NO

under temporary planning permission LCC/2017/0026.

It was proposed by Councillor Dave Brookes and seconded by Councillor Roger Dennison:

“That the City Council has no objection to the proposal subject to the conditions in the Committee Report and subject to amendment to conditions 2 and 3 to reflect 08:00 - 13:00 working arrangements on Saturdays.”

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

Resolved:

That the City Council has no objection to the proposal subject to the conditions in the Committee Report and subject to amendment to conditions 2 and 3 to reflect 08:00 - 13:00 working arrangements on Saturdays:

1. Five-year temporary approval.
2. Hours of use restricted to 08:00 – 18:00 Monday to Friday and 08:00 - 13:00 on Saturdays only.
3. External lighting restricted to 08:00 – 18:00 Monday to Friday and 08:00 - 13:00 on Saturdays only.
4. Implementation of approved landscaping scheme.

20 HALTON MILL MILL LANE HALTON

A8	14/00713/VLA	Variation of legal agreement on 00/00920/OUT and subsequent renewal consent 05/01432/OUT to vary the terms of the Fourth Schedule concerning affordable housing in relation to the applicants land only, remove the requirements to obtain covenants from future land owners to restrict vehicular use over Mill Lane between points A and B (as set out in the Third Schedule), amend and partly discharge the provisions of the public open space obligations and to discharge the obligation relating to the provision of the industrial buildings.	Halton-with-Aughton Ward	A
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It was proposed by Councillor Roger Dennison 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, Councillors voted unanimously 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 conditions in the Committee Report and in accordance with S106(A) of the Town and County Planning Act subject to modification and discharge of the terms of the original agreement in relation to the applicant's land subject to the changes set out below being executed by a legal Deed of Variation:

1. Paragraph 1, Third Schedule - to remove (discharge) this clause.
2. Paragraph 2, Third Schedule - to remove this clause.
3. Paragraph 1, Fourth Schedule - to remove this clause and to replace with new clauses to provide an off-site financial affordable housing contribution in lieu of on-site provision totalling £141,218.
4. Paragraphs 2 - 5, Fourth Schedule - to remove clause 2 – 5 and replace with amended provisions to transfer to the public open space to the Council within a prescribed period to be set out in the Deed.
5. Paragraph 7, Fourth Schedule - to remove (discharge) this obligation.
6. Additional clauses to be included requiring (best endeavours) the applicant to put Mill Lane forward for adoption under s38 of the Highways Act.

21 DELEGATED LIST

The Service Head for Planning and Place 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 11.20 a.m.)

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