

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 12th December, 2018 at 10.30 am in Committee Room 'B' (The Diamond Jubilee Room) - County Hall, Preston

Present:

County Councillor Barrie Yates (Chair)

County Councillors

P Rigby	D Foxcroft
S Clarke	P Hayhurst
C Crompton	A Kay
M Dad	M Pattison
J Eaton	A Schofield
K Ellard	

1. Apologies for absence

None received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor M Pattison declared a non pecuniary interest in agenda item 6 as a member of Lancaster City Council.

County Councillor A Schofield declared a non pecuniary interest in Item 5 as his daughter is a teacher at the school.

3. Minutes of the last meeting held on 14 November 2018

Resolved: That the Minutes of the meeting held on 14 November 2018 be confirmed and signed by the Chair of the Committee.

- 4. West Lancashire Borough: Application number LCC/2018/0055**
Construction of an electricity generating facility of up to 5MW from five generators powered by mains gas, and associated plant and equipment consisting of five radiators, five transformers, a high voltage (HV) client building, a gas kiosk, a distribution network operator (DNO) building, an oil tank, an amenity cabin and closed-circuit television (CCTV) on three x four metre high support posts all enclosed by 2.4m high palisade fencing to form a compound area. West Quarry Railway Pad, Appley Lane North, Appley Bridge.

A report was presented on an application for a gas powered standby facility for the generation of electricity located within part of an existing fenced compound on the edge of the West Quarry Railway Pad, Appley Lane North, Appley Bridge.

The Committee was informed that the proposal had attracted some interest in the local area and that County Councillor John Fillis had requested that the Committee visit the site before determining the application.

Several members of the Committee commented that they had already had the opportunity of visiting the site and its locality on a previous occasion when it was the subject of a separate planning application. It was therefore Moved and Seconded that:

'The request for a site visit to land adjacent to West Quarry Railway Pad, Appley Lane North, Appley Bridge be refused'.

On being put to the vote the Motion was Carried, it was therefore:

Resolved: That the request for a site visit to land adjacent to West Quarry Railway Pad, Appley Lane North, Appley Bridge be refused.

**5. Ribble Valley Borough: Application Number. LCC/2018/0028
Two single storey extensions with link corridors to the main
building. Extension to the existing car park, the provision of an all-
weather multi use games area and 2.4 metre high security fencing.
St Mary's RC Primary School, Whalley Road, Langho, Blackburn.**

A report was presented on an application for two single storey extensions with link corridors to the main building, an extension to the existing car park, the provision of an all-weather multi use games area and 2.4 metre high security fencing at St Mary's RC Primary School, Whalley Road, Langho, Blackburn.

The report included the views of Ribble Valley Borough Council, the County Ecology Service, Lancashire County Council's Highways Development Control and details of 4 letters of representation received.

The Development Management Officer presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The Committee was also shown an illustration of the proposed development and photographs of the site.

The officer advised that it was proposed to amend condition 5 as follows to make it clear that the window glass should be opaque glazing rather than just a film attached to the glass:

- '5. No development of the single storey extension shall commence until details of the opaque glazing to be fitted to the windows on the north west elevation of the single storey extension have been

submitted to and approved in writing by the County Planning Authority.

Thereafter only those glazing materials approved by the County Planning Authority shall be used in the development. The approved glazing materials shall be retained in these windows thereafter.'

In response to questions raised by the Committee, officers advised that the installation of fire sprinklers was subject to building regulations and not the planning application process. Following further discussion, it was agreed that officers would write to the applicant to enquire about installing sprinkler systems in new buildings and circulate the response to Committee Members.

Resolved:- That subject to the amendment to condition 5 above, planning permission be granted subject to the conditions set out in the report to the committee.

- 6. Lancaster City: Application Number. LCC/2018/0040**
Change of use of land to educational use comprising of school playing area outdoor amenity and play space.
Recreational land to the east of Barton Road, Lancaster

Lancaster City: Application Number. LCC/2018/0041
Erection of 2.1m ball stop fencing and gates.
Recreational land to the east of Barton Road, Lancaster.

A report was presented on an application for the change the use of land to educational use comprising of school playing area outdoor amenity and play space (application LCC/2018/0040) and the erection of 2.1m ball stop fence and gates (application LCC/2018/0041) at recreational land to the east of Barton Road, Lancaster.

The report included the views of Lancaster City Council, the Environment Agency, Sport England, the County Council's Highways Development Control and details of 139 letters in respect of application LCC/2018/0041 and 138 letters in respect of application LCC/2018/0040. The report also included the views of County Councillor Erica Lewis.

The Committee visited the site on 30 October 2018.

The Development Management Officer presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The Committee was also shown photographs of the site from various aspects.

It was reported that the school currently uses an area of land directly to the south west of the school buildings for outdoor recreation and learning activities. However, that land was currently the subject of an appeal to the Supreme Court over whether it should be designated as a Town Green. If the appeal were to be dismissed, this would leave the school without any designated playing field

space; the current fencing would have to be removed from the land and it would then become fully accessible to the public once again. Therefore, in order to comply with their safeguarding responsibilities, the school was proposing to create an alternative fenced-off area on recreational land to the east of Barton Road for pupil's play and recreational activities.

The Officer informed the meeting that the applicant was willing to defer the linked application - LCC/2018/0041 (erection of 2.1m ball stop fencing and gates), pending further discussions with the community.

The Officer also informed the meeting that the Members had received a presentation from the Moorside Fields Community Group on Monday 10 December 2018. Full details of the presentation were set out in the Update Sheet circulated at the meeting (copy set out at Annex A to the Minutes). The Update Sheet also included details of a number of further representations, including one from County Councillor Susie Charles, the Cabinet Member for Children, Young People and Schools. The officer advice in relation to such was also included in the Update Sheet.

County Councillor Erica Lewis, Lancaster City Councillor Anne Whitehead and three local residents addressed the Committee. They objected to the application for the change of use of the land for the following summarised reasons:

- The proposal would prevent informal recreational use and restrict public access to a designated outdoor sports facility and area of open space.
- The land in question was too far from the school to be used for school purposes and far in excess of the current size of the Moorside Primary School playing fields.
- It is important for primary school children to be able to exercise safely, however, it was more important for everyone of all ages to be able to access the facility.
- The designation of Town Green would not preclude the school from using the fields.
- The proposal would not accord with the Lancaster Local Plan and would prevent access to a public right of way.
- The current situation would not have arisen if the school had not restricted access to a well-used footpath. The school should open up dialogue with the community.
- A reasonable agreement could be made without going through this type of planning process. Other legal avenues could be explored including an ability to exchange the Barton Road field for the existing school playing field. This would `give the school a secure playing field which was easily accessible.

The Committee was urged to reject both applications and seek a more practical solution such as a land swap.

The Head Teacher of Moorside Primary School and a parent of one of the pupils at the school addressed the Committee and spoke in support of the application.

The parent reiterated the implications for the school should the appeal at the Supreme Court prove unsuccessful and maintained that the proposal would provide a viable alternative to Moorside Primary School's current playing field if the school loses its current legal appeal.

The Head Teacher emphasised how important it was for the school to have their own secure outdoor space where they are able to secure access and ensure the safety of pupils. He explained that Moorside Primary School would be left without any designated playing field space if the nearest areas of open land to the school were registered as a Town Green. OFSTED also expect schools to manage the safeguarding of pupils and without secure playing fields, the school would not be able to meet its requirement to provide safe and secure outdoor space and a balanced curriculum. He added that the school would be willing to allow continued access to the proposed site outside of school hours and was looking forward to working with the Council and community groups to reach an understanding.

Following debate and questions to the Officers by the Members in relation to the proposed Public Right of Way, the appeal to the Supreme Court and the implications for the school, it was:

Resolved: i) That subject to the Secretary of State not calling in the application for his own consideration, application LCC/2018/0040 be **granted** subject to the conditions set out in the report to the committee.

ii) That consideration of application LCC/2018/0041 be deferred pending further discussions with the community.

7. Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.

It was reported that since the last meeting of the Committee on 14 November 2018, two planning applications had been granted planning permission by the Head of Service Planning and Environment in accordance with the county council's Scheme of Delegation.

Resolved: That the report be noted.

8. Urgent Business

There were no items of Urgent Business.

9. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 23 January 2019 at 10.30am.

L Sales
Director of Corporate Services

County Hall
Preston

ANNEX A

Development Control Committee Update – 12th December 2018

Item 5 – Application LCC/2018/0028 – St Marys RC Primary School

Conditions

Condition 5 – Amend wording of condition 5 to make clear that the window glass should be opaque glazing rather than just a film attached to the glass.

5. No development of the single storey extension shall commence until details of the opaque glazing to be fitted to the windows on the north west elevation of the single storey extension have been submitted to and approved in writing by the County Planning Authority.

Thereafter only those glazing materials approved by the County Planning Authority shall be used in the development. The approved glazing materials shall be retained in these windows thereafter.

Item 6 - Applications LCC/2018/0040 and 0041 – Barton Road, Lancaster

Representations

Letter from County Councillor Susie Charles (Cabinet Member for Children, Young People and Schools)

CC Charles states that LCC has a legal duty to ensure that every child fulfils their educational potential and that this responsibility also includes provision of safe, secure outdoor play space. Schools therefore need their own secure outdoor space where they are able to secure access and ensure the safety of pupils. The Government expects schools to use their existing playgrounds and fields to encourage physical activity and Moorside School provides a wide range of such activities to this end. Without secure playing fields such activities will not be possible. OFSTED also expect schools to manage the safeguarding of pupils. Without secure playing fields, the school will not be able to meet its requirement to provide safe and secure outdoor space and a balanced curriculum. CC Charles considers that the needs of the children of Moorside Primary School both now and in the future are of paramount importance.

Presentation: On 10th December 2018, a 30 minute presentation was made to members of the Committee by the Moorside Fields Community Group under the public speaking procedures. The issues raised in the presentation were as follows:-

- The Group is comprised of people who are committed to the local community
- The land to the rear of Moorside School was always open and was not used much by the school who preferred to use the green spaces within the school itself. However, the land was always used by local people for recreation outside of the school day. The area was also crossed by a well used footpath

- In 2008 Moorside School developed the cycle track which included a gate which prevented access across the land. The school would not meet the local community to discuss access to the land.
- At this point, an application for a public right of way across the fields was submitted. There was also no alternative but to submit the town green application
- The Planning Inspector concluded that most of the application land should be added to the register of town greens. This has been confirmed following two further legal challenges by LCC. If LCC loses a further challenge in the Supreme Court, the fencing around areas A and B will have to be removed along with two classroom blocks.
- The Barton Road playing field is too far from the school and the area will not be used for school purposes.
- The Barton Road playing field is well used and the neighbourhood will suffer if the access is lost. The fence would be out of character with the area.
- The fencing would have flood risk implications
- The calculation of required play space is incorrect and there is no justification for the area of fencing proposed.
- There are alternatives to the current proposals and a more cost effective solution should be sought such as a land swap.
- The Group therefore urge that the applications be rejected and that a dialogue is opened with local community.

Further representations:

Since the report was finalised, a number of further representations have been received which are summarised as follows:-

- The applicant's calculation of existing playing space at Moorside Primary School is incorrect
- There are a number of mistakes in the applicants drawings and supporting information
- There are other legal avenues that should be explored including an ability to exchange the Barton Road field for the existing school playing field which would give the school a secure playing field which is easily accessible.
- There is nothing to prevent the fence from still being built if the town green application fails in the Supreme Court.

Two further representations have also been received this morning:-

One is from the Moorside Fields Community Group and includes a plan showing the Group's proposals for the exchange of land at the rear of school and also drawing attention to the location of the new school buildings on the southern side of the school site.

The other representation is from a local resident who states that the proposals should have been advertised as a departure from the local plan and that they affect a public right of way. The resident therefore considers that the applications should not be determined until such time as they are readvertised

Advice

Committee is requested to note the content of the further representations that have been made.

In relation to the comments about advertisement, it will be noted from the report that both applications will have to be referred to the SoS as departures from the development plan should it be resolved to grant planning permission. It is also considered that there is strong argument that the change of use application is not a departure given that it would not by itself restrict the use of the playing field or reduce its open nature.

