



Emergency Powers Non-Executive Decisions Supplement

Wyre Borough Council
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Emergency Powers Non-Executive Decisions meeting on Wednesday 06 May 2020 at 2.00 pm via Remote Access (internal).

- (a) **Application A- Land To The West Of The A6 (Preston/Lancaster New Road), Bounded By Nateby Crossing Lane & Croston Barn Lane, Nateby, Garstang, PR3 1DY (16/00241/OULMAJ)** (Pages 3 - 4)
Outline planning permission (all matters reserved apart from access) for the erection of up to 270 dwellings; a minimum of 4.68ha of employment development comprising up to 5,740sqm of Class B1(A) Offices and B1(B) Research and Development, Class B1c light industrial, B2 General Industrial, Class A1 convenience store (up to 375sqm (net) floorspace) and Class A1/A3 drive-through coffee shop (up to 235sqm (sales) floorspace); associated green infrastructure / landscaped open spaces; a pedestrian/cycle link to Garstang; and with access taken from both the A6 and Nateby Crossing Lane, including the construction of a new roundabout with at-grade pedestrian crossings and the associated reconfiguration of the A6 (resubmission 14/00458/OULMAJ).
- (b) **Application B- Land South Of West End And Pinfold House, Great Eccleston (18/00540/FULMAJ)** (Pages 5 - 8)
Proposed residential development of 16 dwellings, public open space, landscaping and associated infrastructure with vehicular access taken from West End.
- (c) **Application C- 14 Garratt Close, Poulton-Le-Fylde, Lancashire, FY6 7XG (19/01232/FUL)** (Pages 9 - 10)
Single storey rear extension, two-storey side extension and conversion of garage into a garden room.

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PLANNING DECISIONS ON APPLICATIONS REFERRED TO THE PLANNING COMMITTEE - UPDATE SHEET

EMERGENCY POWERS DECISION DATE: 6 May 2020

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ADDITIONAL REPRESENTATIONS

Following the publication of the Agenda, five additional representations have been received raising the following concerns:

- Impact on existing infrastructure which is already at capacity / oversubscribed / no expansions planned
- Increase in traffic from the development causing more congestion, road accidents and air pollution on what is already a busy local highway network
- Concern about the safety of the additional cycle and pedestrian crossing points
- Harm to local countryside
- Nearby developments (housing and retail) stand empty so no need for further development
- Concerns about increased surface water runoff on neighbouring land, properties and villages
- Impact from the drive-thru coffee shop on Garstang Town Centre
- Impact on wildlife

These matters are appropriately dealt with in the main report and raise no new issues. A summary of the consideration of these issues is set out below.

Any additional infrastructure (identified by the relevant local education, highway and health authorities as being required) to mitigate the development is being provided for by way of on/off-site provision or financial contribution. LCC Highways have assessed the scheme including the siting of the proposed pedestrian crossings across the A6 in terms of highway capacity, safety and sustainable travel and deem it to be acceptable subject to a number of off-site highway works and site access details to be agreed (secured by conditions and section 106 contributions).

The site is not designated countryside following the adoption of the Wyre Local Plan in February 2019. Land to the west remains countryside and so one of the considerations in any subsequent reserved matters applications relating to siting, scale, landscaping and appearance details will be to ensure the development provides an appropriate transition between the urban area and countryside beyond.

Notwithstanding any neighbouring developments having unsold or empty properties / retail units, the need for this development to meet Wyre's future housing and employment growth over the plan period to 2031 is established in the Wyre Local Plan. The scale of the coffee shop and the retail unit is designed to meet the neighbourhood catchment and is below the policy threshold requiring an impact assessment on Garstang town centre.

In terms of concerns about flooding, appropriate conditions will require a detailed drainage and management scheme to be agreed and implemented. This will include the requirement for water to be held on site and released at a controlled rate to mimic the existing greenfield run-off rate so as not to put any additional pressure on the watercourses and drainage network.

Finally in terms of impact on wildlife appropriate ecology surveys have been carried out and reviewed by professional ecology advisors who raise no concerns subject to conditions to ensure appropriate habitat mitigation and compensation is provided for in the new development.

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CONSULTATION RESPONSES

Paragraph 6.8 of the main report sets out Lancashire County Council's (LCC) School Planning Team response. Since the Agenda was published LCC were asked to name the school to which the contributions would go towards expanding. They have responded to confirm this will be Baines School, Poulton-le-Fylde. In doing so they have also produced a re-assessment in light of updated information /data based upon the 2020 school census and resulting projections. The number of secondary school places required remains at 2 however the cost per place has increased resulting in a total new claim of £50,161.80 (compared to £48,370.32 set out in report). There remains no contribution requirement for primary places.

REPRESENTATIONS

Paragraph 7.1 of the main report is updated to 20 objections following the receipt of 1 additional objection since the Agenda was published. This objection sets out that there are cuckoos on the site for which no survey has been carried out and so the application should be rejected until such time.

CONTACTS WITH APPLICANT/AGENT

Paragraph 8.0 is updated as follows:

- Receipt of revised plans 21/4/20 and section plan 22/4/20 (these plans were considered in preparing the main report so no need to consider them further)
- Submission of additional signed Certificate B showing notice served on LCC Highways.
- Revised landscape and tree removals plans showing retention of T32 and T33 24/4/20 (these plans are considered in the Issues section below)

ISSUES

Paragraph 9.7 of the main report which sets out the education assessment should be taken as updated accordingly to reflect the revised LCC education contribution requirement as set out above.

Paragraph 9.33 of the main report sets out the ecology issues including reference to a suitable ecology survey having been submitted and GMEU consulted. In response to the letter of objection received setting out that there are cuckoos nesting on the site and a survey for these has not been carried out, the ecology survey states:

'it is possible that a number of Red and Amber List Bird Species could use the perimeter habitats of the Site for nesting. The majority of these perimeter habitats are to be retained in their present state so any potential impact on these bird species is not considered to be significant'.

After considering the submitted survey, GMEU in their response do not require further surveys to be carried out but state *'all nesting birds their eggs and young are legally protected under the terms of the Wildlife and Countryside Act 1981 (as amended). No tree felling or other vegetation clearance required to facilitate the development should be undertaken during the optimum period for bird nesting (March to August inclusive)'.*

Whilst nesting birds are legally protected, a condition is nonetheless proposed to secure the above to protect nesting birds using the site. There is an additional condition that requires the submission / agreement and implementation of a habitat creation scheme, which will include bird box provision and hedgerow bolstering. This will ensure that for the minimal tree/vegetation removal proposed there will be mitigating opportunities for nesting created. Based upon the professional ecology advice received, these conditions are considered to provide adequate mitigation / compensation / management for the potential risks to birds from this development.

Paragraph 9.37 of the main report refers to the issue of ownership of certain trees shown on the plans and that they would not allow for their removal. Whilst this is a private matter, to help clarify this issue the trees indicated as T32 and T33 have been shown to be retained on a revised Tree Removals Plan received.

RECOMMENDATION

There is a change to the wording of paragraph 12.1 as follows (additional text is shown underlined and ensures the S106 heads of terms are documented correctly):

'Grant full planning permission subject to conditions and a S106 legal agreement to secure on site Affordable Housing and Green Infrastructure provision and appropriate financial contributions towards local education, health care, affordable housing, and

community hall infrastructure. That the Head of Planning Services be authorised to issue the decision upon the satisfactory completion of the S106 agreement’.

CHANGES TO CONDITIONS/REASONS

The following conditions require updating to reflect the updated tree retention / removal plans received (changed shown underlined):

Condition 2

The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 31 05 2018 including the following plans/documents:

Illustrative street scenes Drg No 02 REV E
Street scenes/sections Drg No 10
Proposed site location plan Drg No 00 Rev B
Boundary treatment & materials layout Drg No 03 Rev H
Tree removals, retention and protection Dwg No 02 Rev E
Proposed garage details Drg 07
Proposed garage details Drg 05 Rev B
Proposed garage details Drg 06 Rev B
Ellwood_Floor Plans & Elevations_Plot 13 Dwg HT_04-REV_02
Ellwood_Floor Plans & Elevations Dwg HT_03-Rev_02
Proposed Belfry House Type CB/XXXXX/009 REV B
Winchester_Floor Plans & Elevations Dwg - HT_07
Windsor_Elevations Dwg HT_06 - Rev_02
Windsor_Floor Plans HT_05 - Rev_02
3 bed Semi Detached_Elevations Dwg - HT_08
Proposed boundary treatment details Drg No 04 Rev B
Planning layout Drg No 01 Rev K
Open space plan Drg 09

Arboricultural survey 18/10/17
Arboricultural Impact Assessment (DEP Landscape Architecture Ltd June 2018)
Bat survey report June 2018
Executive statement February 2020

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

Condition 22

(a) No retained tree/hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the

Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

In this condition "retained tree/hedgerow" means an existing tree/hedgerow which is to be retained in accordance with the approved Arboricultural Survey (18/10/17), Arboricultural Impact Assessment (DEP Landscape Architecture Ltd June 2018), and Tree Removals, Retention and Protection Plan (DWG No 02 Rev **E**); and paragraphs (a) and (b) shall have effect until the expiration of 1 year from the date of the occupation of any part of the development for its permitted use.

Reason: In the interests of visual amenity and to ensure that trees are not felled unnecessarily in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981.

Condition 23

The measures contained within the approved Arboricultural Survey (18/10/17), Arboricultural Impact Assessment (DEP Landscape Architecture Ltd June 2018), Tree Removals, Retention and Protection Plan (DWG No 02 Rev **E**) and executive statement table 2 (February 2020) with respect to those trees/hedgerows shown as being retained shall be implemented in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree/hedgerow" means an existing tree/hedgerow which is to be retained in accordance with the approved plans and particulars.

Reason: In order to protect trees/hedgerows from damage or loss in the interests of the amenity of the area in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981.

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AMENDED PLANS / CHANGE TO CONDITION 02 WORDING

Following the publication of the Agenda, revised plans have been received to correct an inaccuracy with the position of the front dormer (it has been pulled down from its position previously shown to sit just above the eaves). As this is not considered to be a material change there is no change to the assessment in the main report and no requirement to re-notify neighbouring properties. Condition 2 is proposed to be re-worded as follows (amended text shown underlined):

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 13.12.19 including the following plans/documents:

- Location plan received on 13.12.19
- Revised GF plan and front elevation drawing ref: 1067.03E received on 04.05.20
- Revised FF plan and side and rear elevations drawing ref: 1067.04E received on 04.05.20
- Revised garage and west elevation drawing ref: 1067.05E received on 04.05.20
- Revised front and side elevation drawing received on 11.03.20

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

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