



Planning Committee Supplement

Wyre Borough Council
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Planning Committee meeting on Wednesday, 7 April 2021 at 2.00 pm
in the Members Lounge and WebEx.

Members of the Public will be able to view the meeting via the Council's
YouTube page (<https://www.youtube.com/user/WyreCouncil/>)

- (a) **Application A - Land South Of Prospect Farm, West Of A6, Garstang (20/00212/FULMAJ)** (Pages 3 - 6)
Erection of 70 dwelling houses and associated infrastructure with new access off A6 Preston Lancaster New Road.

- (b) **Application B - Land Off Stricklands Lane, Stalmine, FY6 0LL (20/01175/FULMAJ)** (Pages 7 - 10)
Hybrid planning application for two 80 bed care homes with landscaping and associated works (full application), and up to 50 dwellings with access (outline application).

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PLANNING COMMITTEE UPDATE SHEET

COMMITTEE DATE: 7th April 2021

APPLICATION NO.	TEAM LEADER	ITEM NO.	PAGE NOS.
20/00212/FULMAJ	Lyndsey Hayes	1	5 - 32

Updated position on education contributions / Update to recommendation

Paragraph 8.13 of the main committee report sets out that officers have queried the Local Education Authority's (LEA) response and the assumptions on committed developments in the local area, and that any change in position will be reported on the update sheet. This was with particular reference to the Forton application (18/00469/OULMAJ) which has a resolution to grant outline planning permission for up to 195 dwellings and is therefore to be treated as a committed development, but where the actual bedroom mix (and therefore pupil yield) is unknown at this stage. In line with the LEA methodology, where the bedroom mix is unknown a "worst case scenario" is taken and so the LEA assumes 195 x 4 bed units at Forton in the assessment of this application. The Forton development is therefore said to take up 31 of the 36 spare secondary school places, leaving 5 spare places remaining. The pupil need from this application is 7 places, resulting in the LEA asking for a contribution towards 2 pupil places.

The applicant has challenged this contribution request stating "it is inconceivable that the Forton application will generate the number of spaces being suggested by the LEA as they are basing this on 100% of these 195 dwellings comprising 4 bed properties, which would be entirely against Council Local Plan policy and clearly will not be acceptable to Wyre...As such we fail to see how LEA can reasonably justify that the resolution to approve the outline Forton now places a need for our client to fund two school places".

The LEA were asked to respond to this, and have confirmed "*As there is an established methodology regarding additional approvals we would not be revising the education assessment in terms of the Forton application initial dwelling mix calculation...*"

The LEA remain of the view that a contribution towards two secondary school places is required. The applicant does not agree, which effectively means they would not agree to sign the s106 legal agreement. As such the Council needs to decide if it can uphold the LEA request for seeking contributions. In making this decision it is relevant to consider whether these obligations would satisfy the three tests of being necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Officers are of the view that notwithstanding the LEA methodology, it is unrealistic to assume that all of the 195 units at Forton would come forward as 4 bed units when the Wyre Local Plan policy requirement is for a significantly smaller proportion (18% beds, but potentially increasing to 30% under the right circumstances). Therefore it is entirely reasonable to conclude that the two developments at Forton and in this application would not exceed the surplus of 36 places. In which case officers do not concur with the LEA that an education contribution is necessary to

make the development acceptable, and do not consider that this is something which could be successfully defended at appeal.

Therefore the recommendation at 11.0 of the main committee report is amended to exclude education contributions as follows:-

Grant full planning permission subject to conditions and a S106 legal agreement to secure on-site affordable housing (30%) and green infrastructure and financial contributions towards the A6 Highway Strategy and health care. That the Head of Planning Services be authorised to issue the decision following the satisfactory completion of the S106 agreement.

Conditions

Updates to the following conditions are suggested as follows:-

6 (Footpath link)

Update to Condition 6 to allow closure during construction in the interests of health and safety (changes illustrated in **bold italic**):

No dwelling shall be first occupied until the 2 metre wide footpath link shown on the approved site layout plan to the front of plot 55 connecting to the A6 has been constructed up to the 2 metre wide footpath running along the site frontage, in surface materials as shown on the approved External Surfaces Layout Drawing R104/4 Rev B. The footpath link shall thereafter be maintained and remain open and unobstructed at all times, **unless its closure is required during the period of construction.**

Reason: In the interests of highway safety and sustainability and in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).”

Condition 13 (Contamination)

A Phase I and Phase II site assessment were submitted in support of the application and found to be acceptable by the Council’s Environmental Health (Land Contamination) Team. Details of gas protection measures are still required and dealt with by Condition 14. Condition 13 is no longer required and is removed.

Condition 14 (Gas Protection Measures)

Condition 14 has been amended to allow for access roads to be constructed prior to agreement of gas protection measures. Gas protection measures to be agreed prior to construction of any dwelling (changes illustrated in **bold italic**):

The development shall incorporate suitable gas protection measures, details of which shall be submitted to and approved in writing by the Local Planning Authority **prior to the construction of any of the dwellings hereby approved.** The measures shall include as a minimum: ventilation of confined spaces within the building, a ground slab of suitable construction, a low permeability gas membrane, minimum (ideally none) penetration of the ground slab by services, and passive ventilation to the underside of the building. The development shall be carried out in accordance with the approved scheme and thereafter be maintained and retained. Alternatively, **prior to the construction of any of the dwellings hereby approved,** a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures are not required. The results shall be submitted to and approved in writing by the Local Planning Authority. Any gas monitoring programme must be carried out over a period of at least three months and include at least three readings where the atmospheric pressure is below 1000mb. Gas flow rates must also be provided.

Reason: The footprint of the proposed development is within the immediate vicinity of an area of infilled ground. The nature of the fill is unknown. Works are therefore required in the interests of public safety and in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

Condition 23 – Levels

Condition 23 has been revised, as acceptable existing and proposed ground and finished floor levels details have been provided under the application (new text illustrated in **bold italic**).

The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details shown on Drawing No.101 Rev S (Main Drainage Layout Development Area).

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity and has a minimum risk of flooding in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31).

Condition 24 – Bin storage

Condition 24 has been revised to allow for access roads to be constructed prior to agreement of bin storage details (changes illustrated in **bold italic**).

Prior to the construction of any dwelling hereby approved, details of the refuse storage provision (including location, design and materials of construction) shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage area(s) shall be provided in accordance with the approved details prior to first occupation of any dwelling and shall thereafter be maintained and retained.

Reason: In the interests of the appearance of the site and locality and the residential amenity of occupants and neighbours, in accordance with Policies CDMP1 and CDMP3 of the Wyre Local Plan (2011-31).

Condition 27 – Delivery of GI

Condition 27 has been altered to allow for a higher number of dwellings (previously 19) to be occupied before the GI needs to be provided (changes illustrated in **bold italic**):

(i) No dwelling hereby approved shall be occupied unless and until the 'public open space' as shown on the approved layout plan has been enclosed on the northern, southern and western boundaries in order to be separated from the wider agricultural land, and this area of public open space left with an open eastern boundary so that it is encompassed within the residential development;

(ii) No more than **35** dwellings hereby approved shall be occupied unless and until, all of the green infrastructure and associated operational development / works have been completed in full and made available for use.

Reason: To ensure that the necessary green infrastructure required to support this development is provided in a timely manner in accordance with Policy HP9 of the Adopted Wyre Local Plan 2011-2031.

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PLANNING COMMITTEE UPDATE SHEET

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APPLICATION NO.	TEAM LEADER	ITEM NO.	PAGE NOS.
20/01175/FULMAJ	Lyndsey Hayes	2	33-81

Updated education position

Since publication of the main committee report, LANCASHIRE COUNTY COUNCIL (LCC) as EDUCATION AUTHORITY (LEA) has responded with an updated position, superseding paragraphs 6.9 and 9.38 of the main report. They confirm that at this present time the outline proposal for up to 50 dwellings would be required to make a financial contribution of £318,249.24 towards 19no. primary school places, with the expenditure project being at Hambleton Academy and/or Stalmine Primary School. No contribution is sought towards secondary school places. This mechanism will need to be secured in a section 106 agreement.

Updated Lead Local Flood Authority position

Since publication of the main committee report, a response from the LEAD LOCAL FLOOD AUTHORITY (LLFA) has been received, superseding paragraphs 6.18 and 9.19 of the main report. They confirm: No objection to the proposed development subject to conditions requiring the development to be carried out in accordance with the submitted Flood Risk Assessment and Drainage Management Strategy; the submission of a surface water drainage strategy prior to commencement; details of how surface water and pollution prevention will be managed during each construction phase, and an operation and Maintenance Plan and Verification Report of the Constructed Sustainable Drainage System.

Conditions 10 & 11 on the care home scheme and 10 & 11 on the outline residential scheme deal with two of the LLFA's requested conditions. Conditions 32 & 33 on the care home and 27 & 28 on the outline residential development (set out below) can be added to deal with the remaining suggested conditions should the application be approved, and the applicant has agreed to these.

Clarification on Drainage Engineer's position

The Council's Drainage Engineer has been contacted directly about the comments raised by the third parties that the Drainage Engineer had previously stated that drainage proposals should be to the south of Stalmine, when Paragraph 9.20 of the main committee report states *whilst the proposals would drain to the east (the Drainage Engineer) has no objections to the proposal*. The Drainage Engineer has confirmed that the site would actually discharge to the south, and provided a map to demonstrate this. Whilst the initial route would be to the east of the site the drainage connection would run into the existing watercourse further to the south east, which heads south, and drains away to the south. The drainage route is therefore the same as what third parties had been previously advised and is considered acceptable.

Amended Plans

Following the publication of the committee agenda, the applicant was asked to submit amended plans to improve the bulk and massing of 'care home block A' as seen from the road frontage, in particular the continuous roofline. Amended plans have been received which set back / set down a central section of the building from the main elevation / roofline and make this a fully glazed feature to help break up the massing of the building. The plans also make the front gables stronger features with taller peaks, again to help break up the main roof massing.

The amendment would not have a material impact on any third party and so does not require further consultation / neighbour notification. Officers are of the view this amendment to block A helps to alleviate the bulk and massing as seen from the road frontage and is therefore recommended favourably to members.

CONDITIONS

Conditions 2, 9, 19, 26, 27, 28, 30, 31 of the care home scheme and condition 2 of the outline residential development require updating to reflect the following amended plan reference numbers received.

Drawing No. A160 Rev **05** (Proposed Site Plan)
Drawing No. A120 (Care Home A, Proposed Ground Floor Plan **Rev01**)
Drawing No. A121 (Care Home A, Proposed First Floor Plan **Rev01**)
Drawing No. A122 (Care Home A, Proposed Second Floor Plan **Rev01**)
Drawing No. A123 (Care Home A Proposed Roof plan **Rev01**)
Drawing No. A130 (Care Home A, Proposed Elevations **Rev01**)
Drawing No. A162 Rev **02** (Street Elevations - not including 3D visuals)
Drawing No. A220 External Lighting Layout **Rev01**
Drawing No. A221 (Boundary Treatment Plan **Rev02**)

Additional conditions for the care home scheme (as requested by the LLFA)

32. *No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.*

Those details shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

Reason: *To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere; and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.*

33. *No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to*

the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: *To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.*

Additional conditions for the outline residential development scheme (as requested by the LLFA)

27. *No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.*

Those details shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

Reason: *To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere; and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.*

28. *No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.*

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

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