



Emergency Powers Non-Executive Decisions Agenda

Wyre Borough Council
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Emergency Powers Non-Executive Decisions meeting on Wednesday 3 June 2020 at 2.00 pm via Remote Access

1. **Apologies for absence**

2. **Declarations of interest**

Members and Officers will disclose any pecuniary and any other significant interests they may have in relation to the matters under consideration.

3. **Confirmation of the minutes**

(Pages 3 - 32)

To confirm as a correct record the minutes of the Emergency Powers Non-Executive Decisions meeting held on 06 May 2020.

4. **Appeals**

(Pages 33 - 38)

The Schedule of Appeals lodged and decided between 6th April- 15th May 2020, is attached.

5. **Planning applications**

Background Papers:

In preparing the reports on this agenda the following documents have been used:

1. The Wyre Borough Local Plan (2011-2031)
2. Draft Revised Joint Lancashire Minerals and Waste Local Plan
3. Joint Lancashire Minerals and Waste Local Plan
4. Statements of Government Policy/guidance (NPPF, NPPG, Ministerial Statements etc.)
5. Supplementary Planning Guidance and evidence base documents specifically referred to in the reports
6. The application file (as per the number at the head of each report)
7. The forms, plans, committee reports and decisions as

appropriate for the historic applications specifically referred to in the reports

8. Any additional information specifically referred to in each report.

These background documents are available on line, or for inspection by a written request to Planning Services, Civic Centre, Breck Road, Poulton-le-Fylde, FY6 7PU.

Reports of the Head of Planning Services on planning applications to be determined at this meeting:

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| <ol style="list-style-type: none">(a) Application A- Royal Oak, 64 Breck Road, Poulton-Le-Fylde, Lancashire, FY6 7AQ (19/01292/FULMAJ)
Erection of 16 apartments in a three storey block including access and car parking. | (Pages 39 - 64) |
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Emergency Powers Non-Executive Decisions Minutes

The minutes of the Emergency Powers Non-Executive Decisions meeting of Wyre Borough Council held on Wednesday 06 May 2020 at 2pm via Remote Access.

Councillors present:

Councillors Moon (Chair) and Ballard

Officers present:

Garry Payne, Chief Executive
David Thow, Head of Planning Services
Lyndsey Hayes, Planning Development Manager
Carmel White, Solicitor
Emma Keany, Democratic Services Officer

No members of the public or press attended the meeting.

1 Declarations of interest

None.

2 Emergency Powers Provisions for Planning Committee

Members of the meeting noted the emergency provisions relating to issues normally reserved for the Planning Committee and expressed their desire to keep the democratic process of decision making open during the unprecedented times.

All agreed the process should be kept as similar, as possible, to the normal procedures for the Planning Committee. They felt this was the correct way to deal with decisions taken under the emergency provisions, invoked by an emergency being declared in Wyre, as agreed by Cabinet. This included the process and principles of the public speaking procedure by way of allowing written representations, so that members of the public and others were able to make known their views on an application at the time a decision was to be taken.

3 Appeals

That the position regarding the appeals, as set out on pages 5-45 of the agenda reports pack, be noted and that any Member requiring any further details or clarification on any appeal, should contact the relevant Case Officer.

It was agreed that the appeal decisions for Land off Holts Lane, Poulton-le-Fylde (18/00680/OULMAJ) and Land on the east side of Lambs Road, Thornton-Cleveleys (17/00951/OUTMAJ) would be discussed with Planning Committee members at the first meeting once the committee was able to resume business.

4 Planning applications

The Head of Planning Services submitted three applications and reports to be considered.

5 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)

The application was brought to the meeting for determination for a number of reasons including the fact that the application had been considered by the Planning Committee twice before (March 2017 and June 2018).

Prior to the meeting Councillors Moon and Ballard had visited the site to enable them to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

An update sheet with additional information was published on the council's website and made available at the meeting, this information had only become available after the original agenda was published. The attendees considered the update sheet, which included additional representations. A verbal update was also given regarding a further representation that had been received since the publication of the update sheet.

Four members of the public registered to send in objections to the application and Ms Pollard, Mr Lockwood and Mr Lynch sent objections regarding the application and these were considered by the councillors and officers.

Councillors Ballard and Moon considered the application and discussed their views with the officers. They took on board the views of the members of the public and spoke about worries regarding the changes to the highway but stated that the highways authority had no objections to the proposals. They also expressed concerns regarding the Moss Lane and Longmoor junction. Officers responded to the councillors concerns and also mentioned that the amount of retail floorspace proposed was designed to serve the immediate site and would likely not impact Garstang town centre.

The Chief Executive confirmed he had considered the representations submitted and took on board all points raised. He also noted that this was an

application that had been before the Planning Committee twice before and which they had approved both times. He decided that the application be **approved (as per the recommendation)** under the provisions of the Town and Country Planning Act 1990, subject to the conditions as set out below and Section 106 agreement to secure affordable housing provision and an appropriate financial contribution towards local education, health care, sustainable travel and highway improvement works. The Head of Planning Services was authorised to issue the decision upon the satisfactory completion of the Section 106 agreement.

Conditions:

1. a) In the case of any reserved matter, namely appearance, landscaping, layout and scale of the buildings, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission;

(b) the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last matter to be approved.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Development shall not begin until a phasing programme for the whole of the application site and a delivery mechanism for all highways and access works (including the decommissioning of and works to that part of the application site currently occupied by the A6 and the connection link between the development and the public open space on the eastern side of the A6), have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing programme(s) and delivery mechanism(s) unless an alternative programme has otherwise been submitted to and approved in writing by the Local Planning Authority.

Reason: To define the permission and in the interests of the proper development of the site.

3. (a) The total number of residential units to be provided on the site shall not exceed 270.

(b) the total amount of employment floorspace to be provided on the site shall be a minimum of 4.68 hectares and this shall comprise of uses within class B1 and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless specified in (c) and (d) below. No more than 5,740sqm of the employment floorspace hereby approved shall be for use within class B1 (a) and B1 (b) of the Town and Country (Use Classes) Order 1987 (as amended).

(c) the total amount of floorspace for a convenience store use within class A1 of the Town and Country (Use Classes) Order 1987 (as amended) shall not exceed 500sq m (gross) with the net sales floorspace not exceeding 375sq m.

(d) the total amount of floorspace for a coffee shop use within classes A1 and A3 of the Town and Country (Use Classes) Order 1987 (as amended) shall not exceed 500sq m (gross) with the net sales floorspace not exceeding 235sq m.

Reason: In the interests of highway safety and capacity and to safeguard the vitality and viability of Garstang Town Centre in accordance with Policy EP5 of the Wyre Local Plan 2011-31 and the provisions of the NPPF.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no change of use of the class A1 retail and A1/A3 coffee shop floorspace hereby approved shall take place, nor shall any mezzanine floor be installed in any of those units, without the express permission of the Local Planning Authority.

Reason: In order to maintain an appropriate mix of uses on the site and to safeguard the vitality and viability of Garstang Town centre in accordance with the provisions of policy EP5 of the Wyre Local Plan 2011-31 and the NPPF.

5. An electric vehicle recharging (EVCP) scheme shall be submitted for all dwellings with parking provision unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No dwelling shall be occupied until the electric vehicle recharging point has been provided for the dwelling to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

6. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (ref. L29212/01/DS/CJS Issue 2A dated May 2014) and the mitigation measures detailed therein. The mitigation measures capable of being implemented prior to first occupation shall be fully implemented prior to occupation and any other mitigation measures implemented subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be agreed in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy CDMP2 of the Wyre Local Plan 2011-31 and the provisions of the NPPF.

7. (a) Prior to the commencement of each phase of the development, the

design of a scheme for the drainage of foul and surface water from that phase, based on the sustainable drainage principles and hierarchy outlined in policy CDMP2 unless demonstrated to be impractical on the site (such as due to ground conditions, in which case the results of the investigation required under part (d) and an assessment of the hydrological and hydrogeological context of the development will be required), shall be submitted to and approved in writing by the Local Planning Authority.

(b) This scheme shall include;

i. information about the design storm period and density (1 in 30 and 1 in 100 year + 30% allowance for climate change)

ii. discharge rates and volumes (both pre and post development and including any discharge through culvert no. 37 under the Lancaster Canal)

iii. temporary storage facilities

iv. means of access for maintenance

v. the methods employed to delay and control surface water discharged from the site

vi. the measures taken to prevent flooding and pollution of receiving surface waters, including watercourses and surface water sewers

vii. details of floor levels in AOD

viii. a quantitative and qualitative risk assessment and mitigation strategy with respect to groundwater protection to manage the risk of pollution to public water supply and the water environment. The risk assessment should be based on the source-pathway-receptor methodology. It shall identify all possible contaminant sources and pathways for the life of the development and provide details of measures required to mitigate any risks to groundwater and public water supply during all phases of the development. The mitigation measures shall include the highest specification design for the new foul and surface water sewerage system (pipework, trenches, manholes, pumping stations and attenuation features);

ix. details of any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts where relevant);

x. floodwater exceedance routes both on and off site;

xi. a timetable for implementation;

xii. a management and maintenance plan for the lifetime of the development which, as a minimum, shall include arrangements for adoption by an appropriate public body or statutory undertaker; management and maintenance by a Residents Management Company; arrangements of

appropriate funding mechanisms for on-going maintenance of the scheme; and details of an inspection programme to assess performance, asset condition, operation costs, and any necessary maintenance and/or remedial works.

(c) The scheme shall demonstrate that surface water run off for the entire site once developed would not exceed run-off from the undeveloped site for the corresponding rainfall event.

(d) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates

(e) Details of water quality controls and appropriate mitigation measures to prevent pollution of ground or surface waters including the Lancaster Canal;

(f) No surface water, highway drainage or land drainage shall discharge to the public combined sewerage system or via an infiltration system unless agreed by United Utilities.

(g) The approved drainage scheme for each phase shall then be implemented in full accordance with the approved details, including the agreed timetable for implementation.

Reason: To ensure a satisfactory form of development, to manage flood risk, to prevent pollution from foul and surface water and to protect drinking water supplies in accordance with Policies CDMP1 and CDMP2 of the Wyre Local Plan 2011-31 and the provisions of the NPPF.

8. No development of any phase shall take place until a Construction Environmental Management Plan (CEMP), for the construction and operation of the that phase of development, is submitted to and approved by the Local Planning Authority. The plan shall detail:

i. how biodiversity would be protected throughout the construction period

ii. the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters

iii. the parking of vehicles of site operatives and visitors;

iv. loading and unloading of plant and materials;

v. storage of plant and materials used in constructing the development;

vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

vii. wheel washing facilities to be retained throughout the construction period by which means the wheels of vehicles may be cleaned before leaving

the site;

- viii. a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
- ix. a Management Plan to identify potential ground and water contaminants;
- x. details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction;
- xi. a scheme to control noise during the construction phase,
- xii. a Construction Phase Dust Action Plan that has regard to current best practice provides detail of both the dust mitigation measures to be employed to minimise fugitive dust impacts on localised receptors, and the procedures to be adopted in response to complaints of fugitive dust emissions.
- xiii. the routing of construction vehicles and deliveries to site including the direction of construction traffic away from Cathouse Bridge (bridge no. 64) over the Lancaster Canal in order to minimise risk of damage to this bridge during construction.

The development shall then proceed in full accordance with this approved plan.

Reason: In order to safeguard the biodiversity of the site, protect the water environment and public drinking water supplies, and to maintain the operation and safety of the local highway network, during site preparation and construction, in accordance with Policies CDMP1, CDMP4 and CDMP6 of the Wyre Local Plan and the provisions of the NPPF.

9. (a) No trees shall be felled or vegetation cleared during the bird breeding season (March to July inclusive) unless a report, undertaken by a suitably qualified person, has been submitted in writing to the local planning authority, demonstrating that nesting / breeding birds have been shown to be absent.

(b) No trees shall be felled or vegetation cleared during the main bat activity season (May to August inclusive) unless a report, undertaken by a suitably qualified person, has been submitted in writing to the local planning authority, demonstrating that roosting bats have been shown to be absent.

(c) Any trees to be felled shall be soft-felled whereby tree limbs are cut and left grounded over-night to allow any bats to make their way out.

Reason: In order to safeguard the biodiversity of the site in accordance with the provisions of policy CDMP4 of the Wyre Local Plan and the NPPF.

10. (a) Prior to the commencement of development, a method statement shall be submitted to and approved in writing by the Local Authority giving full

details of how any possible harm to great crested newts would be avoided during the course of development. This approved method statement should be implemented in full.

(b) No groundworks, vegetation clearance, levelling or drainage of the site, or trapping, exclusion or translocation of amphibians should commence until the Local Authority has acknowledged in writing receipt of either:

(i) a licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the specified activity to go ahead; or

(ii) a statement from the relevant licensing body to the effect that it does not consider that the specified activity would require a licence.

Reason: In order to safeguard biodiversity in accordance with the requirements of policy CDMP4 of the Wyre Local Plan and section 18 of the NPPF.

11. Prior to the commencement of each approved phase of the development, a Landscape and Habitat Creation and Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority and this approved plan shall be delivered in accordance with a timetable to be included therein and shall thereafter be retained and managed in accordance with the details of the approved scheme. The plan shall include species rich hedgerow planting; bolstering of existing hedgerows; the creation of ponds; and the provision of bat bricks or tubes, bat and bird boxes, and native tree and shrub planting. The scheme shall also include details of planting along the existing railway line that would support foraging bats.

Reason: In order to safeguard and enhance the biodiversity of the site in accordance with the provisions of policy CDMP4 of the Wyre Local Plan and section 18 of the NPPF.

12. Prior to the commencement of development, a method statement for the protection of trees and hedgerows during construction shall be submitted to and approved in writing by the Local Planning Authority. Development shall then proceed in full accordance with this approved statement. The method statement shall identify the trees and hedgerows to be retained and shall be in accordance with the guidelines set out under BS 5837:2012 'Trees in relation to design, demolition and construction'.

Reason: In order to safeguard existing trees and hedgerows on site in the interests of maintaining and enhancing biodiversity in accordance with policy CDMP4 of the Wyre Local Plan and section 18 of the NPPF.

13. Prior to the commencement of each approved phase of the development:

(a) A revised conceptual site model and risk assessment in respect of

potential land contamination for that phase shall be submitted to and approved in writing by the Local Planning Authority, including (where necessary), detailed proposals for further site investigation work

(b) Any necessary site investigation works in relation to potential land contamination for that phase shall be undertaken in full, strictly in accordance with the approved methodology, and a risk assessment of the findings submitted for approval by the Local Planning Authority, together (where appropriate) with a detailed remediation scheme

Where remediation of any potential land contamination is required for an approved phase, prior to first occupation of any dwelling / first use of any unit within that phase, remediation shall be undertaken strictly in accordance with the approved remediation strategy and a validation report shall be submitted to the Local Planning Authority for approval in writing, confirming full implementation of the approved remediation scheme.

Any changes to the approved elements require the express consent of the Local Planning Authority.

Reason: In order to prevent harm to human health or the environment from land contamination in accordance with the requirements of policies CDMP1 and CDMP4 of the Wyre Local Plan and the NPPF.

14. The development shall incorporate suitable gas protection measures, details of which for each approved phase of the development shall be submitted to and be subject to the written approval of the Local Planning Authority prior to the commencement of that phase of development, unless shown not to be required as detailed below. The measures shall include, as a minimum: ventilation of confined spaces within the building, a well-constructed ground slab, a low permeability gas membrane, minimum penetration (ideally none) of the ground slab by services, and passive ventilation to the underside of the building.

Alternatively, prior to the commencement of each phase of the development, a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures for that phase are not required. Any gas monitoring 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. Results shall be submitted for approval in writing by the Local Planning Authority.

Reason: In order to ensure that the development would be suitably protected against potential gas ingress in order to safeguard the environment and human health in accordance with the requirements of policy CDMP1 of the Wyre Local Plan and the NPPF.

15. (A) The residential development hereby permitted shall be designed so that cumulative noise (from industrial, commercial and transportation sources) does not exceed:

- LAeq 50-55 dB 16 hours - gardens and outside living areas, daytime (07.00-23.00)
- LAeq 35 dB 16 hours - indoors, daytime (07.00-23.00)
- LAeq 30 dB 8 hours - indoors, night-time (23.00-07.00)
- LAFmax 45 dB(8 hours - indoors night-time (23.00-07.00)
- LAFmax 45 dB 4 hours - indoors evening (19.00-23.00)*

(B) The Noise Rating Levels for cumulative noise from all plant, machinery and vehicles used in connection with the industrial and commercial uses of the development shall not exceed the background noise level (LA90) at the external façade of each of the proposed dwellings, as assessed in accordance with British Standard 4142 (2014). Alternative levels and monitoring locations may be used subject to the prior agreement of the Local Planning Authority.

(C) The Maximum Instantaneous Noise Levels (LAFmax) from all plant, machinery and vehicles used in connection with the industrial and commercial uses of the development shall not exceed 60 dB(A) evening (19.00-23.00hrs)* and night-time (23.00-07.00hrs) at the external façade of each of the proposed dwellings.

Alternative levels and monitoring locations may be used subject to the prior approval of the Local Planning Authority.

- The evening standard LAFmax will only apply were the evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.

(D) Where noise mitigation measures are required to ensure compliance with the agreed noise levels e.g. acoustic glazing, noise barrier fencing and ventilation, such mitigation details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development demonstrating how they would mitigate noise to the approved levels together with a timetable for implementation. The approved noise mitigation measures shall be implemented in accordance with the approved timescale and shall thereafter be maintained and retained.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings from cumulative noise from the existing and proposed industrial, commercial and traffic sources, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 and CDMP3 of the Local Plan and the provisions of the NPPF.

16. Prior to the occupation of each commercial unit, an Odour and Noise Management Plan for any extraction or air conditioning system in that unit shall be submitted to and approved in writing by the Local Planning Authority. The height of each kitchen extraction flue should be a minimum of 1m above the eaves, and the fixings used to attach the extraction flue to the wall of the building shall be designed so as to prevent vibration. The kitchen extraction system shall be designed in accordance with the Department for

Environment, Food and Rural Affairs (DEFRA) document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. All extraction systems shall be installed and thereafter maintained in full accordance with these approved plans.

Reason: In order to protect the residential amenities of nearby neighbours in accordance with Policy CDMP1 and CDMP3 of the Wyre Local Plan and the provisions of the NPPF.

17. No industrial or commercial unit shall be occupied until a Delivery Strategy for that unit has been submitted to and approved in writing by the Local Planning Authority. No deliveries (to include waste and recycling collections) shall take place outside of the hours specified by the approved Delivery Strategy.

Reason: In order to avoid an unacceptable impact on residential amenity by virtue of noise and to ensure that highway safety is maintained at all times in accordance with Policies CDMP1 and CDMP6 of the Wyre Local Plan and the provisions of the NPPF.

18. Before any of the commercial elements of the scheme hereby approved are first brought into use, the operating hours of those commercial elements shall first be submitted to and approved in writing by the Local Planning Authority and the commercial use shall thereafter operate within those approved hours and at no other times.

Reason: In the interests of the amenity of nearby residents in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

19. No amplified recorded or live music shall be played in the outside areas of the commercial and industrial uses at any time.

Reason: In order to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

20. Prior to the commencement of each approved phase of the development, an external lighting scheme and Artificial Lighting Assessment for that phase shall be submitted to and approved in writing by the Authority. The assessment shall demonstrate that any external artificial lighting to be provided would be installed in accordance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and would not be intrusive to residential premises. Light intrusion into the windows of any residential premises shall not exceed 10 lux between 0700 and 2300 hours and 2 lux between 2300 and 0700 hours. The assessment shall also demonstrate that the orientation and luminosity of the lighting would not be detrimental to biodiversity.

Reason: In order to avoid an unacceptable impact on residential amenity and biodiversity by virtue of light pollution in accordance with Policies CDMP1 and CDMP4 of the Wyre Local Plan and the provisions of the NPPF.

21. (a) No part of the development hereby approved shall commence until a scheme for the construction of all site access and the off-site works of highway improvement have been submitted to, and approved by the Local Planning Authority in consultation with the Highway Authority together with a timetable for implementation. The site accesses and off-site highway works shall be constructed in accordance with the approved scheme and implementation programme. The following schemes to be covered by this condition include:

(i) The Main Site access junction on re-aligned A6 - roundabout (serving both the employment and residential elements) as per agreed layout drawing ref: 1808903, dated Feb 2019, Proposed Road Alterations Plan.

(ii) 2 No. Site access junctions onto Nateby Crossing Lane as per agreed layout drawing 1600404

(iii) Interim improvement scheme for A6 Preston Lancaster New Road / Croston Barn Road / Green Lane West / B5272 Cockerham Road / Croston Road Signalised Junction to include upgrade to MOVA and a toucan crossing over A6 south approach as per agreed layout drawing 1600401b

(iv) Interim improvement scheme for A6 Preston Lancaster New Road / Moss Lane / Longmoor lane Priority junction in-line with wider scheme to include pedestrian footway and dropped kerbs as per agreed layout drawing 1600403b

(v) Pedestrian Green Link, crossing at grade (Toucan crossing) over A6 (re-aligned), providing high quality connection for sustainable modes (pedestrian/cycle) to Garstang. Scheme details shall include the standard of the link, width and surfacing together with technical information in regard to drainage and future maintenance.

(vi) Pedestrian footway improvements on A6 (east and west side to Longmoor Lane in the south and Croston Barn Lane in the north) as agreed in layout drawings 1600401b, 1808903 and 1600403b.

(vii) Pedestrian footway improvements and traffic calming and Gateway measures on Nateby Crossing Lane as agreed in layout drawings 1600404 and 1600405a.

(viii) Public Transport facilities to quality bus standard on Croston Road and on the new link between A6 and Nateby Crossing Lane with details of the stops to Quality Bus Standard to be agreed.

(ix) Renewal of the carriageway markings at the Nateby Crossing Lane / Croston Barn Lane junction as agreed in layout drawing 1600405a.

(b) No part of the development hereby approved shall commence until a scheme for the off-site highway works associated with the section of A6 to be downgraded following construction of the site access roundabout and

reconfigured links connecting to the existing A6 have been submitted to, and approved in writing by the Local Planning Authority together with a timetable for implementation. These off-site highway works shall be constructed in accordance with the approved scheme and implementation programme. These works include all work necessary to suitably address the proposed downgraded section of A6, any necessary access requirements (services/utilities) and appropriate traffic orders.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site; to enable all construction traffic to enter and leave the site in a safe manner without causing a hazard to other road users and to provide safe access to the site for all users (motorised and non-motorised).

22. The Framework Travel Plan prepared by Hy Consulting and referenced 16004 / March 2016 shall be implemented in full in accordance with the timetable within it unless otherwise approved in writing by the Local Planning Authority. All elements of the Framework Travel Plan shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used for a minimum of at least five years.

Reason: In order to ensure appropriate provision exists for safe and convenient access by sustainable transport modes.

23. The visibility splay identified as that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Nateby Crossing Lane to points measured 120m (for the northerly access) and 90m (for the southerly access) in each direction along the nearer edge of the carriageway of Nateby Crossing Lane, from the centre line of the access, shall be constructed and maintained at footway / verge level in accordance with a scheme to be agreed in writing by the Local Planning Authority prior to commencement of development. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

Reason: To ensure adequate visibility splays are maintained at all time in accordance with policy CDMP6 of the Wyre Local Plan.

24. Prior to the commencement of any of the commercial development hereby approved, a fully detailed Parking Management Strategy for that commercial development shall be submitted to and approved in writing by the Local Planning Authority. The management of the car parking and cycle parking at the site shall be fully implemented in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority. The Parking Management Strategy will include an assessment and strategy to ensure adequate parking provision is delivered for all proposed site uses for

both car parking and cycle parking.

Reason: To ensure that a satisfactory Parking Management Strategy is implemented for the development. This in turn will ensure adequate parking is provided for all uses so that the access to the site is not restricted, resulting in safety and capacity issues.

25. The car parking provision for each commercial unit as identified in the Parking Management Strategy for that unit shall be surfaced, demarcated and made available for use prior to the that unit being first occupied unless otherwise agreed in writing with the Local Planning Authority. The car parking shall then be available at all times whilst that part of the development is occupied.

Reason: To ensure that there is adequate parking for the development proposed when the buildings are occupied and the site is built out.

26. No commercial unit shall be occupied until space and facilities for bicycle parking have been provided in accordance with the Parking Management Strategy for that unit. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason: To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport.

27. No phase of the development hereby approved shall commence until a pedestrian and cycle signing strategy for that phase has first been submitted to, and approved in writing by the Local Planning Authority. The scheme shall satisfy the needs of all elements of the site and be constructed in accordance with the approved details in a timescale agreed in line with the phasing set out in condition 2, and thereafter retained.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the pedestrian and cycle network are acceptable before work commences on site. Also, in order to provide users of the development with appropriate access to sustainable transport options.

28. As part of any reserved matters application where layout is applied for, green infrastructure shall be provided on site in accordance with the requirements of Policy HP9 of the Wyre Local Plan and any Masterplan approved by the Local Planning Authority for the site. Such green infrastructure shall be constructed in accordance with the approved details and in accordance with a timescale to be agreed prior to commencement of development in line with the phasing set out in condition 2. The green infrastructure shall thereafter be retained and maintained for use by the public in accordance with a scheme which shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of any dwelling on the site.

Reason: In order to ensure adequate provision and delivery of green

infrastructure in accordance with the provisions of the NPPF and Policy HP9 of the Wyre Local Plan.

29. No part of the development hereby approved shall commence until a scheme for the construction of the internal link road between A6 Preston New Road and Nateby Crossing Lane and other internal access roads, cycleway and footway networks has been first submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme shall satisfy the needs of all elements of the site and be constructed in accordance with the approved details before the development is occupied or in accordance with a phased delivery programme to be agreed in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and in order to provide a safe access to the site and ensure that users of the development have appropriate access to sustainable transport options.

30. As part of any reserved matters application where layout is applied for, the mix of residential units shall be provided on site in accordance with the requirements of Policy HP2 of the Wyre Local Plan 2011-2031 and the Fylde Coast Strategic Housing Market Assessment - Wyre Addendum 3 Supplementary Note (May 2018) or any subsequent replacement Local Plan policy or evidence base document concerned with size and type of housing needed in Wyre.

Reason: In order to ensure that an appropriate mix of house types is provided to meet identified local needs in accordance with Policy HP2 of the Wyre Local Plan (2011-31) and the provisions of section 5 of the NPPF.

31. Prior to the commencement of above ground residential development a scheme to demonstrate how at least 20% of the dwellings shall be of a design suitable or adaptable for older people and people with restricted mobility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, retained and maintained thereafter in accordance with the approved details.

Reason: To meet the needs of the ageing population and people with restricted mobility in the borough in accordance with Policy HP2 of the Wyre Local Plan (2011-31) and the provisions of section 5 of the NPPF.

Notes: -

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

2. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of

the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the County Council at County Hall, Preston PR1 0LD, in the first instance, to ascertain the details of such an agreement and the information to be provided.

3. Traffic Regulation Orders, diversions of Public Rights of Way, Stopping Up of existing highway, changes to public transport scheduling/routing and other activities require separate statutory consultation processes beyond the planning application process. The applicant will be obliged to meet all the costs associated with these of works and ensure that any works which rely upon them do not commence until all legal processes have been satisfactorily completed.

6 **Application B- Land South Of West End And Pinfold House, Great Eccleston (18/00540/FULMAJ)**

The application was brought to the meeting for determination at the request of Councillor Catterall.

Prior to the meeting Councillors Moon and Ballard had visited the site to enable them to better understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

An update sheet with additional information was published on the council's website and made available at the meeting, this information had only become available after the original agenda was published. Attendees considered the update sheet which included additional information regarding consultation responses, contacts with the applicant/agent and additional representations, which lead to additional considerations for 9.7, 9.33 and 9.37 of the main report and revisions to conditions 2, 22 and 23. Additional text was also inserted to the recommendation at 12.1 of the main report to ensure clarity.

Mr Keohane and Mrs Keohane, members of the public, sent objections regarding the application. Mr Frost, agent for the applicant (Mr Lever), sent in support for the recommendation as set out in the agenda reports pack. These views were considered by the councillors and officers.

Councillors Ballard and Moon considered the application and discussed their views with the officers. They took into account the views of the members of the public and agent. Both spoke of concerns regarding access and the roads around the site, drainage from the site and the plans for a junction table. Officers responded to the councillors concerns.

The Chief Executive confirmed he had considered the representations submitted and took on board all of the points raised. He decided that the application be **approved (as per the recommendation)** under the provisions of the Town and Country Planning Act 1990, subject to the conditions, including a revision to Condition 13, as set out below to address the concerns about the junction table and Section 106 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. The Head of Planning Services was authorised to issue the decision upon the satisfactory completion of the Section 106 agreement.

Conditions:

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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 F
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.

3. Prior to the commencement of the development hereby approved, a Landscape and Habitat Creation and Management Scheme, including a timetable for implementation, shall be submitted to and approved in writing by

the Local Planning Authority. The Scheme shall identify the opportunities for biodiversity enhancement on site including (but not limited to):

- Native tree and shrub planting
- Hedgerow planting
- Bolstering of existing hedgerows
- Bird Boxes
- Bat Boxes/bat features in buildings

The Landscape and Habitat Creation and Management Scheme shall be carried out in accordance with the approved details.

Reason: Such a scheme was not submitted with the application but is necessary to secure opportunities for the enhancement of the nature conservation value of the site in the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

4. Within the time period of 3 months prior to commencement of development hereby approved, a pre-construction survey for badgers which establishes the presence or otherwise of this species shall be carried out, submitted to and approved in writing by the Local Planning Authority. If the presence of this species is confirmed to be present the report shall include a method statement and mitigation measures, including timescales, to avoid and/or mitigate any possible harm to the species. Those approved method statement and mitigation measures shall then be fully implemented.

Reason: To prevent possible harm to ecology if the development were commenced without the necessary protections and mitigation measures in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

5. Prior to the commencement of development hereby approved (including demolition, ground works, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved in writing by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The development shall be carried out strictly in accordance with the approved scheme.

Reason: Such a scheme was not submitted with the application but is necessary to ensure compliance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

6. The development hereby approved shall be implemented in full accordance with the bat survey report submitted with the planning application [June 2018] including all the mitigation measures set out in Section 5.0 of that report.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

7. No tree felling, tree works, vegetation removal, demolition, or works to hedgerows shall take place during the optimum period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance/demolition, has been submitted to and approved in writing by the Local Planning Authority, demonstrating that nesting/breeding birds have been shown to be absent.

Reason: To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework .

8. Prior to first occupation of any dwelling hereby approved, a scheme for the provision of home-owner information packs highlighting the sensitivity of Morecambe Bay (a European protected nature conservation site) to recreational disturbance shall be submitted to and agreed in writing by the Local Planning Authority. The scheme details shall include the content of the home-owner information packs which must explain the conservation value of Morecambe Bay, the potential impacts that can arise from residential development and explain the responsible behaviours that would be required from residents to avoid undue ecological impact, as well as a methodology for the distribution of the home-owner packs to future home owners including upon resale of the dwellings as far as is reasonably practicable. The approved information packs shall subsequently be made available to future home owners in line with the approved methodology.

Reason: In order to safeguard biodiversity from the recreational disturbance effects of residential development in close proximity to Morecambe Bay, in accordance with the provisions of Policy CDMP4 of the Wyre Local Plan 2011-31.

9. Prior to the installation of any external lighting associated with the development hereby approved, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority.

The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained and retained thereafter.

Reason: In the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, a drainage scheme which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water

drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan and shall be based on the principle of discharge into the watercourse at the south west corner of the site.

The scheme details shall include, as a minimum:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change as set out within the Environment Agency's advice on Flood risk assessments: climate change allowances' or any subsequent replacement EA advice note), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) Demonstration that the surface water run-off would not exceed the pre-development greenfield runoff rate;
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No part of the development shall be first occupied or brought into first use until the drainage works and levels have been completed in accordance with the approved scheme. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with Policies CDMP2 and

CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

11. Prior to the commencement of the development hereby approved, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.
- d) The management/maintenance of the surface water pump and a plan to redirect water away from properties in case of pump failure.

The development shall subsequently be completed, maintained and managed in accordance with the approved sustainable drainage management and maintenance plan.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/ body/ company/ undertaker for the sustainable drainage system in accordance with Policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

12. Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:

- (a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (c) hours and days of demolition / construction work including deliveries for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays
- d) contractors' compounds and other storage arrangements
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period
- (f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (h) external lighting of the site during the demolition / construction period
- (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (j) recycling/ disposing of waste resulting from demolition / construction work
- (k) measures to protect watercourses against spillage incidents and pollution
- (l) protection of the adjacent Grade II Listed Pinfold during demolition and construction phases

The construction of the development including any demolition works shall be carried out in accordance with the approved CEMP.

Reason: Such details were not submitted with the application and need to be in place throughout the demolition / construction period in the interests of the amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

13. Prior to the first occupation of any dwelling hereby approved a scheme

for the construction of the off-site works of highway improvement [namely, upgrading of nearest eastbound and westbound bus stops, and site access and junction treatment at site access / High Street / Back Lane] shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall be carried out in accordance with any alternative approved timetable for implementation.

Reason: In order to ensure the final details of the necessary off-site highway works are acceptable and to ensure their timely delivery in the interests of highway safety and to encourage sustainable travel in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

14. a) Prior to the first sale or occupation of any dwelling on the site, whichever is the sooner, the proposed arrangements for future management and maintenance of the roads/ footways/ cycleways within the development shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include a plan showing areas of highway proposed for adoption by the Local Highway Authority and any areas proposed for private management.

(b) Should the plan required by (a) show that any highway within the estate would be privately managed, details of a Road Management Plan to detail how those sections of highway would be maintained in perpetuity, such as a private management and maintenance company to be established if applicable, shall be submitted to and approved in writing by the Local Planning Authority. The highway shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

(c) Should the plan required by (a) show that any highway within the estate would be proposed for adoption by the Local Highway Authority, those roads/ footways/ cycleways shall be made up to, and retained thereafter to, the Local Highway Authority's Adoptable Standards.

Reason: To ensure that all highways, footways and cycleways will be maintained to a sufficient standard by either the Local Highway Authority or by a site management company in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

15. The development hereby approved shall not be first occupied or brought into use until the parking/turning area(s) shown on the approved plan [Planning layout DRG No. 01 Rev K] has been laid out, surfaced and drained. The parking/turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate off road parking is provided to serve the development in the interests of highway safety and in accordance with the provisions of Policy CDMP6 of the Wyre Local Plan (2011-31).

16. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

17. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the garage(s) to plots 2, 5, 13, 14 and 16 hereby approved shall be retained solely for the housing of a private motor vehicle associated with the residential occupation of the property and shall be used for no other purpose without express planning consent from the local planning authority, and at no time shall any works be undertaken that would prevent it from being used for that purpose without express planning permission from the local planning authority.

Reason: To ensure that the on-site vehicle parking provision is maintained to avoid the standing of traffic on the adjoining highway to the detriment of the safety and free flow of traffic thereon and in the interest of the amenity of the street scene in accordance with Policies CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

18. No development above ground level shall be commenced until details of the materials to be used in the construction of the external surfaces of that dwelling (including the external walls, roof, fascias, guttering and windows) have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

19. No development approved by this permission shall be commenced until details of the proposed ground, slab and finished floor levels have been submitted to and approved in writing by the Local Planning Authority.

The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details.

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, and a satisfactory impact on neighbouring residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31). The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

20. The approved boundary treatments (Boundary treatment and materials

layout Drg No 03 Rev H and Proposed boundary treatment details Drg No 04 Rev B) shall be completed to each plot before the dwelling on that plot is first occupied. The approved details shall thereafter be maintained and retained.

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

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no fences, gates, walls, railings or other means of enclosure shall, at any time, be constructed/erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts on to a highway without express planning permission from the local planning authority.

Reason: To safeguard the appearance of open plan development and in accordance with Policy CDMP3 of the Adopted Wyre Local Plan 2011-31.

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 F); 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.

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 F) 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.

24. Prior to first occupation of any dwelling hereby approved, an acoustic fence to be sited as shown on boundary treatment and materials layout (Drg No 03 Rev H) and constructed from continuous, imperforate material with a minimum mass of 12 kg/m² and to extend from the ground to the stated height with no gaps (in the case of timber fencing, close-boarded or overlapped timber panelling), shall be erected, unless an alternative specification is submitted to and approved in writing by the Local Planning Authority prior to first occupation. The approved acoustic fence shall thereafter be retained and maintained.

Reason: To ensure there is no adverse effect on the health and quality of life of future occupants and to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

25. No dwelling hereby permitted shall be occupied unless or until the pedestrian/cycle link approved onto the adjacent public right of way (as shown on Planning layout Drg No 01 Rev K) has been constructed and built up to the site boundary. This pedestrian/cycle link shall thereafter be maintained and remain open and unobstructed at all times.

Reasons: To ensure that the development provides appropriate connections and sustainable linkages to neighbouring development and the wider highway network in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

26. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

The landscaping works shall be carried out in accordance with the approved details prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local

Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology 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 and section 15 of the National Planning Policy Framework. The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development. Whilst a planting specification has been provided, this is insufficient as it does not set out the arrangement or plant numbers.

27. A watching brief shall be undertaken during the course of the development works. The watching brief shall be undertaken by a suitably qualified person, with any significant contamination discovered reported immediately to the Local Planning Authority. The findings of the watching brief shall be reported in writing and submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In order to safeguard human health and the environment against potential contamination and in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

28. An electric vehicle recharging (EVCP) scheme shall be submitted for all dwellings, unless it is demonstrated that such provision of EVCP is not practical due to identified site constraints. No dwelling shall be occupied until the electric vehicle recharging point has been provided for the dwelling to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

29. Prior to the first occupation of those dwellings to which this condition relates, the window(s)/glazing serving the ensuite and utility rooms in the side elevation(s) of plots 2 and 3, eastern side windows and rear dormer window serving the master bedroom in plot 1, and side elevation windows in plots 4, 5, 6, 12, 13, 14 and 15 shall be:

- i) obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
- ii) non-opening windows unless the parts of the window which can be

opened are more than 1.7 metres above the floor of the room in which the window is installed.

The window(s) (including any subsequent repaired or replacement window) shall be maintained and retained thereafter in accordance with this detail.

Reason: To safeguard the privacy of adjoining residents and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

30. Prior to the commencement of the development hereby approved, details of a scheme for the installation of furniture and pathways to the approved open space, including their siting, design and materials, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of any of the dwellings on site, or otherwise in accordance with a timetable of implementation to be agreed in writing with the Local Planning Authority prior to first occupation.

Reason: To ensure the provision of appropriate open space in accordance with Policy HP9 of the Adopted Local Plan and the NPPF.

31. Prior to the commencement of works on any proposed pumping station, a plan indicating the position, design, materials and type of boundary treatment of the pumping station to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be maintained and retained.

Reason: In the interests of the appearance of the locality in accordance with policy CDMP3 of the Wyre Local Plan (2011-31).

Notes: -

1. It is an offence to disturb, harm or kill any species specifically protected under the Wildlife and Countryside Act 1981. In the event of any such species being unexpectedly encountered before and during site clearance or development work, then work shall stop immediately until specialist advice has been sought from a suitably qualified Ecologist regarding the need for additional survey(s), a license from Natural England and/or the implementation of necessary mitigation measures.

2. If any part of the proposed development encroaches onto neighbouring property the approval of the adjoining owners should be obtained before the development is commenced.

3. The grant of planning permission does not authorise any closure, obstruction or diversion of a public right of way. Any proposed stopping-up or diversion of a public right of way should be the subject of an Order under the appropriate Act and Lancashire County Council should be contacted for advice in the first instance.

4. This grant of planning permission will require an appropriate legal

agreement to be entered into with Lancashire County Council as the Local Highway Authority. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. Before any works begin Lancashire County Council should be contacted to ascertain the details of such an agreement and the information to be provided by telephoning 0300 123 6780 or writing to Lancashire Highways Services, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.

7 Application C- 14 Garratt Close, Poulton-Le-Fylde, Lancashire, FY6 7XG (19/01232/FUL)

The application was brought to the meeting for determination at the request of Councillor Le Marinel.

Prior to the meeting Councillors Moon and Ballard had visited the site to enable them to better understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

An update sheet with additional information was published on the council's website and made available at the meeting, this information had only become available after the original agenda was published. Attendees considered the update sheet which included the receipt of corrected plans and a subsequent revision to condition 2.

One member of the public sent in an objection to the application by way of a video taken from neighbouring properties on Moorland Gardens. This video submission had been accepted on the basis that with the current restrictions it was not possible for the members to safely access the neighbouring properties to view the proposal. This video was considered by the councillors and officers.

It was clarified that the Council's Supplementary Planning Guidance 4: 'Spacing Guidance for New Housing' mentioned at 9.9 of the main report, should have also been listed under 5.3.3 of the main report.

Councillors Ballard and Moon considered the application and discussed their views with the officers. They also took into account the views shown in the video submission. Both spoke of concerns regarding the fact that the application was non-compliant with adopted WLP31 policy CDMP3 in respect of the impact of the two storey side extension upon the neighbouring properties at Moorland Gardens (No. 11 in particular) and the loss of a parking space caused by the garage conversion. Officers responded to the concerns raised.

The Chief Executive took on board all points raised. He decided that the application be **refused (contrary to the recommendation)** under the provisions of the Town and Country Planning Act 1990 for the following reason-

The height, size and massing of the two-storey side extension would, by reason of its close proximity to no. 11 Moorland Gardens, have an overbearing and obtrusive impact upon this neighbouring property to the detriment of the amenity of the occupiers of this property. As such the proposed development will conflict with the provisions of policy CDMP3 of the Adopted Wyre Local Plan 2011-31, which seeks high standards of design for all development and an acceptable impact on the amenity of occupants of neighbouring properties, and with the National Planning Policy Framework (NPPF).

The meeting started at 2.00 pm and finished at 3.14 pm.

Date of Publication: 07 May 2020

APPEALS LODGED AND DECIDED

Appeals Lodged between– 6th April – 15th May 2020

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
19/01168/FUL	1 Bolton Avenue Poulton-Le-Fylde Lancashire FY6 7TW	Proposed repositioning and extension of side/rear perimeter fence to the height of 1.8m (part retrospective)	Delegated	Fast Track Appeal	21 st April 2020
19/00902/OUTMAJ	29-31 Coronation Road Thornton Cleveleys Lancashire FY5 1DQ	Outline application for the erection of a four storey 44 bedroom nursing home (Use class C2) following demolition of existing dwellings with access, layout and scale applied for (all other matters reserved) (re-submission 18/00643/OUTMAJ)	Committee	Written Representations	28 th April 2020
19/00764/FULMAJ	Sandpiper Hotel Cleveleys Avenue Thornton Cleveleys Lancashire FY5 2NH	Demolition of existing Public House and redevelopment of the site to provide 15 no. new affordable dwellings, consisting of 3 no. 2 bedroom houses, 3no.1 bedroom apartments and 9 no. 2 bedroom apartments with associated parking and amenity space.	Committee	Written Representations	5 th May 2020
19/00769/FUL	34 - 37 High Street Garstang Preston Lancashire PR3 1EA	Conversion of first floor to form five apartments with insertion of new windows, and repositioning of external staircase and provision of wall and fencing (resubmission of 19/00230/FUL)	Delegated	Written Representations	6 th May 2020

Appeals Decided between – 6th April – 15th May 2020

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
18/00259/ENF	Land At Hambleton Fisheries Shard Lane Hambleton	Placing of a container and pallets on the land	N/A	Allowed	6 th April 2020



Appeal Decision

Site visit made on 12 March 2020

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 6 April 2020

Appeal Ref: APP/U2370/C/19/3236326

Off Shard Lane, Hambleton FY6 9BX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Tony Darwen against an enforcement notice issued by Wyre Borough Council.
 - The enforcement notice was issued on 24 July 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission the material change of use of the land from agriculture to the mixed use for agriculture and for the siting of a container for storage purposes.
 - The requirements of the notice are: 1. Cease the use of the land for the siting of a container for storage purposes; and 2. Remove the container and its contents from the land in their entirety.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (d) and (e) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
-

Decision

1. The appeal is allowed and the enforcement notice is quashed.

The appeal on ground (e)

2. The appeal on ground (e) is that copies of the enforcement notice were not served as required by s172 of the Act. S172(2) of the Act provides that a copy of the notice shall be served on the owner and occupier of the land to which it relates, and any other person having an interest in the land, including mortgagees, tenants and sub-tenants.
3. Where the notice is required or authorised to be served on any person as an occupier of the premises in question, s329 of the Act makes provision for a notice to be delivered to some person on the premises in question, or to be affixed conspicuously to some object on those premises.
4. The appellant contends, and the Council agree, that the enforcement notice was sent with an incorrect address. Unfortunately, as a result, there was a delay in the notice reaching him at his home address. Furthermore, he states that the paper documents delivered to the appeal site were simply left to get wet in a plastic bag. However, despite any subsequent damage to the documents, the appellant does not dispute that the notice was served on the land pursuant to s329.

5. Nevertheless, even if the notice was not correctly served, s176(5) provides that failure to serve may be disregarded if the appellant has not been substantially prejudiced. In this case, the appellant has been able to submit an appeal against the enforcement notice and make written representations in support of his case through these appeal proceedings. Even if he has been unable to take on a planning consultant, he has been able to participate in the appeal process.
6. It cannot, therefore, be said that he has suffered any prejudice as a result of any failure to comply with the rules concerning service. There is no suggestion that any other person may have been prejudiced. I conclude, therefore, that in the circumstances of this case, any failure in terms of service of the enforcement notice may be disregarded.

The appeal on grounds (b) and (c)

7. The appeal on ground (b) is that the breach of planning control has not occurred as a matter of fact. The appeal on ground (c) is that the matters alleged in the notice do not constitute a breach of planning control.
8. The appellant bought the appeal site in 1993. He used it for the storage of a tractor, a trailer and agricultural implements in connection with the approximately 20 acres of agricultural land in his ownership. In 1999, he developed the Hambleton Fisheries business. The business was sold in 2018, but the appellant retained land including the appeal site.
9. Turning first to ground (b), the appellant argues that, because it is on wheels, the dark green container is mobile and can be towed around. He contends it is thus parked and not sited, as the Council allege.
10. Section 55(1) of the 1990 Act says that 'development' includes the carrying out of building, engineering, or other operations. Such operational development comprises activities which result in some physical alteration to the land with some degree of permanence. With regard to whether a potentially moveable structure is a building, it is well established that there are three primary factors of relevance – size, permanence and physical attachment. No one factor is decisive.
11. In this case, the container is substantial, and is large enough that it could be entered into in the manner that one would a building. It is undoubtedly of some weight, even when empty. Although it has wheels at each corner, these are very small, and so it is unlikely that the container could be towed around without some difficulty, particularly over soft grass or uneven ground. Therefore, although the appellant describes it as mobile, these circumstances indicate a significant degree of permanence.
12. Nevertheless, some ancillary uses may be allowed where they support the lawful primary use of a planning unit. The appellant strongly disputes that the container is used for the storage of his personal items. Instead, he says he uses it to store items for the maintenance of both his agricultural land and the adjacent fishery. It is his case that the fishery is not functionally separate from the appeal site as he has an agreement with the fishery owner that he will assist with the maintenance of the fishery using the items he stores in the container.
13. However, the courts have held that planning units should be determined by identifying the unit of occupation and whether there is physical and/or

functional separation of primary uses as a matter of fact and degree. In this case, there is no dispute that the lawful use of the appeal site is agricultural. The fishery now occupies land that is physically distinct from the appeal site, in separate ownership, and in use for a different and unrelated purpose. The existence of the agreement between the appellant and the fishery owner is insufficient to alter the fact that the two pieces of land are different planning units.

14. The container has been placed on the land, and it is the appellant's evidence that its use is not solely incidental to the lawful agricultural use of the land, and so the appeal fails on ground (b).
15. However, turning to ground (c), it is necessary to consider whether the storage for both agriculture and the fishery amounts to a material change of use. The concept of material change of use is not defined in statute or statutory instrument; it is a question of fact and degree in each case. For there to be a material change of use, there needs to be some significant difference in the character of the activities from what has gone on previously.
16. The Council contend that there does not appear to any agricultural undertaking on the land that is subject to the enforcement notice, and that the level of this use on the remaining agricultural land is minimal. However, they produce little substantive evidence to support these assertions, and stop short of arguing that the primary use has ceased altogether. That being the case, the presence of the container for storage ancillary to the lawful agricultural use does not need planning permission.
17. Although few details are available, it seems to me that the use of stored agricultural implements to carry out maintenance at the fishery would not greatly change the character of activities on the appeal site. The implements would presumably be carried off-site and returned, but this would be similar to their being carried to different part of the agricultural holding, used and returned. There is little to suggest, for example, that the use of the appeal site has been intensified to any significant degree, or substantially changed in any other way.
18. I am therefore satisfied that, in this particular case, any change of use of the appeal site is on such a small scale that it may be regarded as de minimis. As a result, no development has taken place that would constitute a breach of planning control. The appeal on ground (c) this succeeds.

Conclusion

19. Because of my conclusion above, there is no need for me to go on to consider the appeal on ground (d).
20. For the reasons given, the appeal is allowed and the enforcement notice is quashed.

Elaine Gray

INSPECTOR

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Committee Report**Date: 03.06.2020****Item Number 01****Application Number 19/01292/FULMAJ****Proposal Erection of 16 apartments in a three storey block including access and car parking.****Location Royal Oak 64 Breck Road Poulton-Le-Fylde Lancashire FY6 7AQ****Applicant Mr John Losi****Correspondence Address c/o Mr Harry Carter
The Big Shippon Clifton Fields Preston PR4 0XG United Kingdom****Recommendation Permit****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Karl Glover****1.0 INTRODUCTION**

1.1 This application is being presented as the result of a request by Councillor Henderson. Previous applications for development on this site have been presented to Planning Committee for determination. This will be a familiar site in light of its location next to the Wyre Council Civic Centre. Site photographs will be also be shown at the meeting to assist understanding of the proposal and its impact.

2.0 SITE DESCRIPTION AND LOCATION

2.1 This application relates to the site of the former Royal Oak public house and its associated car park located on the corner of Breck Road and Station Road in Poulton-le Fylde. The Royal Oak was a former public house/hotel that was built in the early 1840s at the time of Poulton's first railway station on the opposite side of Station Road and has historically been used for various functions such as inquests and sales of livestock from local farms. The former building was built of three and two storeys, with the property rendered and painted white with black timber boarding detailing on all elevations and black painted decorative corner quoins.

2.2 The total site area covers approximately 1225 Sqm (0.3 acres). Following the demolition of the former Royal Oak in June 2018 the site has been cleared and remains free from any buildings and structures, bound to the north and east by herras style security fencing. Along the southern boundary and part of the western boundary the high level red brick wall remains in situ and adjacent to number 62 Breck Road the boundary is currently made up by a high level brick wall and the remains of an adjoining outbuilding. To the south and west of the site are residential properties, to the east are the recently completed extra care retirement apartments (Crocus Court) and to the North West is the Wyre Council Civic Centre. The application site is situated within (but on the edge of) the Poulton-le-Fylde

Conservation Area and lies within the Health and Safety Executive (HSE) pipeline consultation zone.

3.0 THE PROPOSAL

3.1 This application seeks full planning permission for the erection of a three storey apartment block (comprising of 16 No. 1 and 2 bedroom open market residential apartments falling within Use Class C3) including access, parking provision and associated landscaping.

3.2 The building is proposed to be constructed over 3 storeys with 6 projecting pitched roof gables which integrate into both a flat and sloping pitched roof. The footprint would take the form of an irregular 'L' shape occupying the frontage of both Breck Road and Station Road with vehicular access into the site to be taken via an underpass from Station Road. In terms of scale the overall ridge height measures approximately 9.5m with the eaves measuring 6.4m from ground level. The Breck Road elevation is set back from the highway by approximately 4.5m and between 1m at the narrowest point and 2m at the widest point along Station Road. The appearance of the building is that of contemporary design constructed using a contrast of materials including red facing brick at ground floor, standing seam zinc cladding at first floor, and on the building's recessed features and above the underpass, a natural grey stone cladding. Large glazed vertical windows with feature timber louvres adjacent are proposed along with frameless glass balustrades at first and second floor.

3.3 The vehicular access proposed would measure 7m in width adjacent to Station Road with an automatic gate for pedestrians and vehicles set back within the underpass which leads to the enclosed open-air carpark to the rear which provides 13 parking spaces including 1 accessible space. Also contained internally and accessed via the underpass is a refuse and cycle store (located adjacent to apartment 4). Pedestrian access to the car park area can also be gained via Breck Road along the south western boundary adjacent to number 62 Breck Road. The proposed boundary treatments comprise of a low-level red brick wall with cast iron railings above along the northern and western boundaries. Behind this, and in front of the building, grassed landscaped areas are to be provided.

3.4 The application is accompanied by a range of supporting documents as follows:

- Design and Access Statement
- Contamination Reports (Supplementary)
- Drainage Strategy Report
- Heritage Statement
- Volumetric analysis
- 3D Images and sections
- Solar Study
- Viability Assessment Report

4.0 RELEVANT PLANNING HISTORY

4.1 The application site has the following relevant planning history:

4.2 18/00614/FULMAJ - Retrospective application for the demolition of former Public House and the erection of a three storey and part two storey apartment block

(12 apartments) including associated access/parking provision and a cycle store - Permitted

4.3 17/00070/DIS - Discharge of conditions 3 (desk study), 4 (materials), 6 (landscaping), 9 (window design), 12 (surface waters), 14 (CEMP), 15 (ventilation), and 16 (building record) on planning permission 17/00070/FULMAJ - Split Decision

4.4 17/00070/FULMAJ - Variation of condition 2 on application 14/00928/FULMAJ to allow for the full demolition of existing building and the erection of a three storey and part two storey apartment block (12 apartments) including associated access/parking provision and a cycle store - Permitted

4.5 14/00928/FULMAJ - Part demolition of the existing building, inclusion of a third storey to the side elevation, two storey side extension and conversion into 12 apartments including car parking spaces and a cycle store - Permitted

4.6 10/00097/FULMAJ - Part demolition and rebuild of existing building, two and three storey extensions and conversion into 12 residential flats and associated works - Permitted

4.7 10/00098/CON - Conservation Area Consent for the partial demolition of building - Permitted

4.8 09/00447/FULMAJ - Erection of 14 residential flats following the demolition of existing public house - Refused (design and noise issues)

4.9 09/00548/CON - Conservation area consent for the demolition of building - Refused

4.10 97/00059/FUL - Change of use of public house with ancillary owners accommodation to public house, hotel accommodation and owners accommodation and creation of new access on to Station Road - Permitted

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP7 - Infrastructure provision and developer contributions
- SP8- Health and well-being
- CDMP1- Environmental Protection
- CDMP2 - Flood risk and surface water management
- CDMP3 - Design

- CDMP4 - Environmental assets
- CDMP5 - Historic Environment
- CDMP6 - Accessibility and transport
- HP1 - Housing Land Supply
- HP2 - Housing Mix
- HP3 - Affordable housing
- HP9 - Green infrastructure in residential developments

5.1.3 National planning policy allows local authorities to confirm their annual five year housing land supply through the publication of an Annual Position Statement (APS). In line with the process established by National Planning Practice Guidance, the Council published the APS to the Planning Inspectorate on 31 July 2019. The Planning Inspectorate has considered the evidence and representations submitted and confirmed that Wyre has a 5 year housing supply of deliverable housing sites for one year, i.e. until 31 October 2020. The APS forms the most up to date position on the five year housing land supply.

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 19th February 2019. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2019 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2 - Achieving sustainable development
- Section 5 - Delivering a sufficient supply of homes
- Section 8- Promoting healthy and safe communities
- Section 9 - Promoting sustainable development
- Section 12- Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

- Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

6.0 CONSULTATION RESPONSES

6.1 HEALTH AND SAFETY EXECUTIVE (HSE)

6.1.1 Do not advise on safety grounds against granting consent

6.2 CADENT GAS

6.2.1 No objections, advised that from the information provided, it does not appear the proposed works will directly affect the identified pipeline. Specific Advice notes should be provided to the applicant to identify the requirements of working in close proximity to the high pressure pipe line.

6.3 POULTON-LE-FYLDE HISTORICAL & CIVIC SOCIETY

6.3.1 No objections, comment that it is regrettable that the 1840s Royal Oak building has been lost however the proposed apartments appear to make good use of the corner site, and note that they will be slightly set back from the boundary of the original building, which is an improvement. The main concern is that there are only 13 parking spaces for a building of 16 apartments - there should be a parking space allocated for each unit.

6.4 GREATER MANCHESTER ECOLOGICAL UNIT (GMEU)

6.4.1 No objections, the site now consists of bare ground and hard standing habitats of negligible ecological value. No ecological survey information is required and the outline soft landscaping proposals can achieve net gain. Landscaping is recommended to be conditioned.

6.5 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.5.1 No objections, advised the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. A section of the adopted highway will be required to be stopped up and it is requested that the applicant provides a 2m footway across the frontages with Breck Road and Station Road. A number of conditions have been requested.

6.6 LANCASHIRE COUNTY COUNCIL (EDUCATION)

6.6.1 Based upon the latest assessment, taking into account all approved applications, LCC Education will not be seeking a contribution for primary school places or secondary school places. However as there are a number of applications that are pending a decision that could impact on this development should they be approved prior to a decision being made on this development the claim for primary school provision could increase up to maximum of 1 place requiring a financial contribution of £16,050.54.

6.7 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.7.1 No observations received at the time of compiling this report

6.8 NHS FYLDE & WYRE CLINICAL COMMISSIONING GROUP (CCG)

6.8.1 No observations received at the time of compiling this report

6.9 UNITED UTILITIES

6.9.1 Advised that in accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Surface water will not be permitted to drain directly or indirectly to a public sewer. A condition requiring full details of the management and maintenance of sustainable drainage systems should

be attached along with a condition requiring a surface water drainage scheme to be submitted and approved.

6.10 LANCASHIRE FIRE AND RESUCE SERVICE

6.10.1 Highlighted the requirements for the proposed scheme including access to satisfy Document B Part B5 of Building Regulations and sets out the guidance on turning facilities for Fire Service Vehicles

6.11 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.11.1 Objects on the basis that surface water should not be connected to the combined sewer. United Utilities records show a surface water drain located within Station Road which should be connected to.

6.12 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE)

6.12.1 No objections however further information in relation to noise is required along with conditions relating to construction management and artificial lighting

6.13 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AIR QUALITY)

6.13.1 No observations received in relation to air quality

6.14 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION)

6.14.1 No objections subject to a watching brief condition being attached

6.15 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (WASTE MANAGEMENT)

6.15.1 No objections, advised that the refuse store is in a fairly good location provided collection staff can access the bulk containers directly from the vehicular tunnel access to the west of the building

6.16 WYRE BC CORPORATE DIRECTOR ENVIRONMENT (TREE AND WOODLAND OFFICER)

6.16.1 No objections, further information relating to species selection, sizes and quantities of planting required. The landscaping details are otherwise acceptable.

6.17 WYRE BC CORPORATE DIRECTOR ENVIRONMENT (PUBLIC OPEN SPACES/GREEN INFRASTRUCTURE)

6.17.1 An off-site financial contribution of £14,402.00 would be required to be provided towards improvements Children & Young People and Parks and Gardens at Vicarage Park and some of the contribution towards the Civic Centre Playing pitches.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there have been 2 letters of objection received, 1 letter of support received and 1 observation which neither objects nor supports the proposal. The primary reasons for opposition are:

- Inadequate boundary wall to provide sufficient privacy and security
- Overlooking and loss of privacy from stairwell windows
- Insufficient parking provision
- Inaccuracies within Design and Access Statement
- Dominant and overbearing appearance
- Development would dwarf 1-5 Station Road
- Insufficient visual break along Station Road
- Loss of Light
- Boundary wall is being reduced
- Air and Noise Pollution
- 16 Apartments is over development
- No amenity areas
- Surface Water

7.2 The letter of support highlights the following points:

- Vast improvement to previously approved scheme
- Exciting and Stylish design considerate of location
- Parking regulations have relaxed and development is close to railway

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Contact has been made with the agent to discuss the following matters in relation to the application:

- Use of materials
- Housing/bed mix
- Financial contributions and viability matters
- How the development responds to meeting the challenge of climate change
- Land ownership and ensuring correct certificate has been submitted
- Matters relating to consultation responses
- Parking provisions
- Confirmation of Levels
- Agreement of extension of time on the application until the 04/06/2020

9.0 ISSUES

9.1 The main issues to be considered in the determination of this application are:

- Principle of Development
- Heritage considerations
- Scale, Design and Visual Impacts
- Impact on Amenity of Neighbouring Properties
- Flood Risk and Drainage
- Highway Safety and Parking
- Infrastructure

- Air Quality, Noise and Light Pollution
- Other Matters - Gas Pipeline, Ecology / Trees, Contamination

Principle of Development

9.2 The former Royal Oak public house was demolished in June 2018 and the site has remained vacant and free from development ever since. The principle of open market residential apartments has already been established on the site with the planning history set out within section 4 of this report. The most recent permission granted by the Planning Committee on 6th February 2019 was for the retrospective demolition of the former public house and the erection of a three storey and part two storey apartment block for up to 12 units (application 18/00614/FULMAJ). This latest permission sought to replicate the former public house with additional extensions to the side and rear, however the current application for consideration proposes to redevelop the site with more contemporary and unrelated design principles. It is also a stand-alone submission which is not tied to any of the previous applications by way of 'variation of condition' (Section 73 application) or Section 106 Legal Agreements. As such it is to be assessed on its own planning merits in conjunction with the relevant policies contained within the Wyre Local Plan and the provisions of the National Planning Policy Framework (NPPF).

9.3 The application site is located close to the edge of the Town centre in an accessible and sustainable location where the development of brownfield sites for residential purpose is considered to be an acceptable land use. The proposal would be in accordance with Policy SP1 of the Local Plan which seeks to direct new development to within settlement boundaries in line with the settlement hierarchy, of which Poulton is at the top of the hierarchy classified as an Urban Town where 48.6% of housing growth is expected during the plan period. In terms of sustainability, Policy SP2 of the Local plan sets out that new development should contribute to the continuation or creation of sustainable communities in terms of location and accessibility along with the requirement to respond to the challenge of climate change through appropriate design. Sustainability is also a material consideration requirement of the NPPF. In this turn the application site occupies a prominent corner position on the main access route into and through Poulton at the junction of Breck Road and Station Road. At present the site has an untidy and neglected appearance with herras fencing in situ around the northern and eastern boundaries. A sensitive redevelopment of the site would provide a valuable enhancement to the amenity of the area and an opportunity to positively contribute to the local townscape and character of the Conservation Area. This comes at a time where the site opposite has now been redeveloped to provide extra care housing (Crocus Court) along with new residential housing further south along Station Road and new residential apartments to the west on Breck Road adjacent to the railway station (at the site of the former Breck Club). Given the site's position close to the town centre where there is high level pedestrian connectivity to bus, rail and cycle links, as well as links to the services and community facilities located within the town centre, the development of this site for one and two bedroom residential units is considered acceptable in principle and would constitute sustainable development in line with Policy SP1 and SP2 of the Wyre Local Plan and also the provisions set out within the NPPF.

Heritage Considerations

9.4 The application site is contained within the Poulton-le-Fylde Conservation Area (at its eastern boundary edge). In determining planning applications with respect to any buildings or other land in a conservation area local planning

authorities have to pay special attention to the desirability of preserving or enhancing the character or appearance of that area under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The NPPF emphasises that great weight should be given to the conservation of heritage assets and that the significance of an asset can be harmed by development within its setting (NPPF paragraph 193-4). Policy CDMP5 of the Local Plan seeks (amongst other criteria) to protect, conserve and where appropriate enhance the historic environment through high standards of design.

9.5 Given the sites location on the edge of the Conservation Area it is largely surrounded by a mixture of uses and development ranging from the new build large scale apartments of Crocus Court to the east, the Civic Centre and Community Centre to the north and then immediately to the south and west are semi-detached residential properties. In the location of the application site the main views into and across the Conservation Area are experienced from the immediate surroundings, predominantly from Breck Road, Parrys Way and Station Road. Whilst the proposed development would occupy a prominent corner location, views will be generally experienced within the context of the immediate setting and built form. Extensive pre application discussions have been undertaken with the applicant in conjunction with the Council's Conservation Officer to ensure that the bulk, massing and design would not be harmful to the designated heritage asset. The proposal as submitted is considered to follow the advice provided during pre-application discussions and the views set out in the submitted Heritage Statement are accepted and agreed by the Conservation Officer, who considers that the design and scale of the apartments in the manner proposed would preserve the appearance of the Conservation Area and sustain the significance of the heritage asset. Similar views are also expressed by the Poulton Historical and Civic Society.

9.6 It is acknowledged that the site has previously hosted the original 1840s Royal Oak building which was a traditional former public house with considerable historic importance and during its time it did provide and contribute to the historic integrity and setting of the Conservation Area. Regrettably this has now been demolished due to it falling into disrepair, not being managed and maintained, and becoming structurally unsound. Prior to its demolition in June 2018, due to its derelict and rundown condition it failed to positively contribute to the visual appearance of the conservation area and was seen to provide visual harm. Whilst previous applications have sought to recreate and retain features of the former building, this application seeks to utilise the site for a modern and contemporary form of development. There is no policy requirement to replicate any of the design features of the former public house. Indeed building recordings have been made on previous applications via a condition requested by Lancashire County Archaeology to ensure the preservation of the history of the Royal Oak is retained. The key issue is whether any new development would preserve or enhance the character and appearance of the Conservation Area and its setting. As set out above, it is considered that this scheme would. One concern raised by the Conservation Officer in relation to this application relates to the proposed materials. The proposal seeks to use multiple materials - brick, natural stone and zinc cladding and timber louvers - which along with the window frames and rainwater goods could appear overly fussy. The agent was asked to consider reducing this variance however considered that this would have a negative impact on the overall design as each material and external finish complements other features of the building. The agent has advised that the materials proposed will be of high specification and quality. It has been agreed that all external materials can be finalised and agreed with a pre commencement condition where samples can be provided and assessed by officers in liaison with the Conservation Officer. Overall, subject to conditions, the proposal is considered to adhere to Section

72 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policy CDMP5 of the Wyre Local Plan along with the provisions of the NPPF.

Scale, Design and Visual Impacts

9.7 Achieving high quality design is a key aspect of sustainable development. Paragraph 127 of the NPPF requires new development to function well and add to the overall quality of the area; to be visually attractive; sympathetic to local character and history to maintain a strong sense of place, and; to provide a high standard of amenity for future users. This is reflected in local planning policy CDMP3 of the Wyre Local Plan. The design and appearance of the development has been discussed in the above section having particular regard to the impact of the proposal on the historic environment. The purposes of this section is to focus on the standard of development and its wider visual impacts.

9.8 Concerns have been raised by neighbouring residents about the overall bulk, massing and scale of the proposed development in relation to neighbouring properties and the impacts this would have on residential amenity, which is addressed later on in the report, however the overall scale and massing of the development is an important consideration in the determination of the application in terms of the any potential visual impacts. At pre application stage and also as demonstrated within the submitted Design and Access Statement the agent has endeavoured to demonstrate how the overall footprint and volume of the development has evolved and how this relates and integrates with the immediate neighbouring buildings by reason of the submitted volumetric analysis. This supporting documentation is welcomed as it provides both an explanation as to how the development responds to its surroundings but also how it will be viewed against the existing townscape in this location. The overall height of the building at 9.5m is not considered to be overly excessive and is comparable in height to the three storey development on the opposite side of Station Road (Crocus Court). The building has been designed with varied roof lines, hipped roofs and staggered elevations. The ridgeline and height of the projecting gables would drop down towards the site edges, to enable the building to sit more comfortable next to the adjacent properties. The mix of materials help to break the size and massing of the building elevations including the design feature of the underpass access along Station Road.

9.9 The scale of the development in this position is considered acceptable. Materials proposed include facing red brickwork, standing seam zinc cladding panels, natural stone cladding, timber louvers, powder coated grey aluminium windows, glass balconies, grey slate roof tiles and zinc roofing. The projecting pitched roof gables and modern elements such as the large glazed windows provide vertical emphasis and at the same time provide a visual contrast with the horizontal modern features at first floor. These features add visual interest to the design of the building, and help reinforce the scale enabling the building to integrate into its surroundings and the character of the area. Consideration has been given to how the development would be viewed against the more traditional dwellings adjacent to it along Breck Road and whether it would be appropriate to seek to introduce similar materials (i.e. white painted render). However as the development is modern and contemporary in appearance and there will be a defined visual contrast, rather than trying to force visual continuity with the neighbouring properties the resulting contrast is considered to respond to the corner location whilst at the same time enhance the traditional profile of the neighbouring properties, in particular number 62 Breck Road.

9.10 The layout of the building is set further back from both Breck Road and Station Road from that of the former Pubic house. The front elevation generally

follows the same building line as that of number 62 Breck Road. Landscaped areas provide a visual green buffer between the building and the highway with a low level red brick picket wall with railings above lining the boundary proposed, which would be similar in appearance to the boundary treatments of the town houses on Parrys Way and Breck Road on the opposite corner. In terms of site levels the existing site sits approximately 7.4m AOD, the proposed development is shown to sit slightly higher at 7.5m AOD which raises no concerns in terms of overall height, bulk and massing. Concerns have been received with regards to the existing boundary walls along the southern and western boundaries being reduced resulting in security concerns and loss of privacy. The agent has confirmed that these will remain unaffected and where possible made good. This boundary wall will retain an existing site feature whilst at the same time provide an acceptable level of privacy to neighbouring properties.

9.11 Internally each of the apartments provide a high standard of accommodation with acceptable levels of outlook and adequate levels of natural light. A refuse store is provided and accessed via the underpass. The Councils Waste Management Officer has advised that this is suitable and accessible in the location proposed.

9.12 Policy SP2 (Criteria 6) requires development proposals to demonstrate how it would respond to the challenge of climate change through appropriate design and by making best use of resources and assets, including the incorporation of water and energy efficiency measures through construction phases and the reuse and recycling in construction both in the selection of materials and management of residual waste. The applicant has responded to this by submitting a supporting statement which sets out that the proposed development has been designed with an elevated level of sustainability in mind and will feature many renewable features including:

- Highly insulated
- Thermal bridge free design
- Airtight construction
- Heat recovery ventilation
- Energy-efficient boilers and appliances throughout with smart meters.
- Highly insulating windows
- Innovative building services
- Sustainable drainage system
- Water and energy efficiency measures during construction as well as management of residual waste

The applicant has demonstrated that the proposal would satisfy this criteria of Policy SP2 of the Local Plan.

9.13 The proposed development is considered to be acceptable in terms of its high quality design, overall scale, bulk/massing and its visual impacts upon the character and visual amenity of the area. The proposed materials are also considered to be acceptable, subject to samples being submitted and agreed. The proposal is seen to satisfy and comply with the provisions of Policies SP2 and CDMP3 of the Wyre Local Plan.

Impact on Amenity of Neighbouring Properties

9.14 Criteria C of Policy CDMP3 of the Wyre Local Plan sets out that development must not have an adverse impact upon the amenity of occupants and users of surrounding or nearby properties and must provide a good standard of

amenity for the occupants and users of the development itself. The observations received by neighbouring residents, both objecting and in support of the development have been acknowledged. The two main dwellings which are seen to be predominantly affected by the development are number 62 Breck Road and 1 Station Road, an assessment of the impacts on all immediate neighbouring properties is set out below:

62 Breck Road

9.15 At the nearest point the proposed western elevation would be sited approximately 1.5m away from the western boundary wall adjacent to which is the single storey flat roof garage of number 62 Breck Road, and 4.5m away from the first floor side elevation. The depth of the elevation along the western boundary will measure 11m after which point a return wall would run away from the boundary into the site and then project broadly parallel with this boundary again, leaving approximately 8.5m separation distance from the western boundary wall. The submitted street scene elevation plan demonstrates that there would be a sufficient visual break between the apartment building and the neighbouring dwelling and also shows a comparison in terms of ridge heights with the proposed development being 1m taller. The overall perceived bulk and massing is reduced substantially by the hipped roof on the western elevation. In terms of bulk and massing the development has been designed with the amenity of number 62 Breck Road in mind as set out in the submitted Design and Access Statement. Given the overall scale and height of the building and the staggered elevation along this boundary, in conjunction with the hipped roof design/formation it is not considered that there would be any harmful overbearing or imposing impact upon the amenity of number 62 Breck Road. It has also been demonstrated on the submitted sun path analysis that there will be no loss of light or overshadowing to habitable rooms or the private amenity areas as a result of the scale of the development proposed.

9.16 In terms of overlooking and loss of privacy there are no windows proposed on the western elevation of the apartments immediately adjacent to number 62. Where the elevation is then staggered back into the site, the windows on that elevation at first floor will not result in any direct overlooking as they are proposed to be obscure glazed and non-opening and will primarily serve an internal hallway. These windows can be conditioned as such accordingly. The existing high level boundary wall of number 62 Breck Road is to be fully retained, this provides a high level of screening and privacy from activities associated with the car park area and any windows and doors serving the apartments at ground floor. In assessing the impacts and the relationship and orientation of the apartments it is considered that the proposal will not result in any significant adverse impacts upon the residential amenity of number 62 Breck Road and would satisfy the provisions of Policy CDMP3. Whilst there is no precise interface stipulated for 3 storey apartments set out in SPG4 the principles set out within do apply and in this instance are adhered to.

1 Station Road

9.17 Number 1 Station Road is an end terrace property located immediately to the south of the site and the southern boundary wall provides a shared access to the rear for numbers 1-5 Station Road. Concerns have been raised as to the scale and overbearing impacts from the development on number 1 but also numbers 3-5. The southernmost gable end of the apartments will be set off the boundary adjacent to number 1 Station Road by approximately 2.5m. Contrary to the concerns raised this is considered to be an acceptable and sufficient offset as to not result in any overbearing impacts. Furthermore the sloping pitched roof tying into the raised

hipped roof is seen to ensure the development does not physically dominate this row of traditional terraced dwellings by reason of excessive bulk and mass. It is acknowledged that the side elevation will project approximately 2m beyond the rear elevations of number 1-5 Station Road however due to the offset distance and the overall scale it is not seen to result in any adverse impacts in terms of loss of light or from being overbearing. The plans demonstrate that there would be no windows proposed on the southern elevation. As such the proposal would not result in any detrimental impacts arising from overlooking or loss of privacy.

Crocus Court

9.18 The extra care retirement apartments on the opposite/eastern side of Station Road will have interface distances between 16m - 19m with the proposed apartments. Whilst this is not strictly in accordance with the interface distances set out in SPG4 which requires 21m from front elevation to front elevation, in this location taking into consideration that this is a relationship between two apartment blocks, the interface distance is not considered an issue given the staggered and splayed set back of the elevation of the apartments at Crocus Court. It is also recognised that there is only 18m between numbers 1-5 Station Road and number 1 Garrett Close adjacent and so a shortfall is evident elsewhere on Station Road. Even at 16m it is still considered that in this instance there will not be any significant overlooking or loss of privacy on the amenity of the occupants residing at Crocus Court.

60 Breck Road, 32C Park Road

9.19 Taking into consideration the distance both these two properties are from the proposed apartments it is not anticipated there will be any amenity issues. The applicant has confirmed the existing boundary will be retained at its existing height. Furthermore there is mature and established vegetation located within the gardens which provides sufficient visual and privacy screening.

9.20 Whilst this application and any impacts upon residential amenity is assessed on its own merits, it has to be acknowledged that the extant planning permission (18/00614/FULMAJ) could still be implemented and its fall-back position is a material consideration. In terms of the redevelopment of the site for residential apartments this application is considered to relate more sensitively and have a lesser impact upon the amenity of the immediate neighbouring properties. For the reasons set out above, overall, the proposed development satisfactorily addresses the requirements of Policy CDMP3 of the Local Plan in terms of its impacts upon residential amenity and also provides a high standard of accommodation for potential occupants of the apartments themselves.

Flood Risk and Drainage

9.21 The application site is located within Flood Zone 1 which is not considered to be at high risk of flooding. The application has been submitted with full detailed drainage plans which propose to connect foul and surface water to the existing combined sewer within Station Road. The Councils Drainage Engineer has objected on the basis that United Utilities records show a surface water drain within Station Road which could be utilised before connecting to the combined system. On the previous application 18/00614/FULMAJ, the connection to the combined sewer at a controlled rate was accepted and agreed and likewise the development opposite at Crocus Court was allowed to connect to the combined sewer at a controlled rate. At the time of compiling this report the applicant is looking into the suggestion that a surface water drain runs along Station Road and if so, the feasibility of whether or not

surface water from the application site could connect to it. As there is a technical solution available it is considered that drainage of both foul and surface water from the site can be satisfactorily achieved, to satisfy policy CDMP2 of the Wyre Local Plan, however full details including the controlled rate of connection is to be conditioned accordingly.

Highway Safety and Parking

9.22 Lancashire County Highways have raised no objection to the proposed development and have advised that there will not be a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. They have recommended that necessary conditions should be attached to this application if the decision is to approve. The proposal includes 13 off street parking spaces to the rear of the building. This level of provision would normally be considered insufficient for a development consisting of 16 No. 1 and 2 bed apartments, which would typically require 1 spaces per unit. This has been raised as a concern by neighbouring residents and the Historic Society, and the agent has been asked to consider whether more on site provision could be made. These amendments have not been forthcoming due to the site capacity limitations.

9.23 Notwithstanding this shortfall of parking, as set out within the councils parking standards (Appendix B of the Wyre Local Plan - Note 5) a relaxation of the level of provision required may be accepted in highly accessible locations. In this case when taking into account the location of the development, in very close walking distance to the train station, bus stops and the town centre, there is considered to be sufficient justification to relax the normal requirements of 1 space per unit as the apartments would be suitable for persons not reliant on motor vehicles. An internal cycle store is being provided. Furthermore Lancashire County Council Highways have raised no objections on the bases of inadequate parking. It is not considered that a shortfall of 3 parking spaces would warrant a refusal.

9.24 LCC Highways have requested that a 2m wide footway be provided across the frontages of Breck Road and Station Road as shown on the submitted proposed site layout plan. This would provide a substantial improvement to pedestrian connectivity at this location compared with previous schemes on the site which could not deliver this due to the location on the building footprint. In this case as the apartments proposed in this application are set further in from the highway compared to the previous schemes then this off site highway improvement can be achieved and is to be conditioned accordingly. Other highway related planning conditions requested by LCC Highways and deemed necessary will also be imposed. A condition requiring the provision of electronic vehicle charging points (EVCP) to be provided to ensure compliance with Policy CDMP6 is also considered necessary.

Infrastructure

9.25 To ensure the proposal secures the necessary infrastructure to mitigate the impacts of the development, onsite provision or financial contributions towards affordable housing, green infrastructure and potentially education (depending on the final response from LCC Education) would need to be secured in line with the requirements of Policy SP7 of the Local Plan. This is set out in more detail below.

9.26 Policy HP3 of the Wyre Local Plan sets out that developments of 11 dwellings or more on brownfield sites in Poulton should provide 30% on site affordable housing provision. Where onsite provision is not appropriate a financial contribution of broadly equivalent value will be required to support the delivery of

affordable housing elsewhere in the Borough. In this instance the Council's Community Housing Development Officer has advised that apartments in this location would raise no appetite from Registered Providers and as such an offsite contribution should be sought which would be the equivalent of 5 units (30%). In accordance with the Affordable Housing Viability Study (AHVS), based on the market value for Poulton this would equate to £241,628.

9.27 Policy HP9 of the Local Plan requires residential developments resulting in a net gain of 11 dwellings or more to make appropriate provision of public open space. The Council's Parks and Open Spaces Officer has advised that in this location and for this scale and type of development an off-site contribution would be considered more appropriate than on-site provision. This would go towards improvements of recreational facilities at Vicarage Park along with improvements to the playing pitches at the Civic Centre. Based on the type and size of accommodation proposed this would equate to a financial sum of £14,402.00.

9.28 To ensure the proposal secures the necessary infrastructure to mitigate the impacts of the development LCC Education have been consulted. Their response confirms based on the 2019 School census and resulting projections and taking into account all the approved applications, they will not be seeking a contribution for primary or secondary places. However, at the time of their response they acknowledge a number of applications nearby pending decision that, if approved before this application, could result in a claim from this development of 1 primary school place which would equate to £16,050.54. As is standard practice prior to the meeting a reassessment will be requested from LCC and the results will be presented on an update sheet.

9.29 Policy SP6 (Viability) of the Wyre Local Plan sets out that the Council's overarching objective is to ensure that development is viable. Within the policy it stipulates where a developer seeks to negotiate a reduction in infrastructure requirements that would normally apply to a development, the Council will require the developer to supply a financial appraisal demonstrating the costs to be incurred, the financial return and the profit expected. This is in accordance with the NPPF which requires viability to be a material consideration in decision making. In this instance during the course of the application the applicant has submitted a Financial Viability Statement (FVS). The report submitted concludes that without any infrastructure contributions the development proposals give a developer a profit equivalent to 20% of GDV. With the required contributions the developer's profit return reduces to 4.92%. This report has been reviewed by the Council's independent advisor, financial and property surveyors Keppie Massie (KM). The developer's profit return has been confirmed at 20% of GDV without any contributions. KM advises that this is the benchmark level. As such if the planning obligations being sought are included then the developer's profit would fall below this level, indicating that the development is unlikely to be sufficiently financially viable and unable to support any contribution.

9.30 KM have highlighted that the high specifications in terms of internal finishes and fixtures being proposed are substantially high in terms of costings. KM consider that should these be reduced it could still be possible to produce a high quality market development and potentially support some limited S106 contributions. It is acknowledged that the Council has no control over the internal finishes and fixtures. That said, it is considered that the high level of internal fixtures and fittings that have been costed are integral to the overall high quality design aspiration and market appeal of this development, and the appraisal has to be based on the development as proposed. On this basis the developer has sufficiently demonstrated that the contributions sought (£256,030 in total) would not be financially viable in this case,

and satisfies the provisions of Policy SP6 of the Local Plan. It is also of note that no financial contributions were to be made from the previous (extant) application involving 12 apartments.

Air Quality, Noise and Light Pollution

9.31 The application site is located close to, but outside, an area of Air Quality Management (AQM) as well as being close to the highway on a busy junction with Breck Road and Station Road. Whilst no observations have been received by the Councils Environmental Health Officer in relation to Air Quality, on the previous applications air quality was not considered to be a significant issue and remains the case here. As previously stated in this report the building footprint would be further back from the highway than previous schemes. Consequently, it is considered that the proposal would not conflict with Policy CDMP1 of the Wyre Local Plan with respect of air quality.

9.32 The Environmental Health Officer has advised that an Acoustic Noise Impact Assessment should be submitted to assess the potential for adverse noise impacts. However, previous applications on the site have included noise surveys which indicated that adequate mitigation could be provided for residential development and that there was no requirement for significant acoustic treatments around the site. In this instance, although the proposal is located close to Breck Road and Station Road it is set back further into the site than previous schemes - including the extant permission which could still be implemented that would sit immediately adjacent to the highway. Consequently, and subject to verbal discussions with the Environmental Health Officer, it is considered that the proposal would provide acceptable living conditions for future occupiers with particular regard to noise and as such would not conflict with Policies CDMP1 and CDMP3 of the Wyre Local Plan.

9.33 Due to the location of neighbouring properties, a condition is required to ensure that any external lighting does not have any adverse impacts upon neighbouring amenity. This will require that a Lighting Assessment is submitted and agreed in writing prior to installation of any external lighting associated with the building or car park. This in turn would satisfy policy CDMP1 of the Local Plan in respect of lighting impacts.

Other Issues

Gas Pipe Line

9.34 Cadent Gas has a major accident hazard pipeline in the vicinity of the site, however neither they nor the HSE object to the development. An informative could be added to the decision issued as requested by Cadent Gas.

Ecology and Landscaping

9.35 The application site is free from any substantial trees and vegetation and is primarily hardstanding and rubble as a result of the site clearance works. Greater Manchester Ecology Unit have advised that there are no ecological impacts associated with the proposal and have advised that the soft landscaping would be considered as net gain. The submitted landscaping plan demonstrates areas of landscaping around the site boundaries which would provide a visual buffer from the development and assist in reducing the impacts upon the street scene. The Councils Tree Officer has advised that the landscaping proposed is considered acceptable

subject to a condition requiring full species, size and quantities of trees to be provided.

Contamination

9.36 The application has been accompanied by a supplementary Phase 1 desk study which has been reviewed and assessed in relation to previous applications 17/00070/FULMAJ and 18/00614/FULMAJ. The Council's Environmental Health Officer has advised that the new proposals do not appear to significantly affect the previous risk assessments, and therefore based on the information within these reports and the previous reviews a watching brief condition should be applied should planning permission be granted.

10.0 CONCLUSION

10.1 The historic importance of the former Royal Oak building and the benefits it did provide historically have not been underestimated, however the application site is currently clear of any structures, is overgrown with mixed vegetation and fails to positively contribute to the visual amenity and character of the area or to the significance of the conservation area. Members are advised that this proposal is seen to provide an innovative and exciting form of development which respects the residential amenity of the surrounding neighbouring properties and would enhance and preserve the Conservation Area whilst at the same time provide a high quality standard of accommodation. The absence of any financial contribution has to be given weight in the balancing process of this application, as well as the shortfall of parking provision and the shortfall in interface distance with Crocus Court. That said, the substantial benefits arising from the scheme are considered to outweigh these matters. Furthermore the fall-back position is that the applicant could still implement and construct 12 apartments under application 18/00614/FULMAJ, which also offers no contributions, and this current scheme is considered to offer a higher quality form of development, with improved relationships to neighbouring properties and visual enhancements to the amenity of the area. It is concluded that the proposal does represent a sustainable form of development, and for the reasons given above, and taking other matters into consideration, it is recommended that the scheme is approved subject to the conditions suggested within this report.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

12.1 That the Chief Executive (under the Emergency Powers decisions procedure in place) resolves to grant full planning permission subject to conditions.

Recommendation: Permit

Conditions: -

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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 23/12/2019 including the following plans/documents:

- Site Location Plan
- Proposed Site Plan (Revised) Drawing Number SP-0001 P1
- Planting Plan Drawing Number 199.4.02
- Landscaping Proposals Details Drawing Number 199.3.01
- Hardworks Plan Drawing Number 199.4.03
- Ground Floor and Site Plan Drawing Number GA-0001 P1
- First and Second Floor Plan Drawing Number GA-0002 P1
- Roof plan Drawing Number GA-0004 P1
- Sections Plan Drawing Number SC-0001 PL
- Proposed North and Southern Elevations Drawing Number EL-0001 Rev P2 (Revised)
- Proposed East and Western Elevations Drawing Number EL-0002 Rev P2 (Revised)

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.

3. No development above ground level shall be commenced until details of the materials (including samples as appropriate) to be used in the construction of the external surfaces of the building (including the external walls, roof, and windows) have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. A watching brief shall be undertaken during the course of the development works. The watching brief shall be undertaken by a suitably qualified person, with any significant contamination discovered reported immediately to the Local Planning Authority. The findings of the watching brief shall be reported in writing and submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In order to safeguard human health and the environment against potential contamination and in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

5. No development above ground level shall be commenced until full soft landscaping specifications and schedules (including plant size, species and number/densities) (in accordance with Drawing Number 199.3.01) have been submitted and agreed in writing by the Local Planning Authority.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31)

6. The hard landscaping works shall be carried out in accordance with the approved details (Drawing Number 199.4.03) prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31)

7. The development hereby approved shall not be first occupied or brought into use until the parking / turning area(s) and Cycle Store shown on the approved plans (Site Plan Drawing Number SP-0001 P1 and Ground Floor and Site plan Drawing Number GA-0001 P1) has been laid out, surfaced and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate off road parking is provided to serve the development in the interests of highway safety and in accordance with the provisions of Policy CDMP6 of the Wyre Local Plan (2011-31).

8. Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:

(a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team

(b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team

(c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays

(d) contractors' compounds and other storage arrangements

(e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period

- (f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (h) external lighting of the site during the demolition / construction period
- (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (j) recycling / disposing of waste resulting from demolition / construction work
- (k) measures to protect watercourses against spillage incidents and pollution

The construction of the development including any demolition works shall be carried out in accordance with the approved CEMP.

Reason: Such details were not submitted with the application and need to be in place throughout the demolition / construction period in the interests of the amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

9. Prior to first occupation of any dwelling hereby approved, the site access and off-site works of highway improvement [namely, the reinstating and provision of a 2m wide footway across the site frontages of Breck Road and Station Road] shall be carried out, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall be carried out in accordance with any alternative approved timetable for implementation.

Reason: In order to ensure the timely delivery of the necessary off-site highway works in the interests of highway safety / to encourage sustainable traveling accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

10. Prior to the commencement of development a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan.

The scheme details shall include, as a minimum:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change as set out within the Environment Agency's advice on Flood risk assessments: climate change allowances' or any subsequent replacement EA advice note), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to

delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

- b) Demonstration that the surface water run-off would not exceed the pre-development greenfield runoff rate;
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No part of the development shall be first occupied or brought into first use until the drainage works and levels have been completed in accordance with the approved scheme. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

11. Prior to the commencement of development details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

- i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The development shall subsequently be completed, maintained and managed in accordance with the approved sustainable drainage management and maintenance plan.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/ body/ company/ undertaker for the sustainable drainage system in accordance with policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

12. Prior to the first occupation or use of the development hereby approved, the 7 first floor windows on the western elevation (Serving the hallway) shall be:

- i) obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
- ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The window(s) (including any subsequent repaired or replacement window) shall be maintained and retained thereafter in accordance with this detail.

Reason: To safeguard the privacy of adjoining residents and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

13. An electric vehicle recharging (EVCP) scheme shall be submitted for all dwellings with parking provision unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No dwelling shall be occupied until the electric vehicle recharging point has been provided for the dwelling to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

14. The development hereby permitted shall be designed so that the level of noise emitted from the site does not exceed the following levels as assessed in accordance with British Standard 8233 (2014) and WHO guidelines (or any subsequent replacement national standards / guidance) when measured at nearby noise-sensitive premises:

- LAeq 35 dB 16 hours - indoors, daytime (07.00-23.00)
- LAeq 30 dB 8 hours - indoors, night-time (23.00-07.00)

- LAFmax 45 dB 8 hours - indoors night-time (23.00-07.00)
- LAFmax 45 dB 4 hours - indoors evening (19.00-23.00)*

*The evening standard LAFmax will only apply were the evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.

Alternative levels and monitoring locations may be used subject to the prior written approval of the Local Planning Authority.

Reason: To minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings, in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

15. Prior to the installation of any external lighting associated with the development hereby approved, a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that light intrusion into the windows of any sensitive premises will not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3). The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (or any subsequent replacement guidance).

The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained and retained thereafter.

Reason: To safeguard residential amenity and in the interests of public safety in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

16. The existing access into the development site shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Specification for Construction of Estate Roads prior to the first occupation of any part of the development hereby approved.

Reason: To limit the number of access points and to maintain the proper construction of the highway in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

Notes: -

1. Due to the proximity of the site to a Major Accident Hazard Pipeline and a Low Pressure Gas main, the applicant/developer is advised to contact National Grids Plant Protection Team on 0800 688 588 or e-mail address plantprotection@cadentgas.com prior to any development commencing including demolition works.

2. The applicant is advised that the new site access, and off site highway works will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact LCC Highways before works begin on site.

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Planning Committee

19/01292/FULMAJ - Royal Oak Breck Road Poulton



Scale: 1:2288

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	14 May 2020
SLA Number	100018720

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