



Planning Committee Minutes

The minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday, 4 August 2021 at 2pm in the Council Chamber, Civic Centre, Poulton-le-Fylde

Planning Committee members present:

Councillors Moon, Ballard, Lady D Atkins, Catterall, Holden, Ingham, Le Marinel, Orme, Stirzaker and D Walmsley

Apologies for absence:

Councillors I Amos, R Amos, Raynor and O'Neill

Other councillors present:

None.

Officers present:

Daphne Courtenage, Assistant Democratic Services Officer
Marianne Unwin, Democratic Services Officer
Lyndsey Hayes, Planning Development Manager
David Thow, Head of Planning Services,
Carmel White, Solicitor

One member of the public attended the meeting.

PA.16 Declarations of interest

None.

PA.17 Confirmation of minutes

The minutes of the Planning Committee meeting held on 7 July 2021 was **approved** as a correct record.

PA.18 Appeals

The Committee **noted** the Schedule of Appeals lodged and decided between 15 June 2021 – 15 July 2021 as set out on pages 3 – 4 of the agenda pack. Any member requiring any further details or clarification on any appeal should contact the relevant Case Officer.

PA.19 Planning applications

PA.20 Application A - Land To The South Of Tithebarn Street (and To The East Of Berrys Lane) Poulton-le-Fylde FY6 7BY (17/00632/OUTMAJ)

The application was brought to the committee for determination at the request of Councillor McKay and as the application site forms part of an allocated site in the Wyre Local Plan and was of strategic importance.

A site visit took place to enable members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer. The Planning Development Manager reminded members that they had recently considered other applications surrounding the application site including on other parcels within the same housing allocation.

Councillor McKay, Wyre Borough Ward Councillor for Tithebarn, was unable to attend the meeting in-person but sent a written representation to the Chair of the Planning Committee, which was read out to the members. She spoke in support of the application, however highlighted concerns surrounding road safety and congestion.

Councillor Alf Clempson, Lancashire County Councillor for Poulton-le-Fylde, spoke in objection to this application.

Members expressed concerns over the traffic situation in the area and whether the car park, which would not be delivered by the developer, would ever be brought forward. They also highlighted the issues with the data in the applicant's Transport Assessment, including it being outdated.

Both the Chair and Vice Chair voiced their understanding of members' concerns, but pointed out that with no objections from LCC Highways, there could be no reasonable grounds for refusal relating to highway matters.

The Head of Planning Services explained to the members the background to how the number of dwellings within this housing allocation came to be determined through the Local Plan Examination, and that the total number of units proposed and already committed did not exceed this figure. He confirmed the car park was a requirement of the Poulton Mitigation Strategy and the approved Blackpool Road, Poulton Masterplan, and its delivery would be a matter for Lancashire County Council. He also answered questions on energy efficiency and an upgrade to Berry's Lane.

Following on from discussion, it was proposed by Councillor Moon and seconded by Councillor Ballard, and a decision was taken that the application be **approved**, under the provisions of The Town and County Planning Act 1990 (as per the officer recommendations). Subject to the following conditions and a S106 legal agreement to secure on-site Affordable Housing and Green Infrastructure provision and financial contributions towards Green Infrastructure, education, health care, sustainable travel and highway improvements. That the Head of Planning Services be authorised to issue the decision upon the satisfactory completion of the S106 agreement.

Conditions: -

1. In the case of any reserved matter, namely appearance, landscaping, layout and scale of the buildings and Town Centre car park, application for approval must be made before the expiration of three years beginning with the date of this permission; and that the development hereby permitted shall 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 such matter to be approved.

Reason: This condition is required to be imposed pursuant to Section 92 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 07.07.2017 including the following plans/documents:

- Proposed Access Plan - ELL-19009-BH-B-505 Rev B
- Proposed Access Cross Sections and Details - EH-19009-BH-B-506 Rev B
- Kerbing, Lining, Manhole Schedule and Setting Out - EH-19009-BH-B-507
- Road Construction Details (Car Park Access) - EH-19009-BH-B-510
- Proposed Site Access Layout - BH/04455/008 Rev A
- Proposed Car Park Access Layout - BH/04455/007 Rev A
- Location Plan - BH/04455/001 Rev C

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 submission of any reserved matters application relating to layout, or simultaneously with that reserved matters application, a drainage scheme for that reserved matters phase, 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 + 40% 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.

Each reserved matter relating to layout should demonstrate compliance with the agreed drainage scheme.

No part of the development in that reserved matters phase 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 for each development phase 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.

4. 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.

5. 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
- (l) how biodiversity would be protected throughout the construction period
- (m) the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify appropriate mitigation measures necessary to protect and prevent pollution of these waters from sediments entering the river Wyre

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

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.

6. The visibility splays identified (for both access points) as that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed accesses from the continuation of the nearer edge of the carriageway of Tithebarn Street to a point measured 43m in both directions shall be provided prior to first occupation or use of any part of the development and shall not at any time thereafter be obstructed by 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 the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

7. Prior to commencement of the development, a construction phasing programme that includes delivery and completion of the two new vehicular site accesses and all off-site works of highway improvement to be carried out as part of a section 278 agreement under the Highways Act 1980 (namely street lighting on Tithebarn Street to be suitable for the new site accesses; upgrading the bus stops on Tithebarn Street to quality bus stops; and provision of new zebra crossing on Tithebarn Street) shall be submitted to and approved in writing by the Local Planning Authority. The site accesses and off-site highway works shall be carried out in accordance with the approved phasing programme.

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

8. Prior to the submission of any reserved matters application relating to layout, or simultaneously with that reserved matters application, details of the existing and proposed ground, slab and finished floor levels for that reserved matters phase, shall be submitted to and approved in writing by the Local Planning Authority. Where that reserved matters phase relates to the town centre car park then existing and proposed cross-sections through the car park area shall also be provided,

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

Reason: 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.

9. A scheme for the provision of electric vehicle recharging points (EVCP) 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).

10. As part of any reserved matters application where layout is applied for, 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.

11. 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.

12. As part of any reserved matters application where layout is applied for, at least 0.33ha of green infrastructure shall be provided on site, unless a reduction in provision is justified based on the housing mix applied for having regard to the requirements of Policy HP9 of the Wyre Local Plan and the Council's published 'Green Infrastructure Advice Note for Applicants' in the general location shown on the Indicative Site Layout (Drawing Number BH/04455/005 Rev L) submitted with this application.

Reason: In order to ensure adequate provision of green infrastructure is secured by this planning permission in accordance with the provisions of the NPPF and Policy HP9 of the Wyre Local Plan.

13. No tree felling, tree works 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, 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.

14. The measures contained within the approved Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (Tree Protection Plan - BH/04455/010 Tree Retention Plan - BH/04455/009) with respect to those trees 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" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: In order to protect trees 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.

15. Prior to the commencement of development, a programme of archaeological work and investigation (which shall include the timetable for the investigation) shall be submitted to and approved in writing by the Local Planning Authority. The archaeological work and investigation shall thereafter be carried out in accordance with the approved programme.

Reason: Such a programme of archaeological work and investigation was not submitted with the application but is necessary prior to the commencement of development to ensure that any archaeological remains at the site are recorded and to ensure that there is an understanding of the significance of the heritage asset before it is lost, in accordance with policy CDMP5 of the Wyre Local Plan (2011-31) and Section 16 of the NPPF. The condition is required to be approved prior to commencement of development to ensure full details are provided, that have not been forthcoming with the application, providing a true and accurate record which would not be possible after development.

16. Prior to commencement of the development, a road surface improvement and lighting scheme including timetable for delivery for the section of Berrys Lane which falls within the application site boundary shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to encourage sustainable travel in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

17. Prior to commencement of the development a construction scheme for the retaining structure adjacent to the highway shall be submitted to and approved in writing by the Local Planning Authority.

The retaining structure works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure the timely delivery of the necessary site accesses and off-site highway works in the interests of highway safety and to

encourage sustainable travel in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

18. Prior to first occupation of any dwelling, a scheme for the provision of home-owner information packs (as outlined in the Habitats Regulations Assessment completed for this application) 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 in the vicinity of the housing development on public rights of way along with what 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.

19. No development shall commence until a Landscape and Habitat Creation and Management scheme (LHCMS) has been submitted to and agreed in writing by the Local Planning Authority along with a timetable for implementation.

For the purposes of this condition the scheme shall identify:

- the retention of hedgerows and trees, or where this is not possible, sufficient replacement native tree and hedgerow planting;
- the removal of any trees, with those which have the potential for bat roosting to have been inspected for the presence of bats. Should any bats be found these trees shall be either retained or compensation put forwards for the potential harm to bats;
- full details of the Tree Preservation Order Mitigation Planting;
- details of elements to mitigate for loss of any hedgerows, trees and bird nesting habitat; opportunities to enhance the value of the site for wildlife through, for example, new structure planting;
- the use of locally native species planting specification;
- full details of management and maintenance arrangements of each of the above.

The development shall then proceed in full accordance with these agreed scheme details

Reason: To ensure that satisfactory ecology mitigation is provided in accordance with Policy 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.

20. The development hereby approved shall be implemented in full accordance with the Ecological Appraisal submitted with the planning application [Envirotech ref 3727] including all the mitigation measures set out in 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.

21. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (prepared PSA Design Limited (referenced D2434-FRA-01 Rev 1; dated 20 January 2020) and the letter by ELLUC Projects Limited dated 15 April 2021 and any of the mitigation measures detailed within the FRA.

The mitigation measures shall be fully implemented prior to first occupation of the development or subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

22. Any subsequent reserved matters application for the part of the development which includes the public car park hereby approved by this permission, shall include details of the existing and proposed ground levels, including existing and proposed cross-sections through the application area.

Reason: To ensure a satisfactory form of development that does not pose an increased risk of flooding elsewhere.

23. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant

5. linkages, maintenance and arrangements for contingency action.

Any changes to these components require the prior written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

24. (a) The residential development hereby permitted shall be designed so that cumulative noise (from transportation sources) does not exceed: -

- 50dB LAeq 16 hours (07.00 to 23.00) in gardens and outside living areas, daytime
- 35dB LAeq 16 hours (07.00 to 23.00) - indoors, daytime
- 30dB LAeq 8 hours (23.00-07.00) - indoors, night-time
- 45dB LAFmax (23.00-07.00) - indoors, night-time
- 60 dB LAFmax 8 hours-(23.00-07.00) façade level night time
- 60 dB LAFmax 4 hours-(19.00-23.00) façade level night time

(b) 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 the Local Planning Authority as part of any reserved matters application relating to layout or appearance, 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: 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. As part of the submission of any application for Reserved Matters relating to layout, there shall be no dwellings provided within the site's flood zone 2 and 3 designation.

Reason: To ensure that the development satisfies the National Planning Policy Framework and Policy CDMP2 of the Wyre Local Plan (2011-31) by

directing development away from areas at risk of flooding and in order to satisfy the Sequential Test and Exceptions Test requirement.

Notes: -

1. The applicant should be aware that the decision is subject to a separate legal agreement.
2. 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.
3. Prior to the commencement of development, a risk assessment and method statement (RAMS) in respect of all works to be undertaken within 10m of the adjacent railway shall be submitted to and agreed in writing with Network Rail to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. Network Rail Asset Protection should be contacted by email at AssetProtectionLNWNorth@networkrail.co.uk to discuss the RAMS requirements in more detail.

A Party Wall notification (under the Party Wall Act of 1996) should be submitted to Network Rail's Asset Protection team for any works 3 metres or less from the Network Rail boundary (not the railway tracks) and structures. Embankments and cuttings are considered structures by Network Rail. Plans and sections showing the location and depth of the proposed excavations and foundations and the location of the proposed third party building or structure should be included with the notice.

4. It should be taken into account that the railway cuttings would have had their own 'Cess' drainage channels which are quite often left in situ following removal of the main infrastructure. These can result in a potential outfall to surface waters that are distal to the development site, and so may impact upon the system chosen to develop the Conceptual Site Model.
5. The Horsebridge watercourse adjacent to / adjoining the site is designated a Main River.

The applicant will require an Environmental Permit for the proposed surface water outfall into this watercourse.

Any development or works, including any new outfall structures, pipelines, landscaping (including trees and shrubs), fences, lighting columns or any other structure, in, under, over or within 8 metres of the top of the bank of the

watercourse, will require an Environmental Permit / the prior written consent of the Environment Agency. It should be noted that the grant of permission does not guarantee that any necessary permissions or consents that are required under separate legislation will be forthcoming.

The Environment Agency has a right of entry to Horse Bridge watercourse by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act.

The applicant / developer is advised to refer to <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> and contact the Flood Risk Officer by telephoning 020 302 51397 to discuss Environment Agency access requirements or apply for consent.

PA.21 Application B - Layby Adjacent Preston Lancaster Road A6 Fowler Hill Lane Cabus Lancashire PR3 1AW (21/00379/FUL)

The application was brought to the committee for determination at the request of Councillor Lady Atkins. Two previous applications relating to this site/development had been considered by the Planning Committee.

A site visit took place to enable councillors to understand the proposal and its setting.

Parish Councillor Louise Jackson, representing Cabus Parish Council, spoke in objection to the application.

Councillor Lady Atkins expressed concerns over the proposed hours in the application, and concerns over the toilet facilities, bins and wildlife issues. Members raised concerns over antisocial behaviour in the area, whether the rest stop café had enough customers to support the changes to operating hours, and many members considered that the proposed operating hours until 22.00 in the evenings was too late and should be brought forward to 19.00 or 20.00.

The Chair and Vice Chair reminded members that whilst a restriction to the proposed opening hours could be imposed as a condition, to do so would need an exceptional reason.

The Head of Planning Services explained to members that the original condition was only imposed because at the time of the previous application those were the hours applied for. He addressed members' concerns over vehicular access and safety, toilet facilities and bins. He addressed the issue of anti-social behaviour and stated that the impact of the rest stop café on increased anti-social behaviour would be difficult to identify, especially as the café had not yet implemented later closing hours. The committee would thus have to demonstrate that later operating hours would have a direct impact on anti-social behaviour, in order to justify the refusal of the extended hours applied for. He reminded members that the temporary permission had been originally granted until July 2024, and the committee would be able to review any impacts arising from the operations then.

Following on from further discussion, it was proposed by Councillor Le Marinel, and seconded by Councillor Lady Atkins, that the application be **approved**, under the provision of the Town and County Planning Act 1990, subject to an amendment to condition 3 as follows:

Conditions: -

1. 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 16th March 2021 including the following plans/documents (submitted and approved under original planning permission ref: 19/00286/FUL):

- Site Location Plan Scale 1:1250, received 22nd March 2019;
- Existing and Proposed Site Plan and Proposed Shipping Container Plans and Elevations Drg.No.JT/KB/2720, received 22nd March 2019.

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.

2. The development shall be carried out strictly using those materials specified in the "Supporting document for discharge of conditions application in relation to approval 19/00286/FUL", received by the Local Planning Authority 25.01.2020 and approved under permission 19/00286/DIS, unless other minor variations are submitted to and approved in writing by the Local Planning Authority.

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

3. The use hereby permitted shall not operate outside the hours of 07:00 to 19:00 on any day of the week.

Reason: In the interests of the amenity of the surrounding area and to prevent anti-social behaviour at night-time in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31)

4. The external ventilation system shall be maintained in full working order in perpetuity in accordance with the details specified in the "Supporting document for discharge of conditions application in relation to approval 19/00286/FUL", received by the Local Planning Authority 25.01.2020 and approved under permission 19/00286/DIS.

Reason: In the interests of surrounding amenity, in accordance with Policies CDMP1 and CDMP3 of the Wyre Local Plan (2011-31).

5. The external bins shall be emptied each day the café has been open

to the public and waste removed from the site.

Reason: To minimise the risk of pollution that may cause harm to the amenity of the surrounding countryside in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

6. No outdoor tables/seating shall be provided other than those two tables approved in the "Supporting document for discharge of conditions application in relation to approval 19/00286/FUL", received by the Local Planning Authority 25.01.2020 and approved under permission 19/00286/DIS.

Reason: To ensure there is no unacceptable reduction in the public parking area and in the interest of pedestrian safety.

7. The premises shall be used for A3 cafe and restaurant use only and for no other purpose.

Reason: The use of the premises for any other purpose would require further consideration by the Local Planning Authority in accordance with Policies SP2 and SP4 of the Wyre Local Plan (2011-31).

8. The shipping container and associated structures shown on the approved plans (portable toilet, external bins, water butt) and any supporting structure(s) on which the container is sited shall be removed, and the land restored to its former condition, on or before 3rd July 2024 unless a new planning permission for the development is granted prior to that date.

Reason: The development is such that it would not be permitted as permanent development having regard to Policy SP4, CDMP1 and CDMP3 of the adopted Wyre Borough Local Plan.

9. In the event that the A3 cafe and restaurant use shall cease operating within the permitted time period, the shipping container and associated structures shown on the approved plans (portable toilet, external bins, tables, seating, water butt) and any supporting structure(s) on which the container is sited shall be removed from the site, and the land restored to its former condition, not later than 6 months following cessation of the use, unless it is re-occupied by a new operator prior to the expiry of the 6 month period.

Reason: The development is such that it would not be permitted as development with no active use associated with it having regard to Policy SP4 and CDMP3 of the adopted Wyre Borough Local Plan.

10. 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 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 visual amenity and ecology in accordance with Policies SP4 and CDMP4 of the Wyre Local Plan (2011-31).

The meeting started at 2.00 pm and finished at 3.30 pm.

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