



Planning Committee Agenda

Wyre Borough Council
Date of Publication: Date Not Specified
Please ask for : Daphne Courtenage
Assistant Democratic Services Officer
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**Planning Committee meeting on Wednesday, 4 August 2021 at 2.00 pm
in the Council Chamber, Civic Centre, Poulton-le-Fylde**

1. Apologies for absence

2. Declarations of interest

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

3. Confirmation of minutes

To confirm as a correct record the minutes of the Planning Committee meeting held on 07 July 2021 (already circulated by email).

4. Appeals

(Pages 3 - 4)

The Schedule of Appeals lodged and decided between 15 June 2021 – 15 July 2021, 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:

- (a) **Application A - Land To The South Of Tithebarn Street (and To The East Of Berrys Lane) Poulton-le-Fylde FY6 7BY (17/00632/OUTMAJ)** (Pages 5 - 36)
Outline planning application for the erection of up to 48 dwellings (with access applied for) and construction of a Town Centre car park for up to 200 vehicles with access from Tithebarn Street (all other matters reserved).

- (b) **Application B - Layby Adjacent Preston Lancaster Road A6 Fowler Hill Lane Cabus Lancashire PR3 1AW (21/00379/FUL)** (Pages 37 - 46)
Permanent siting of a shipping container to be used as a rest stop cafe (resubmission of planning application 18/00339/FUL) (pursuant to variation of condition 4 (operating hours) on permission ref. 19/00286/FUL)

PLEASE NOTE:

Transport for members of the committee will leave the Civic Centre, for the two site visits, at 11.15am.

APPEALS LODGED AND DECIDED

Appeals Lodged between 15th June – 15th July 2021

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
20/00771/FUL	178 Victoria Road West Thornton Cleveleys Lancashire FY5 3NE	Variation of condition 4 on app: 18/00564/FUL on the opening times to Monday - Saturday 08.00am - 01.00am Sunday and Public holidays 08.00am - 00.00am (midnight)	Delegated	Written Representations	12 th July 2021
20/01176/FULMAJ	Caravan Storage Solutions At Camberley Farm Union Lane Out Rawcliffe Lancashire PR3 6SS	Change of use of land to form extension to existing caravan storage yard (B8) (resubmission of 20/00530/FULMAJ)	Delegated	Written Representations	13 th July 2021

Appeals Decided between 15th June – 15th July 2021

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
No appeals decided					

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Committee Report

Date: 04.08.2021

Item Number 01

Application Number 17/00632/OUTMAJ

Proposal Outline planning application for the erection of up to 48 dwellings (with access applied for) and construction of a Town Centre car park for up to 200 vehicles with access from Tithebarn Street (all other matters reserved)

Location Land To The South Of Tithebarn Street (and To The East Of Berrys Lane) Poulton-le-Fylde FY6 7BY

Applicant Baxter Homes Ltd

Correspondence Address c/o CFM Consultants - Roy Bancroft
1 New Media House 8 Hardhorn Road Poulton Le Fylde Lancashire
FY6 7SR

Recommendation Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Karl Glover

1.0 INTRODUCTION

1.1 This application is before the Planning Committee for consideration at the request of Councillor McKay and as the application site forms part of an allocated site in the Wyre Local Plan and is of strategic importance. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The site which forms the subject of this application is irregular in shape and comprises of 3.3 Hectares (8.15 Acres) of a mixture of Grade 3 (good to moderate quality) agricultural land and Urban (built up or hard) agricultural land located to the south of Tithebarn Street (B5267) and adjacent Berrys Lane approximately 300m west of Poulton Town Centre. The site and its existing access is immediately adjacent to number 45 Tithebarn Street and has previously been used for the stabling and grazing of horses. The remains of the concrete bases are visible on site. The north west site boundary is bound by a classified main river known as Horse Bridge Dyke watercourse. Crossing the site from west to east is Berrys Lane which is a private single track lane leading from Tithebarn Street and is also a designated Public Right of Way (PROW) (FP13). A large proportion of the site to the easterly side of Berrys Lane was formally part of the railway network which has now become overgrown since the removal of the railway tracks and former structures. The railway use ceased during the 1950's. To the west of the site further along Berrys Lane is Springfield Farm which comprises of an array of agricultural structures of varying

sizes. The main railway line to Blackpool lies immediately to the southern boundary of the site with existing residential properties beyond.

2.2 In terms of the sites topography, site levels are relatively flat but generally fall from approximately 7.5m Above Ordnance Datum (AOD) next to 45 Tithebarn Street to approximately 5.0m AOD in the north western corner towards Horsebridge Dyke on the opposite side of Berrys Lane which is sited on a much lower level. The site is defined by embankments to the former railway bridge on the North West and northeast boundaries and at present is overgrown with vegetation. Within the site there is a group of Sycamore trees to the rear of the dwellings fronting Tithebarn Street, which are subject to a group Tree Preservation Order (TPO) 016/2013. There is a mix of vegetation mainly Hawthorn trees and hedges located towards the south western boundary and adjacent to Berrys Lane is a mixture of trees consisting of Hawthorn, Goat willow and Elder Trees. This group is also subject to a TPO (3/2017). Approximately 10 Hawthorn trees standing in several closed clumps are located off site within the embankment to Tithebarn Street.

2.3 The site forms part of the wider allocation for residential development within the Wyre Local Plan (Site SA1/6). The eastern and southern boundaries of the site follow the urban edge of Poulton. The northern and western boundaries comprise of open wider agricultural land, which also forms part of site SA1/6. There are currently two vehicular access points to the site, one off Tithebarn Street and one off Berrys Lane. The majority of the site is Flood Zone 1 however towards the lower areas adjacent to Horsebridge Dyke; this part of the site is designated within Flood Zones 2 and 3.

3.0 THE PROPOSAL

3.1 The application seeks outline planning permission for the erection of up to 48 dwellings with access applied for off Tithebarn Street and the construction of a town centre car park for up to 200 vehicles. All other matters are reserved. As access is applied for full details have been submitted showing how both accesses will be achieved including any necessary highway works in the immediate vicinity of the site. An indicative site plan also provides an illustrative layout demonstrating how up to 48 dwellings can be delivered in conjunction with on-site Green Infrastructure (GI) (approx. 0.33ha) and a town centre car park. The GI is shown to be sited primarily against the southern boundary adjacent to the railway line, northern boundary adjacent the car park and with a centrally located area adjacent, to Berry's Lane.

3.2 The residential development is shown to the south-east of Berrys Lane. The illustrative layout shows a main internal spine road leading from Tithebarn Street with 2 small cul de sacs to the east including to the rear of the existing dwellings which then generally runs centrally through the site parallel to Berrys Lane with residential dwellings either side. Pedestrian access is also proposed to link from Berry Lane into the site joining up with the PROW. The illustrative site layout provides a breakdown of house types and mix (8 x 2 bed, 31 x 3 bed and 9 x 4-5 bed dwellings comprising of detached, semi-detached and apartments) although as the application is in outline this is for illustrative purpose only. The layout also demonstrates that to accommodate the units the centrally located group of TPO trees are to be removed and mitigated with new tree planting in the south western corner of the site.

3.3 The car park development is shown to the north-west of Berrys Lane. The illustrative layout demonstrates how 100 spaces could be provided and then an additional 100 spaces if required. It is proposed to have a sole vehicular access in and out of the car park from Tithebarn Street with only emergency access provision

onto Berrys Lane. A separate pedestrian and disabled ramp access is also shown to Tithebarn Street.

3.4 The application has been submitted with the following supporting documents:

- Habitat Survey and Ecological Impact Assessment (including Update and Water vole Survey)
- Tree Survey and Arboricultural Assessment
- Flood Risk Assessment and Drainage Strategy (Revised)
- Noise Impact Assessment
- Planning Statement
- Transport Assessment (Revised)
- Interim Travel Plan
- Design and Access Statement
- Climate Change/Sustainability Statement
- Contaminated Land Desk Study
- Heritage Statement
- Landscape and Visual Impact Assessment
- Masterplan compliance statement
- Shadow Habitat Regulations Assessment
- Updated Policy Context Statement
- Sequential Test (car park)
- Landscape Mitigation and Compensation Statement

4.0 RELEVANT PLANNING HISTORY

4.1 The site has the following relevant planning history:

4.2 13/00448/OUTMAJ - Outline application for residential development - Refused - Allowed on Appeal

4.3 17/00491/REM - Reserved matters application for the erection of six dwellings with associated landscaping following outline approval 13/00448/OUTMAJ - Permitted

4.4 Other relevant planning history which either relates to the wider site allocation or is in close proximity to the site is as follows:

4.5 19/00809/FULMAJ - The erection of 42 bungalows for people aged 55 and over (Use Class C3) with associated car parking, public open space and vehicular access from Blackpool Road - Refused

4.6 19/00551/FULMAJ - Hybrid planning application seeking detailed planning permission for the development of 202 dwellings including associated access, highway works, open space provision and landscaping and outline planning permission for the development of a two form entry primary school (all matters reserved) - Resolution to approve - Pending Section 106 Agreement

4.7 19/00615/OULMAJ - Outline application for the erection of up to 330 dwellings and associated infrastructure (all matters reserved) - Refused - Appeal Lodged

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:

- Policy SP1 Development Strategy
- Policy SP2 Sustainable Development
- Policy SP6 Viability
- Policy SP7 Infrastructure Provision and Developer Contributions
- Policy SP8 Health and Wellbeing
- Policy CDMP1 Environmental Protection
- Policy CDMP2 Flood Risk and Surface Water Management
- Policy CDMP3 Design
- Policy CDMP4 Environmental Assets
- Policy CDMP5 Historic Environment
- Policy CDMP6 Accessibility and Transport
- Policy HP1 Housing Land Supply
- Policy HP2 Housing Mix
- Policy HP3 Affordable Housing
- Policy HP9 Green Infrastructure
- Policy SA1 Residential Development
- Site Allocation SA1/6 South of Blackpool Road

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 3 - Plan making
- Section 4 - Decision making
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- 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

5.2.3 In accordance with the National Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF) §73, the council must be able to demonstrate a 5 year housing land supply position (with a 5% buffer) when dealing with applications and appeals. The latest available evidence on housing delivery is that set out in the council's APS submission for 2020 which demonstrates a deliverable housing land supply position of 5.9 years. The council's 5 years housing land supply position has recently been considered by an Inspector and even if the Inspector's conclusions were accepted in full there would be a housing land supply position of a minimum 5.2 years (including a 5% buffer). There is therefore full confidence that the council is able to demonstrate a deliverable 5 year housing land supply.

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 The following is of relevance to the determination of this application:-

- Supplementary Planning Guidance 2 - Development and Trees
- Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts
- Green Infrastructure: advice note for applicants
- Flood Risk Sequential Test: advice note for applicants

5.4 LAND OFF BLACKPOOL ROAD MASTERPLAN

5.4.1 The Land off Blackpool Road Masterplan was approved on 13th January 2021 and represents a significant material planning consideration to this application.

5.5 NATIONAL PLANNING PRACTICE GUIDANCE

5.6 THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (PLBCA) S.66 AND S.72

5.7 HISTORIC ENGLAND, 'THE SETTING OF HERITAGE ASSETS, HISTORIC ENVIRONMENT GOOD PRACTICE ADVICE IN PLANNING NOTE 3 (SECOND ADDITION)

5.8 THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS (AMENDMENT) (EU Exit) 2019

5.9 THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY COUNCIL (LOCAL HIGHWAY AUTHORITY)

6.1.1 No objections in principle to the proposed 48 dwellings and Town Centre car park for up to 200 vehicles providing the applicant can demonstrate a commitment to

the Poulton Mitigation Strategy (PMS) for the delivery of the car park and recommended section 106 contributions.

6.2 LANCASHIRE COUNTY COUNCIL (LOCAL EDUCATION AUTHORITY)

6.2.1 Latest assessment (27/05/2021) confirms based on the current situation, LCC would be seeking a contribution towards 18 primary school places which equates to a financial contribution of £301,499.28 towards an existing school expansion or £358,069.68 towards a new school. LCC will not be seeking a contribution for secondary school places. LCC would expect the LPA to assist in negotiations to secure the land for the new school site by use of equalisation arrangements.

6.3 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.3.1 No objections subject to conditions requiring the development to be brought forward in line with the approved Flood Risk Assessment and full details of the sustainable urban drainage system (SuDS) including management and maintenance plan to be submitted for approval.

6.4 LANCASHIRE COUNTY COUNCIL (ARCHAEOLOGY)

6.4.1 A programme of archaeological works is needed to include a watching brief during soil stripping and excavation for services, roads and foundations with a programme of "strip, map and record" for any features or deposits of archaeological significance which might be revealed and with provision made for any post excavation and reporting that may be needed. A condition has been recommended to secure this.

6.5 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.5.1 GMEU have undertaken a Habitats Regulations Assessment (HRA) as required by Natural England. GMEU advise that subject to securing on-site mitigation and off-site GI improvements, the proposal will not result in any adverse effects on the integrity to special features of Morecambe Bay RAMSAR and SPA and Duddon Estuary SPA and SAC. The site itself has low potential to support protected species apart from foraging bats. Biodiversity enhancements incorporated into a landscaping scheme should be acceptable mitigation.

6.6 HIGHWAYS ENGLAND

6.6.1 No observations received at the time of compiling this report

6.7 NETWORK RAIL

6.7.1 Requested further information relating to land ownership and have highlighted that during construction works access to Network Rail assets should not be compromised.

6.8 UNITED UTILITIES

6.8.1 Require the site to 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 and the development should be undertaken in accordance with the submitted flood risk assessment.

6.9 NHS FYLDE & WYRE CLINICAL COMMISSIONING GROUP (CCG)

6.9.1 Advised that to mitigate the impacts upon the delivery of general practice services a financial contribution of £13,322 towards the refurbishment and/or reconfiguration of Queensway Medical Centre is required.

6.10 NATURAL ENGLAND

6.10.1 Advised that a Habitat Regulations Assessment (HRA) screening opinion is required to determine likely significant effects on the statutory designated sites. Following the submission of the HRA there are no objections subject to the mitigation measures being conditioned accordingly.

6.11 BLACKPOOL BOROUGH COUNCIL

6.11.1 No objections

6.12 POULTON HISTORICAL AND CIVIC SOCIETY

6.12.1 Raised concerns in relation to the following matters:

- Increase in traffic congestion
- Increase in traffic flow towards Poulton
- Impacts from parking
- Impacts upon the Conservation Area

6.13 ENVIRONMENT AGENCY

6.13.1 First three responses objected to the proposal. However following the submission of the latest revised flood risk assessment (FRA), revised plans and water vole assessment this objection is removed. Further details and discussions are required in relation to the proposed culverting (for the car park access) which could be addressed as part of a subsequent reserved matters application. A number of conditions have been recommended.

6.14 HISTORIC ENGLAND

6.14.1 Advised that on the information available there is no requirement to consult as a statutory consultee.

6.15 LANCASHIRE CONSTABULARY

6.15.1 No objections but highlight a number of design features and security recommendations to be adopted as part of layout.

6.16 RAMBLERS ASSOCIATION

6.16.1 No objections

6.17 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.17.1 No objection. The car parking layout provides insufficient disabled parking spaces.

6.18 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION)

6.18.1 Further information is required in relation to the desk study and as such it is recommended that this be conditioned.

6.19 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY CONSIDERATIONS)

6.19.1 No objections however conditions are required in relation to noise and dust management and also the mitigation measures set out in the Noise Assessment.

6.20 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREE AND WOODLAND OFFICER)

6.20.1 Advises that the findings of the Tree surveys are accurate however consideration needs to be given as to whether the group of TPO trees (TPO5 of 2018) still merit protection. In the past the baseline appraisal led to 'just defensible'. Proposed removal for arboricultural reasons of T22 (poor), T30 (dead), T39 (poor) represents a small amount of erosion to the TPO but removal of the remainder of A1 would be a loss to amenity albeit no greater than a moderate degree. The proposal puts forward mitigation measures to demonstrate that the adverse impact of these potential losses can be offset. Should the proposal meet with approval then there must be a robust and defined tree planting scheme to show that what is gained far outweighs what is lost.

6.21 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (SENIOR PARKS OFFICER)

6.21.1 Advised that any financial contribution needed to compensate for a shortfall in on-site provision should be towards Cottam Hall Playing fields masterplan, with the funding to be used for play area development.

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

6.22.1 Advised that waste collections will not be an issue as it appears from the site plan that all containers will be accessible as the residents can present them at the kerbside (adjacent to the carriageway).

7.0 REPRESENTATIONS

7.1 14 letters of objection have been received raising the following (summarised) concerns:

- Highway safety
- Noise impacts
- Highway congestion
- No need for more properties in Poulton
- Lack of Infrastructure

- Loss of green space
- Site is in the green belt
- Loss of wildlife and habitats and ecological impacts
- Impacts upon Climate change
- Increase in flooding in the area
- Loss of visual amenity
- Air Quality impacts
- Loss of trees
- Over development of the site
- Impacts upon human health
- Impacts upon pedestrian safety
- Cumulative impacts from all the developments
- Loss of agricultural land
- Impacts upon the local junctions
- Horse Bridge watercourse is tidal

7.2 2 letters of support have been received raising the following (summarised) matters:

- Drastic improvement on the current state of the land which is an eyesore
- Land is used for fly tipping and anti-social behaviour
- Good levels of open space
- Improve the attractiveness of the area

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Ongoing contact with the agent since the application was submitted in 2017. The application was submitted prior to the site being allocated and the masterplan being approved and as such has been held in abeyance for a number of years. During this period to align with the policy and masterplan requirements the application has been amended seeing an increase in dwellings and an extension of the application site area to accommodate the town centre carpark. Other matters raised relate to ecology, layout, financial contributions and Green Infrastructure provision. An extension of time has been agreed until 5th August 2021.

9.0 ISSUES

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

- Principle of Development
- Infrastructure Provision
- Visual impacts, Design and Layout
- Impact on Residential Amenity
- Impact on Highway Safety, Access and Highway network
- Flood Risk and Drainage
- Trees and Ecological Matters

Principle of Development

9.2 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The primary development plan for Wyre is the Wyre Local Plan (WLP31). A number of housing allocations identified in Policy SA1 will provide the majority of

the Local Plan housing requirement. Delivery of these sites is also critical to ensure a 5 year housing land supply is maintained. The application site falls within the settlement boundary of Poulton-le-Fylde as defined in the WLP31. Policy SP1 of WLP31 directs new development to within settlement boundaries and states 'development within settlement boundaries will be granted planning permission where it complies with the other policies of this Local Plan'. The site is allocated for housing development as part of site allocation 'South of Blackpool Road' (SA1/6). The total allocation consists of 19.54Ha with a housing capacity of 300 dwellings. This site makes up 1 of 4 parcels in different land ownership within the allocation. Of the remaining 3 parcels, 1 has recently been refused planning permission for 48 bungalows due to failure to provide any affordable housing and is located to the far north of the application site, this application has since been resubmitted but currently remains invalid. Another parcel comprises land immediately to the northern boundary, on which this Planning Committee recently resolved to grant full planning permission for 202 dwellings and outline permission for a primary school subject to a Section 106 legal agreement. The remaining parcel, a smaller area of land immediately to the north of Berry Lane has not been subject to any application to date. Any loss of agricultural land within the allocation site has already been considered and accepted as part of the Local Plan making process. As set out in section 4 of this report the site also benefits from an extant consent for 6 dwellings.

9.3 Site allocation SA1/6 contains 11 Key Development Considerations (KDCs) which are policy requirements that have to be satisfied. KDC1 states 'this site is to be brought forward in line with a masterplan to be produced covering the whole of the site. The masterplan must be agreed by the Local Planning Authority prior to the granting of planning permission for any part of the site'. The 'Land south of Blackpool Road' Masterplan was formally approved by the Council on 13th January 2021. Although the Masterplan itself does not create new policy, it does create a development framework, including vision, objectives and design principles that each planning application within the allocation should adhere to. The application proposal including locations of the housing, access, town centre car park, connection points and Green infrastructure aligns with the Masterplan Framework (Section 4 of the masterplan document). The applicant has provided a supporting document setting out how the proposal complies with the masterplan requirements. Specific KDCs and masterplan matters are subsequently discussed in each relevant section of this report.

9.4 Policy SP2 of WLP31 requires all new development to be sustainable. Relevant matters in this case would be to ensure housing provision meets the needs of all sections of the community; provision of strategic and local infrastructure and services; ensure accessible places and minimise the need to travel by car; reduce and manage flood risk; protect and enhance biodiversity, landscape and cultural heritage and green infrastructure assets; and achieve safe and high quality designed local environments which promote health and well-being. Whether the proposal achieves these sustainability considerations is discussed in turn in each relevant section of this report with reference to the specific KDC requirements of the Site Allocation and the Masterplan.

9.5 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 submitted a climate change / sustainability statement to

demonstrate how the development will satisfy this criteria. A summary of the statement includes the following:

- Orienting buildings where they can optimize energy efficiency, solar gain and maximise daylight levels
- Sustainable Transport - In a sustainable location
- Use of Suds for drainage
- Biodiversity enhancements are proposed
- Maximum and practical use of sustainable and re used materials
- Water saving devices

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

Infrastructure Provision

9.7 Policy SP7 of WLP31 requires contributions towards infrastructure and in some cases new infrastructure on site. This includes affordable housing, green infrastructure, education, highway improvements and health care provision. The 'South of Blackpool Road' Masterplan also identifies a number of infrastructure requirements that are integral to the creation of sustainable development in this area of Poulton and sets out the principles in which these should be delivered.

9.8 KDC9 of SA1/6 requires development to make a contribution to the Poulton Highway Mitigation Strategy (PHMS), this also requires the allocation to make provision for a new town centre car park. The Masterplan considers the appropriate location for the car park to be the location as shown on the illustrative layout and sets out that 1ha of land is required for 100 car parking spaces (including 4 covered spaces for motor cycles) and land also to accommodate a further 100 spaces. The Masterplan acknowledges the car parking area is located within Flood zone 2 and 3 however it is deemed to be the most appropriate deliverable location close to Poulton Town Centre. Sole vehicular access would be from Tithebarn Street approximately 150m to the west of the redundant railway bridge. A 5m wide access vehicular carriageway will provide a ramped access to the car parking area with pedestrian and emergency access only onto Berrys Lane. Full details of the car parking layout and design would be submitted as part of a reserved matters application. The new Town Centre car park in the location proposed is in line with the provisions of Policy SP7 and the masterplan as well as KDC9 of SA1/6.

9.9 Lancashire County Highways have advised that the location and the accesses to the carpark as proposed are considered to be acceptable. The separate pedestrian access proposed onto Tithebarn Street would help to make it accessible to the nearby town centre. The car park will provide alternative parking options for the town centre and train station to help prevent congestion of existing carparks and reduce on street parking pressures within and around Poulton. For the avoidance of doubt the purpose of the outline application is to reserve land for the car park and is not proposing to deliver it. Delivery would be done using contributions collected from this development and other developments in Poulton towards the PHMS.

9.10 The Local Education Authority's (LEA) response confirms that a financial contribution is required towards primary education provision. Whilst an indicative figure is provided, the actual figure would be calculated at reserved matters stage once bedroom information is available. This would be secured via a Section 106 Agreement. The LEA have made it clear in discussions that expanding existing

schools is their preference and a new school would be a last resort. The response also confirms that in the event a new school site is needed to accommodate the number of housing developments coming forward in Poulton then applicants may be required to provide a contribution towards the costs of the school site land, and LCC would seek to work with the Council to ensure such equalisation arrangements are established prior to the approval of any of the developments affected. However, no such equalisation arrangements are in place and officers at Wyre Council do not consider this additional contribution request as being reasonable or in conformity with the CIL Regulations, as such this request is not upheld, which is the same position as previous applications brought to Planning Committee within and adjacent to this site allocation.

9.11 The Clinical Commissioning Group (CCG) has advised that to mitigate the impact of this development on local health care facilities, a financial contribution of £13,322 towards the refurbishment and/or reconfiguration of Queensway Medical Centre is required. This has been agreed by the applicant and is to be secured by Section 106 Agreement.

9.12 Policy HP9 of WLP31 requires development resulting in a net gain of 11 units or more to make appropriate provision of GI on site. Based on the proposed upper limit of 48 dwellings this development should provide circa 0.42ha of GI within the site. The submitted Illustrative parameters plan demonstrates that the development would deliver 0.33ha on-site, with the GI comprising of amenity and natural/semi natural greenspace which includes the retention of some existing trees and hedgerows and new TPO mitigation planting. In this instance there would be a shortfall of 0.09ha of the total GI requirement. This shortfall equates to an offsite financial equivalent of £34,213.25 which the applicant has agreed to pay. This contribution would go towards the delivery of play area redevelopment and/or community sports pitches at Cottam Hall Playing Fields where there is an identified project and masterplan in place. On-site GI provision can be secured by condition and the financial contribution can be secured by Section 106 Agreement. Based on the information provided the proposal complies with KDC2 of SA1/6 and Policy HP9 along with the parameters set out within the masterplan.

9.13 Policy HP2 of WLP31 requires new housing developments to widen the choice of housing available in Wyre by providing a mix of house types and sizes in line with the latest evidence of need as set out in the Strategic Housing Market Assessment (SHMA), which in this case is the May 2018 Addendum 3 Supplementary Note. Also Policy HP2 sets out that to help meet the needs of an ageing population and people with restricted mobility, at least 20% of dwellings should be of a design suitable or adaptable for older people and people with restricted mobility. As this application is in outline form the housing mix is unknown at this stage and will be assessed at reserved matters stage. Based on the illustrative layout and house types demonstrated on the site plan the mix is not too far aligned with that of the SHMA, albeit it is more weighted towards 3 bed units with a small shortfall in 2 bed dwellings. Notwithstanding the illustrative mix conditions can be imposed on the outline permission to ensure a suitable mix at reserved matters stage along with appropriate provision of adaptable housing.

9.14 In terms of affordable housing, Policy HP3 of WLP31 requires new residential development of 10 dwellings or more on greenfield sites in Poulton to provide 30% affordable housing on site. Assuming a reserved matters application came forward for 48 dwellings, 30% would equate to 15 affordable units on site. Affordable housing would be secured in a Section 106 agreement.

Visual impacts, Design and Layout

9.15 Policy CDMP3 of the Local Plan requires new development to be of a high standard of design. Innovative design appropriate to the local context will be supported where it demonstrates an understanding of the wider context and makes a positive contribution to the local area. Within the policy a number of criteria are set out. Criterion A states that all development must be designed to respect or enhance the character of the area. Criterion B requires development to create a positive contribution to an attractive and coherent townscape both within the development itself and by reference to its integration with the wider built environment having regards to the pattern and design of internal roads and footpaths in respect of permeability and connectivity, car parking, open spaces, landscaping and views into and out of the development. Whilst layout, scale, appearance and landscaping are not applied for at this stage, the submitted illustrative layout plan sets out where the dwellings, internal access roads and GI are expected to be located. This provides assistance in assessing how the development could relate and integrate with the wider built and natural environment and provides confirmation that up to 48 units could be delivered in accordance with relevant planning policy and spacing guidance which would be applied to a detailed layout at reserved matters stage.

9.16 The application site is not protected by any statutory or local landscape designation, and the site is no longer designated Green Belt, contrary to some of the neighbour representation responses. At the time of the application being submitted in 2017 the site was in the Green Belt however it was removed from the Green Belt when the current Wyre Local Plan was adopted in February 2019, and now falls within the settlement boundary of Poulton-le-Fylde. As highlighted in some of the neighbour letters of support this site is significantly overgrown with vegetation and wildflowers providing little in terms of contribution towards the visual amenity of the area. The landscape is on the edge of Poulton le Fylde and is influenced by residential properties (on Chester Avenue, Birch way and Tithebarn Street) on the southern side of the railway between Blackpool and Preston and the railway itself. The urban edge contrasts with the landscape pattern and is less well integrated than the north western boundary adjacent to the open countryside. There is very little in terms of positive landscape features on this site. The main views of the site are experienced from the PROW along Berrys Lane or when travelling south towards Poulton from Tithebarn Street.

9.17 The application has been accompanied by ecological and arboricultural assessments along with illustrative landscape plans. The Tree Survey identifies a number of existing trees and hedgerows to be removed to accommodate the development (set out in more detail within section 9.35) which would be mitigated with new areas of planting. Whilst the site plan submitted is illustrative it does provide a level of comfort that through sensitive design, density and layout all of which would be assessed at reserved matters stage, the development would not result in unacceptable visual harm. Green buffers are shown against the northern boundary of the carpark and along the southern boundary of the railway line along with landscaping to the centre of the site adjacent to Berry's Lane. These areas of GI allow the development to integrate with the wider environment whilst providing soft edges to the boundaries.

9.18 The application site is predominantly flat but on a lower level to that of Tithebarn Street and the site where the carpark is to be located is also on a lower level compared to where residential dwellings are proposed to the south of the site. As the carpark falls within Flood Zones 2 and 3 engineering works to raise the levels would be required to provide level access onto Tithebarn Street however this is not

considered to result in any adverse visual harm. A condition is recommended to ensure that full details of ground and finished floor levels are provided with any reserved matters submission to enable full assessment. Full details of boundary treatments can also be assessed as part of any future reserved matters application.

9.19 Overall, whilst there are inevitable landscape and visual effects from the development, these are largely contained to the site itself. The loss of a group of TPO trees which are centrally located along Berrys Lane is regrettable but through appropriate mitigation planting and good design it is considered that there is unlikely to be any adverse visual or landscape impacts. The level of visual harm overall is not considered significant and would not result in conflict with Policy CDMP3 of WLP31 or KDC3 of SA1/6 which requires development to provide an organic extension to the town.

Impact on Residential Amenity

9.20 Policy CDMP3 of the WLP31 sets out that new development must not have an adverse impact on the amenity of occupants and users of surrounding or nearby properties and must provide a good standard of amenity for the occupants of the development itself. At this outline stage the main issues relate to the effects of noise, air quality and design, these matters are discussed in more detail below.

9.21 In considering the illustrative layout plan there is no reason to believe at this stage that the development would not be able to comply with the interface distances set out in the Council's published 'Spacing Guidance for New Housing Layouts' SPG4 and so impact on residential amenity is not a cause for concern. The only properties which lie immediately adjacent to the site are 21-45 Tithebarn Street which back on to the site and a proposed side to rear relationship in excess of 13m is illustrated so it is not anticipated there would be any loss of privacy or overlooking concerns in relation to these dwellings.

9.22 Whilst no air quality assessment has been submitted with this application one was undertaken for the site immediately to the north (application 19/00551/FULMAJ). The Environmental Health Officer advised on that application that the development was unlikely to give rise to additional impacts upon air quality and that the assessment methodologies are appropriate and reasonable assumptions have been made. No objections have been received by the Council's Environmental Health Officer in relation to air quality or air pollution for this application. It is considered that any impacts from dust or pollution during the construction phase can be suitably mitigated by condition requiring a construction environmental management plan (CEMP). A condition would also require the provision of electric vehicle charging points (EVCP) to ensure compliance with Policy CDMP6 of WLP31.

9.23 Paragraph 180 of the NPPF requires planning decisions to aim to avoid noise from giving rise to significant adverse impacts on health and quality of life. Policy CDMP1 of WLP31 seeks to ensure existing and proposed residents are not significantly adversely affected by noise pollution as a result of new development. A Noise Assessment has been submitted to assess the impact of noise on the new dwellings from Tithebarn Street, the railway line to the south and any the new carpark. The Council's Environmental Health Officer has raised no objections to the findings of the noise assessment subject to conditions requiring a noise and dust management plan to be submitted and agreed. The EH Officer has stated that subject to the mitigation measures proposed which includes a new 1.8m high fence along the boundaries of the dwellings adjacent to the railway then the development

would be acceptable in relation to any noise from the railway. To prevent unacceptable noise on future occupants from traffic using Tithebarn Street a number of design recommendations have been made to be considered at reserved matters stage including the orientation of dwellings. Observations have also been provided in relation to any new lighting for the new carpark, which can be considered at reserved matters stage. Overall the proposed development would not result in unacceptable noise or air pollution.

Impact on Highway Safety, Access and Highway network

9.24 In assessing the highway impacts arising from the development the application is assessed against the provisions of Policy CDMP6 of the WLP31 and KDCs 1, 2 and 9 of SA1/6 and the National Planning Policy Framework (NPPF). Given the scale of the development a Transport assessment (TA) has been submitted in support of the application. LCC Highways have assessed the submitted TA and associated documentation and have worked with the applicants on the design and technical requirements for the access to the site. The Highways Officer agrees with the findings of the revised TA and has concluded that in terms of highway capacity the development can be accommodated without severe impacts upon the existing highway network through the provision of off-site highway works to be secured via a conditions or contributions via a section 106 legal agreement along with contributions towards the Town centre car park.

9.25 In terms of the site accesses, LCC's five year database for personal injuries indicates that there has not been any reported incidents for the full frontage of the site with Tithebarn Street. The highway fronting the site is considered to have a good accident record and indicates that there are no underlying issues which the proposed development would exacerbate with the two new proposed accesses. The submitted site plan and access plans demonstrate acceptable visibility splays of 2.4m x 43m in each direction. LCC Highways have advised that both accesses are designed to the prescribed design standards for this size of development are suitable for all highway users.

9.26 Berrys Lane is a private road and is not subject to any future adoption agreement. Definitive footpath 2-2-FP13 (PROW) runs along Berrys Lane and is to be used as an emergency route for the car park and sustainable access to car parking and housing. LCC Highways require this route to be upgraded to provide a safe driving and walking surface and be illuminated to ensure the route is safe and suitable for all users. It is considered reasonable to secure these improvements for the length of Berrys Lane which runs through the site up to the proposed pedestrian access point to the housing, as this length relates to the access points applied for in this outline application and is directly relevant for future occupants of this development. As demonstrated on the submitted access plans two possible locations for zebra crossings on Tithebarn Street have been shown. LCC have stated that only the zebra crossing to the east of Berrys Lane is required but this should be slightly relocated closer to the site access for the housing. This will allow the Town Centre carpark users to cross over to the railway station and residents the facility to cross to the nearby park and shops. The precise details of this crossing will be secured by condition. Further highway works required to enable the development to be sustainable includes the upgrade of the existing bus stops to quality bus stops at the east of the site access on Tithebarn Street. These works are to be conditioned accordingly and would be carried out via Section 278 works.

9.27 KDC9 of SA1/6 requires development to contribute to the delivery of the Poulton Mitigation Strategy including any future updates as set out within Appendix C

of the Local Plan. To deliver the schemes identified within the Poulton Mitigation Strategy it is estimated that a total of £800,000 will need to be secured from developments in the SA1/6 allocation. Financial contributions have already been secured from a number of developments in Poulton leaving a shortfall of £490,000 which equates to £1,600 per dwelling based on the number of dwellings expected to come forward from the allocation. As such the contribution towards the Poulton Mitigation Strategy from this development equates to £76,800. One of the requirements of KDC9 is to secure the delivery of a Town Centre car park. This application has been amended during the course of the application to include land which can be delivered as a carpark in accordance with the Masterplan. The submitted illustrative plan provides details as to how the car park could be laid out to provide the requisite 100 spaces with potential to provide a further 100 spaces if required. Full details of the layout and design of the car park would be considered as part of any reserved matters application. The Highways Officer has stipulated a number of requirements for both the internal layout of the housing and the car park which would need to be taken into consideration.

9.28 Subject to conditions it is considered that the proposal satisfies Policy CDMP6 of the WLP31 and SPG4 along with the KDCs set out above.

Flood Risk and Drainage

9.29 The area of the application site where the proposed dwellings are to be located is within Flood Zone 1 (FZ1) which is defined as having a low probability of flooding. The car park to the north-west of Berrys Lane falls within Flood Zones 2 and 3 where the site lies adjacent to Horse Bridge watercourse. Horsebridge Dyke is classified as a Main River with the watercourse flowing south emerging beneath the railway line and running along the northern boundary of the site before flowing beneath Tithebarn Street. The watercourse then continues to flow north and discharges to the River Wyre at Skippool Creek approximately 2km north of the site.

9.30 KDCs 5, 6 and 7 of SA1/6 are relevant. KDC 5 sets out that no housing will be permitted within Flood Zones 2 or 3. Compliance here is achieved as the site plan identifies that all dwellings are sited within Flood Zone 1. KDC 6 and 7 sets out that residual surface water should drain in to Horsebridge Dyke and consent from the Environment Agency is required and that an 8m buffer from the top of the bank of the water course should be provided. The site plan demonstrates that the GI buffer to the north of the car park can ensure this easement is achieved with full details to be considered at reserved matters stage. The submitted drainage strategy has been designed to accord with the Suds hierarchy. This includes surface water to be attenuated on site and discharged to the Horse Bridge watercourse and foul water to connect to the existing mains. The Councils Drainage Engineer, the Lead Local Flood Authority and United Utilities all raise no objections subject to conditions. The Environment Agency (EA) originally objected to the application and requested further information to be submitted in relation to water voles and the design of the culvert for the carpark access. Whilst the EA have removed their objection to the application they have set out a number of issues still remaining in relation to the culvert which are a matter for a reserved matters application considering layout to address. The EA have confirmed that the submitted FRA satisfactorily demonstrates that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. A number of conditions have been requested.

9.31 Given the location of the Town centre car park site being within Flood Zones 2 and 3, the NPPF (Para 157-159) states that a sequential test must be applied with

the aim of steering development to areas with the lowest risk of flooding, and where necessary, the Exceptions Test should be applied. This is supported by policy CDMP2 of the WLP31.

9.32 As policy SA1/6 requires the proposed car park to be provided within the allocation then it is reasonable to apply the sequential test to the allocation and explore if there is any location which is more suitably sited with a lower risk of flooding. The masterplan identifies this as an appropriate location subject to desire lines and good connectivity to the town centre. Any further north into the allocation and it becomes disconnected and less sustainable. Furthermore there are other applications which have come forward for development to the north as such this land is not available. The only more preferable site for the car park is where the proposed 48 dwellings are to be sited. However the applicant has advised that this is not a viable option and the land is not available for a car park. It would also mean that 48 dwellings could not be delivered within the application site given the requirement of KDC5 not to put houses within flood zones 2 or 3, which would mean the housing capacity figure for the allocation may not be reached. The applicant has submitted a Sequential Test which is considered to be acceptable and confirms that there is no other suitable or available location within the allocation to accommodate a 200 vehicle car park within a reasonable distance from the town centre thus making it assessable to pedestrians on foot. As the proposal is satisfying a policy requirement to address town centre parking issues then the exceptions test is also satisfied.

9.33 Overall, the application is considered to have no unacceptable impact on flooding and drainage and would accord with Chapter 14 of the NPPF, NPPG on 'Flood Risk and Coastal Change' and Policy CDMP2 of the WLP31.

Trees and Ecological Matters

9.34 The application has been supported by an ecological assessment and a water vole assessment as requested by the Environment Agency. The applicant also submitted a shadow Habitat Regulations Assessment (HRA). The application site itself is not a specific designation however Natural England advised that a HRA should be undertaken given the sites location is within 2.3 km of the Morecambe Bay RAMSAR and SPA and Duddon Estuary Special Protection Area (SPA) and 3.2km of Liverpool Bay SPA, Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and RAMSAR.

9.35 GMEU have undertaken a HRA on behalf of the LPA which concluded that the proposal would not result in an adverse effect on the integrity to Morecambe Bay & Duddon Estuary subject to conditions and appropriate mitigation. GMEU have advised that conditions relating to home owners packs, the delivery of the GI as shown on the submitted plans along with the contributions towards Cottam Hall Playing fields, the implementation of a Construction Environmental Management Plan (CEMP) to include details of measures to prevent any polluting of the watercourses should be attached if the application is approved. Natural England have been re consulted and are satisfied with the conclusions reached. Other conditions deemed necessary relate to drainage, biodiversity enhancements and the protection of nesting birds. The observations received from public consultation are acknowledged, however subject to appropriate mitigation measures it is not considered that the proposed development would have a significant impact upon ecology or nature conservation of the site or the immediate locality.

9.36 The application has been accompanied by an illustrative landscape and GI plan which is also shown on the illustrative site layout. A detailed tree survey has

been undertaken which concludes that the trees on the site and immediately surrounding the site are generally low quality. The tree survey identifies that eight of the individual trees are of moderate retention (Category B Trees), 30 of the individual trees, three of the group and two hedgerows were considered to be unsuitable for retention (Category U Trees). The submitted tree survey has been assessed by the Council's Tree Officer who is in general agreement with the findings. During the course of the application it was considered that to enable the development to come forwards alongside the carpark it would be necessary to require the removal of the group of TPO Trees centrally located along the southern side of Berrys Lane (TPO 5 of 2018). The matter for consideration is whether or not the TPO trees still merit protection. The Tree Officer agrees that a number of the trees within the group are in poor or dead condition however the remaining trees provide some amenity value albeit no greater than a moderate degree. In this instance it is considered that on balance, to ensure that a layout and design that would satisfy the necessary standards set out in SPG4 and also comply with Policy CDMP3 can come forwards as part of any future reserved matters application the loss of the trees is outweighed by the benefits of the scheme. However this is not to say that the loss shall not be offset. A robust and defined tree planting scheme should be conditioned and provided in the area as shown on the submitted illustrative plans. Overall the proposed development complies with the parameters of the masterplan and satisfies KDC2 and 4 of the site allocation SA1/6 and also accords with paragraphs 174 - 177 of the NPPF and Policy CDMP4 of the WLP31.

Other Matters

Contamination

9.37 Matters relating to site contamination have been addressed in the application with the Council's Environmental Health Officer requesting that the standard contaminated land condition be attached. Although a desk study has been provided further information is required.

Archaeology/Heritage

9.38 The application site lies immediately adjacent to the Poulton Conservation Area which is a designated heritage asset. The Council's Conservation Officer has reviewed the submitted Heritage Statement and has advised that the proposal would preserve the appearance of the Poulton Le Fylde Conservation Area and sustain the significance of the heritage asset. The site does include part of the Preston and Wyre Railway spur that connected the original line from Preston to Fleetwood with the 'new' line to Blackpool North and the original formation of the line that ran adjacent to the crossing keeper's cottage, now 82 Tithebarn Street and connected with the original Poulton-le-Fylde railway station that was located on, appropriately, Station Road close to its junction with Breck Road. Whilst it is still possible to determine the original track formations within the site, nothing else remains of the once extensive railway infrastructure of which the current Network Rail line is but a fragment. The Conservation Officer has stated that there is nothing else of historic significance within the site area and that subject to detailed design and appropriate choice of materials at reserved matters stage the proposal is considered to be acceptable and comply with the NPPF and Policy CDMP5 of WLP31 and the PLBCA.

9.39 Lancashire County Council Archaeology have advised that there is some potential for the site to contain archaeological deposits dating to the prehistoric period. Although the locations of the former railway lines can almost certainly be considered to have destroyed any such remains this cannot be said for the wider site.

As such a pre commencement condition has been requested requiring the implementation of a programme of archaeological work in accordance with a scheme of investigation. The comments received by Poulton Historical Society have been acknowledged and Historic England have confirmed they have no observations to make on the application.

Railway

9.40 Network Rail were consulted due to the close proximity of the site to the main railway line to the south. In order to protect this asset they acknowledge the need for a Risk Assessment and Method Statement together with a Basic Asset Protection Agreement. This is required to be submitted directly to Network Rail and can be added as an informative. Details of drainage in proximity to the railway line can be considered at discharge of condition stage. The applicant is also to be made aware of the requirement not to obstruct the access leading from Berrys Lane during construction works.

10.0 CONCLUSION

10.1 The revised scheme which now includes land for a car park is considered to comply with the policy requirements of site allocation (SA1/6) and also satisfies the objectives and parameters identified within the approved 'South of Blackpool Road' Masterplan. The site is sustainably located on the edge of Poulton Town Centre. It is contained by existing development to the east and south and the wider site allocation to the north. The proposal seeks to provide land for a new Town Centre car park where there would be good levels of pedestrian connectivity towards the railway the town centre and all the other community facilities on offer. Pedestrian connection are also made to the existing PROW along Berrys Lane. The applicant has demonstrated that the detailed access points would be safe for all users. The effects of traffic generated from the development would not result in severe impacts on the safe operation and efficiency of the local or strategic road network. Whilst there will be a modest loss of existing trees and vegetation throughout the site this is to be mitigated with ecological and biodiversity enhancements. Whilst a thorough assessment would be made at reserved matters stage the development is not considered to have any adverse impacts upon the setting or historic integrity of the Poulton Conservation Area. The application has satisfactorily demonstrated that all technical constraints can be overcome. Subject to conditions and the signing of a Section 106 Legal Agreement the proposal would comply with the policies of the Wyre Local Plan, the 'South of Blackpool Road' Masterplan and the National Planning Policy Framework.

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 Grant outline planning permission subject to 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.

Recommendation: Permit

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.

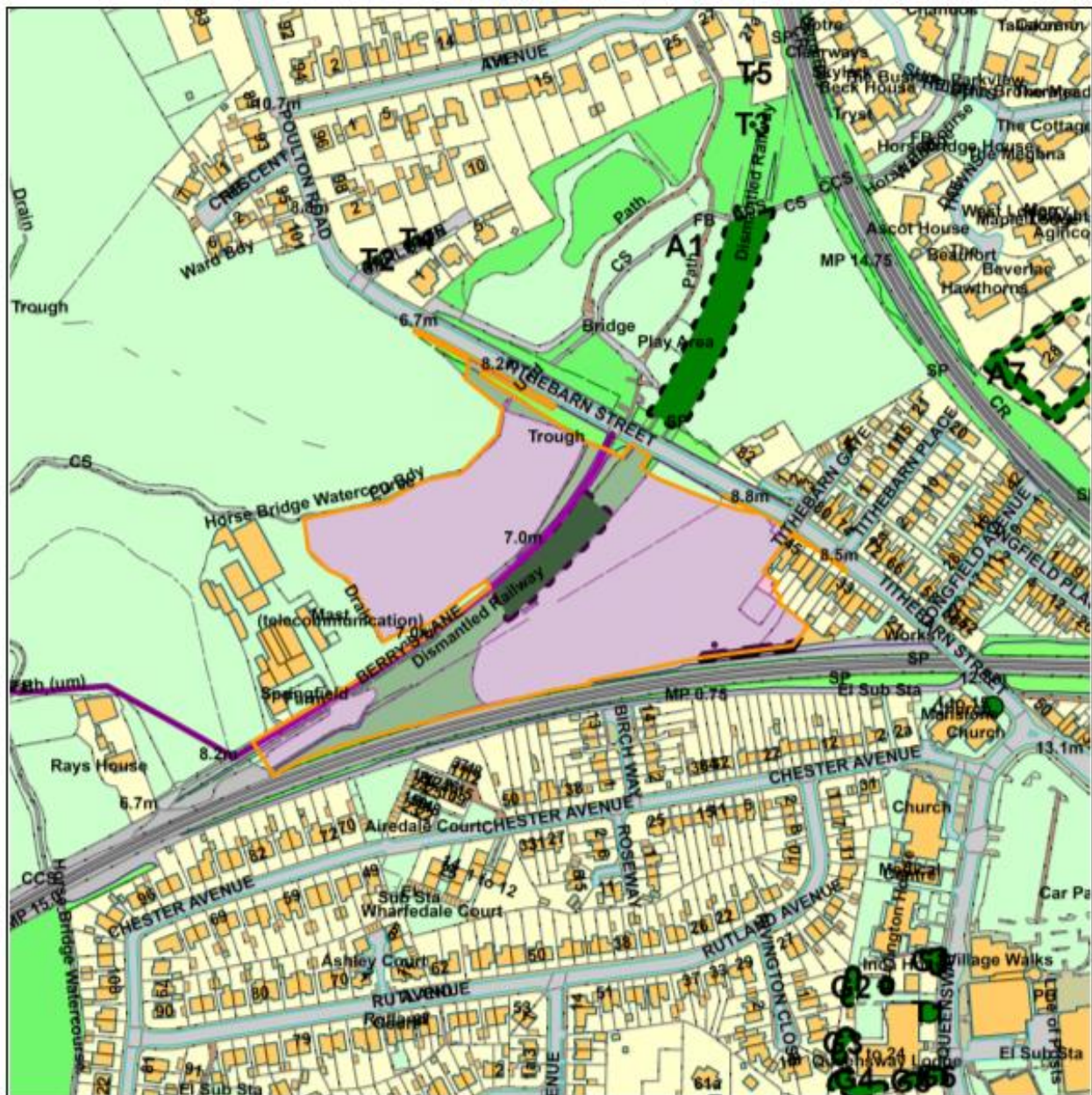
The applicant / developer is advised to refer to <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> and contact the Flood Risk Officer by

telephoning 020 302 51397 to discuss Environment Agency access requirements or apply for consent.

Planning Committee



17/00632/OUTMAJ - South of Tithebarn Street /East of Berry Lane Poulton



Scale: 1:3280

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	19 July 2021
SLA Number	100018720

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Committee Report**Date: 04.08.2021****Item Number 02****Application Number** 21/00379/FUL**Proposal** Permanent siting of a shipping container to be used as a rest stop cafe (resubmission of planning application 18/00339/FUL) (pursuant to variation of condition 4 (operating hours) on permission ref. 19/00286/FUL)**Location** Layby Adjacent Preston Lancaster Road A6 Fowler Hill Lane Cabus Lancashire PR3 1AW**Applicant** Mrs K Brooks**Correspondence Address** c/o Miss Jessica Tebay
5 Bobbin Mill Cottages Stubbins Lane Claughton on Brock
Preston PR3 0PL United Kingdom**Recommendation** Permit**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Rob McKillop**

Site Notice Displayed: 01.04.2021

1.0 INTRODUCTION

1.1 This application is before Members of the Planning Committee at the request of Councillor Lady Atkins. Two previous applications relating to this site / development have been considered by the Planning Committee. A site visit is recommended to enable Members to understand the proposal and its setting.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is within a large layby (forming part of the adopted highway) on the west side of the A6 in Cabus adjacent to the junction with Fowler Lane. The site is within the countryside as defined by the Wyre Local Plan. A café presently operates at the site for the sale of hot food and drinks as per planning permission ref: 19/00286/FUL granted by Planning Committee in 2019 for the siting of a shipping container to be used as a rest stop café (5 year temporary permission granted until July 2024).

3.0 THE PROPOSAL

3.1 This application seeks to vary condition 4 on permission ref: 19/00286/FUL to allow for extended operating hours. The current approved hours allow the business to operate between 07:00 and 15:00 Monday to Friday, with no operating permitted on Saturdays, Sundays, Bank Holidays and Public Holidays. This

application now proposes opening hours between 07:00 and 22:00 on weekdays, weekends and Bank Holidays and Public Holidays. The applicant has stated that given the Covid-19 pandemic, there has been a reduction in passing trade and the extended opening hours would allow them to serve other customers.

4.0 RELEVANT PLANNING HISTORY

4.1 19/00286/FUL: Permanent siting of a shipping container to be used as a rest stop cafe (resubmission of planning application 18/00339/FUL). Permitted.

4.2 19/00286/DIS: Discharge of conditions 03 (materials), 05 (ventilation details) and 07 (outdoor seating) on application 19/00286/FUL. Agreed.

4.3 18/00339/FUL: Permanent siting of shipping container for use as rest stop cafe. 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
- SP4 - Development in the Countryside
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk & Surface Water Management
- CDMP3 - Design
- CDMP6 - Accessibility & Transport

OTHER MATERIAL CONSIDERATIONS

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2021

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 20 July 2021. 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 2021 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:

- Chapter 2 - Achieving sustainable development

- Chapter 4 - Decision-making
- Chapter 6 - Building a strong, competitive economy
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 12 - Achieving well-designed places
- Chapter 15 - Conserving and enhancing the natural environment

6.0 CONSULTATION RESPONSES

6.1 CABUS PARISH COUNCIL has raised the following points of objection:

- There is no justification for the amendments to the opening hours and it contradicts statements previously made by the applicant;
- The layby is in a state of disrepair with a poor surface that is prone to excess water;
- Illegal fly-tipping takes place and rubbish, urine and face masks are at the site despite the availability of rubbish bins;
- Space concerns as the container takes up a substantial amount of space in the busy layby which is intended for lorries to stop;
- Extended hours will attract other local trade looking for evening takeaways which would compromise the available parking further and likely create access problems to Fowler Hill Lane opposite the site;
- The layby is in a generally quiet area of Cabus next to fields and woodlands - the extended opening combined with light, air and noise pollution would be detrimental to the rural character and quality of the environment.

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) have no objections. The position and siting of the shipping container to be used a rest stop café has been previously agreed.

6.3 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY) has not responded during the application.

6.4 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LICENSING) has confirmed that the current Street Trading Consent would not apply and the applicant would need to register with the food safety team and non-domestic rates as a standard commercial premises.

7.0 REPRESENTATIONS

7.1 10 letters of objection have been received, with points raised summarised as follows:

- Having two vendors on the site would be very dangerous with increased congestion;
- There would not be enough parking spaces for two cafes';
- Social distancing has taken place in at the other café at the layby;
- The current opening hours sustain both businesses keeping more people in employment which appears to be the best outcome rather than closure due to unnecessary competition;
- There is no permanent toilet and no potable water thus there are inadequate facilities for sanitation and hygiene;
- Waste should be managed correctly otherwise vermin would be attracted;

- The increased opening may increase people loitering, littering and anti-social behaviour;
- The existing setup should be maintained to reduce conflict and highway safety issues;
- The layout, with customers on both sides of the layby could be dangerous to users,
- This café should close when the other mobile café is open;
- The parking for lorries would be restricted;
- The business is also selling "frozen meats" which is outrageous given butchers would have to pay rates to sell their products elsewhere - the business should be a café only and not include retail.

7.2 1 neutral letter was received raising the following points:

- A waste collection contract should be secured as there will be significantly more waste from the proposal;
- There is no mains water or sewerage and it will make basic hygiene more difficult.

8.0 CONTACT WITH APPLICANT/AGENT

8.1 None required.

9.0 ISSUES

Principle of development

9.1 The principle of development has been established through the consideration and approval of previous applications. The proposed alternative opening hours would not impact on the principle of the development which remains acceptable.

Visual Impact / Design

9.2 This application would not result in any additional visual impacts. There are no changes proposed to the previously approved plans in terms of siting of the shipping container and supporting facilities (bins to the front and portable toilet, water butt and two tables each with 4 chairs to the sides). The application is therefore considered to remain an acceptable form of development in the countryside in accordance with policy SP4 of the Local Plan (2011-31).

Impact on residential amenity

9.3 10 letters of objection and 1 neutral letter have been received. Some public concerns were raised about noise and anti-social behaviour. There are no residential properties in the vicinity of the site. The previous applications were assessed by the council's Environmental Health Team who raised no objections in relation to amenity and no unacceptable impacts were identified. The extended opening hours are not considered to result in any adverse residential amenity impacts and the application would accord with Policies CDMP1 and CDMP3 of the Local Plan (2011-31).

Impact on Highway Safety / Parking

9.4 A café currently operates from the site. Concerns have been raised by some members of the public about highway safety and reduced availability of parking in the layby. It is accepted that the extended opening hours are likely to result in an increased use of the layby for parking. However, given the nature of the rest stop café, customers are only likely to park for a short time to order and collect/consume food before carrying on their journey. The layby is shared between the applicant and another mobile snack operator and it is accepted that the extended hours would likely result in more instances where both operators are open. It is not considered that this is likely to result in a significant increase in visitors overall given the nature of the businesses. The layby is considered to be large enough to allow for any such increase in use. LCC Highways have confirmed that the position and siting of the container/café have been previously agreed and the variation of opening times proposed is acceptable. Conditions attached to the previous permission, including restriction on outdoor tables, would also be attached to any new permission granted.

9.5 Overall, it is deemed that the proposed development, subject to suitably worded conditions, would not have any significant detrimental impact on highways safety.

Drainage and Flood Risk

9.6 There is a portable toilet as approved under permission 19/00286/FUL, to be disposed of each day by the applicant. No alterations to drainage arrangements are proposed and the previously approved drainage arrangements are considered acceptable for the proposed operating hours.

Ecology

9.7 In view of the proposed extended operating hours, a condition would be added to ensure no external lighting is proposed that could result in unacceptable impacts on local wildlife. This would also safeguard visual amenity. No additional impacts on ecology have been identified.

Trees/Landscaping

9.8 No alterations are proposed to the previously agreed details.

Contamination

9.9 No additional impacts identified.

9.9 Other matters

9.10 In respect of points raised by public consultation, the applicant would be responsible for meeting the relevant food hygiene standards and also to secure the appropriate trading license. The extended operating hours would not have any significant impact on waste or anti-social behaviour. Increased competition between other food vendors/operators is not a material consideration and would not represent a reason to refuse the application. One member of the public has suggested that retail (of frozen meat) takes place from the unit. The existing permission allows for use as a café/restaurant and this would not be affected by this application which relates to operating hours.

10.0 CONCLUSION

10.1 The principle of development has already been established. The proposed extended opening hours would not result in any unacceptable impacts in terms of visual impact on the countryside, residential amenity, highway safety, ecology or drainage. No other unacceptable material impacts have been identified. Conditions will be brought across from the previous permission and condition 4 will be amended as appropriate. The application is, therefore, recommended for approval.

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 Grant planning permission, subject to conditions.

Recommendation: Permit

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 22:00 on any day of the week.

Reason: In the interests of the amenity of the surrounding area 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).

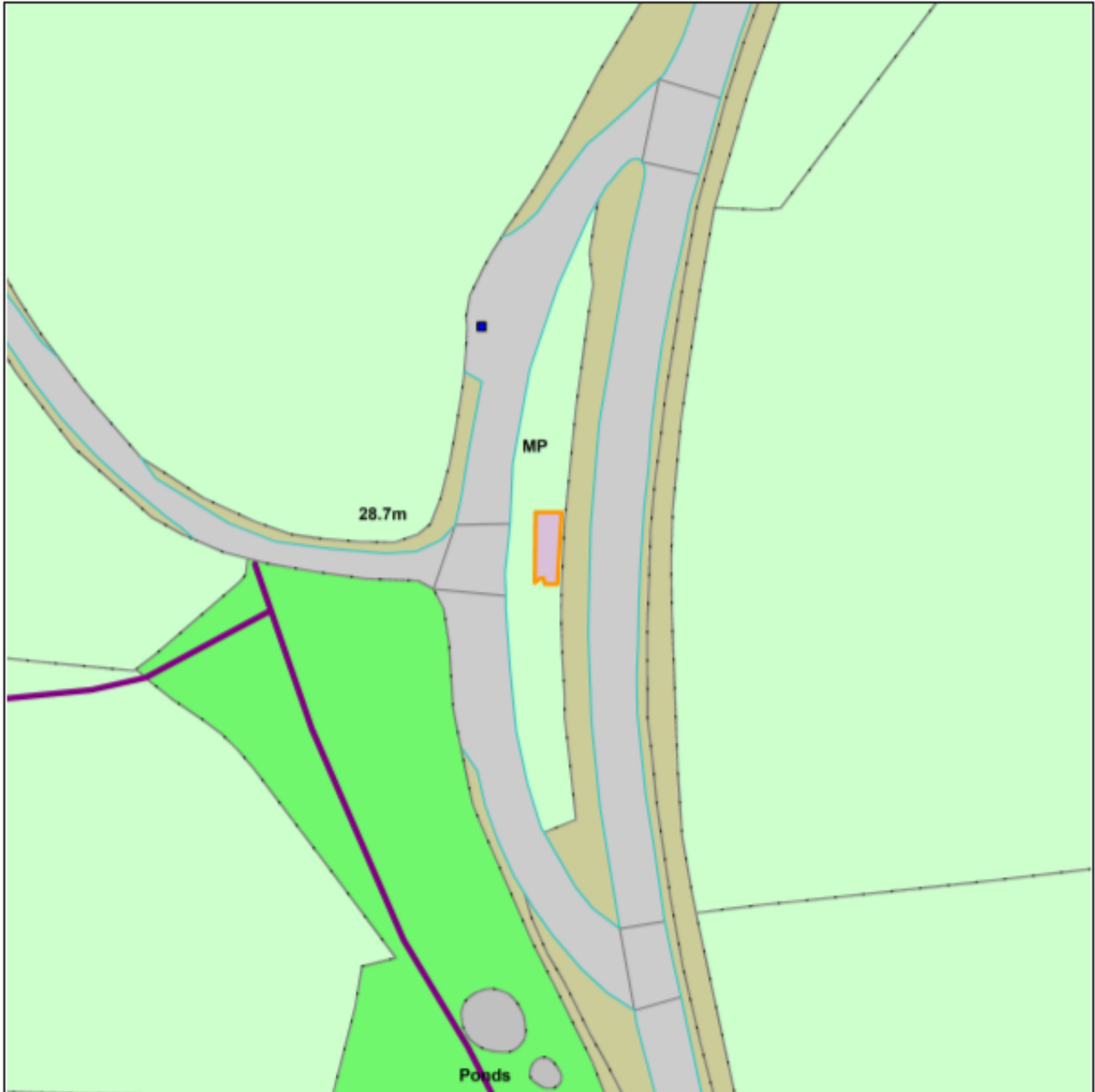
The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained and retained thereafter.

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

Planning Committee



21/00379/FUL - Layby adj to Preston Lancaster Road Fowler Hill Lane Cabus



Scale: 1:982

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 2
Date	19 July 2021
SLA Number	100018720

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