

## Planning Committee Minutes

The minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday, 2 February 2022 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

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### **Planning Committee members present:**

Councillors Moon, Ballard, Lady D Atkins, Catterall, Holden, Ingham, Le Marinell, Orme, Raynor, Stirzaker, D Walmsley and O'Neill

### **Apologies for absence:**

Councillors I Amos and R Amos

### **Other councillors present:**

None

### **Officers present:**

Daphne Courtenage, Assistant Democratic Services Officer  
Karl Glover, Acting Planning Development Manager  
David Thow, Head of Planning Services  
Carmel White, Solicitor

One member of the public attended the meeting.

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### **PA.57      Declarations of interest**

None.

### **PA.58      Confirmation of minutes**

The minutes of the Planning Committee held on the 05 January 2022 were **approved** as a correct record.

### **PA.59      Appeals**

The committee noted the Schedule of Appeals lodged and decided between 13 December 2021 – 15 January 2022, as set out on pages 3-24 of the agenda pack. Any member requiring any further details or clarification on any appeal was invited to contact the relevant Case Officer.

The Head of Planning Services updated members on an appeal that had been dismissed and was included in the Schedule of Appeals due to issues

surrounding provisions for financial contributions. He explained to members that the applicant, in the appeal, had not submitted a unilateral obligation to provide the required financial contributions. As the inspector had not found any issues with the appeal in regards to planning matters upon which the application had been refused, He advised members that should the applicant resubmit the application with a completed s106 obligation which contained the appropriate provisions, in the absence of altered circumstances it would be difficult for the application to be refused.

**PA.60 Planning applications**

**PA.61 Application A - Land to the South of Blackpool Road Poulton-Le-Fylde Lancashire (21/00750/FULMAJ)**

The application was brought to the committee for determination as the application site fell within an allocated site in the Wyre Local Plan and was of strategic importance. The application had been before committee on the 28<sup>th</sup> April 2021, and had been refused.

A site visit occurred to enable members to understand the proposal beyond the plans submitted and the photographs taken by the Case Officer.

An update sheet with additional information was published on the council's website, this information only having become available after the original agenda was published. The committee considered the update sheet, which contained a revised boundary treatment layout plan, a revised brick wall and railings plan. It also contained an amendment to the wording of the recommendations, to include a request by the applicant that the infrastructure provisions be secured through a S106 planning obligation, and amendments to conditions 6, 18 and the inclusion of condition 28 on Green Infrastructure.

Graham Love, the agent, spoke in favour of the application.

Members mentioned the following topics and issues:

- The increase in affordable homes from the previous submission, however would have liked to have seen the full number of affordable homes provided and more spread out
- Condition 28 on Green Infrastructure
- Age restrictions on the bungalows and the management of this
- Many members were happy with the subject of the development being bungalows that were immediately accessible

The Head of Planning Services responded to queries and issues brought up by the committee members. He explained to members that the age restriction of over 55s was a nationally accepted benchmark and was not unique to Wyre, and that the requirement that at least one person in the property was this age would allow for greater flexibility for the occupiers.

In response to the monitoring of the age restrictions, he explained to

members that any breach of planning conditions would be enforceable. Further the age-restricting condition should inform the decisions of any prospective purchasers and occupants to deter the situation from arising. He also acknowledged that the developer was supplying a shortfall of 7 affordable houses against policy requirements, however the overall planning balance, of modern and accessible bungalows, weighed more in favour for a positive recommendation.

Following discussion, it was proposed by Councillor Le Marinel, and seconded by Councillor Orme, that the application be **approved**, as per the amended officer recommendation subject to the conditions set out below and to a S106 planning obligation to secure 6 on-site affordable dwellings, green infrastructure and financial contributions towards the Poulton Mitigation Strategy, travel plan support and health care provisions. That the Head of Planning Services be authorised to issue the decision following the completion of a satisfactory S106 planning obligation.

**Conditions:**

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 21.06.2021 including the following plans/documents:

- Location Plan Drawing Number 17-12-0501 REV A
- Site Layout Plan Drawing Number 18-17-P01 REV B
- House Type A (B) Floor Plan and Elevations Drawing Number HT-A01B
- House Type A (T) Floor Plan and Elevations Drawing Number HT-A01T
- House Type B (B) Floor Plan and Elevations Drawing Number HT-B01B
- House Type B (T) Floor Plan and Elevations Drawing Number HT-B01T
- House Type C (B) Floor Plan and Elevations Drawing Number HT-C01B
- House Type C (T) Floor Plan and Elevations Drawing Number HT-C01T
- House Type D (B) Floor Plan and Elevations Drawing Number HT-D01B
- House Type D (T) Floor Plan and Elevations Drawing Number HT-D01T
- Garage Details Drawing Number SGO1

- Proposed Street Scenes & Sections Drawing Number 17-12-SS01
- POS and Greenspace Drawing Number 18-17-POS

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. The development shall be carried out strictly using those materials specified on approved plan ref: Proposed material Plan 17-12-P01 and as shown on the plans within the House Type Range unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-3)

4. No development above ground level shall be commenced until a phasing programme for the whole of the application site has been submitted to and approved in writing by the Local Planning Authority. This phasing plan shall include delivery of:-

- the main spine road
- the dwellings and their respective spur roads
- all green infrastructure including and landscaping
- pedestrian/cycle access link to the southern boundary
- the drainage system including drainage connection to the southern boundary

The development shall be carried out in accordance with the approved phasing programme unless an alternative programme has otherwise been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the proper development of the site, to ensure the timely delivery of supporting infrastructure and to ensure the development provides appropriate connections and sustainable linkages to neighbouring development and the wider highway network in accordance with policies SP7, CDMP3, CDMP6 and SA1/6 of the Wyre Local Plan (2011-31)

5. Prior to commencement of the development, a construction phasing programme for delivery of the site access 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:-

- Blackpool Road - new priority junction the scope of which is shown on plan 18-17-P01 Rev A and upgrading 2 bus stops.
- Blackpool Road/Poulton Road traffic signal upgrade to MOVA with Puffin crossing Facilities.
- Tithebarn Street/Queensway traffic signal upgrade to MOVA with the introduction of PUFFIN crossing
- Queensway Pelican Crossing upgrade to PUFFIN Crossing.

shall be submitted to and approved in writing by the Local Planning Authority. The site accesses and off-site highway works shall be delivered in accordance with the agreed phasing programme, unless any alternative phasing programme is subsequently submitted to and approved in writing by 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 / to encourage sustainable travel in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

6. The approved boundary treatments (as shown on proposed boundary treatment plan 18-17-P01 Rev C and SD-EXT-01.1 and SD-EXT-02) shall be completed prior to first occupation of the respective dwelling(s). The approved details shall thereafter be maintained and retained in accordance with the approved details.

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

7. The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details as shown on the following plans:

- External works layout proposed levels 30344-SUT-ZZ-00-DR-C-615-0001 P02
- FFL PLAN 30344-SUT-ZZ-00-Dr-C-615-0002 P03

unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

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

8. Prior to the commencement of development, a drainage scheme which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan and shall follow the parameters as set out within the Drainage strategy and Flood Risk assessment submitted with the planning application (Flood Risk Assessment 3/4/20 Rev 04 , proposed drainage strategy 30344-SUT-ZZ-00-DR-C-6020-

001 P07 ) including any mitigation measures set out within.

The scheme details shall include, as a minimum:

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

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

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

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been

forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

9. Prior to the commencement of development save site soil strip and preparation, 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.

10. Prior to the commencement of development a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken. On completion of any remediation works deemed necessary, a verification scheme shall be submitted to and agreed in

writing by the Local Planning Authority.

Reason: The development is for a sensitive end use and insufficient information has been submitted with the application as to the potential contamination risks of the site. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

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

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

12. Prior to the commencement of development, including any demolition works and site clearance, 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 (including timing) 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
- (n) a Reasonable Avoidance Method Statement (RAMS) for site clearance including details of site preparation and vegetation clearance to prevent harm to great crested newts and protective fencing and supervised destructive search of specific high quality habitat features along with the retention of the existing onsite pond.

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.

13. Prior to the first occupation of any of the dwellings hereby approved, a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority. The Framework Travel Plan must include a schedule for the submission of a Full Travel Plan within a suitable timeframe of first occupation, the development being brought into use or other identifiable stage of development. Where the Local Planning Authority agrees a timetable for implementation of a Framework or Full Travel Plan, the elements are to be implemented in accordance with the approved timetable unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum of at least 5 years.

Reason: To promote sustainable development by encouraging sustainable

travel modes and reducing dependence on private motor vehicles in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

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

(b) No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to those dwelling(s) has been constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level.

(c) In the event of any estate roads not being proposed for adoption by the Local Highway Authority, then details of their road construction (surface materials and depth) and highway infrastructure (footways, street lighting, drainage) shall be submitted to, and approved in writing by, the Local Planning Authority. No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to that dwelling has been constructed in accordance with the approved details.

Reason: To ensure that satisfactory access is provided to the development site, that the road surfaces are visually acceptable, that the private roads are of sufficiently adequate construction to support any loading applied to them to enable effective waste management and emergency services access, and that the necessary infrastructure is provided in the interests of highway safety in accordance with Policies CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

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

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

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

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

16. The scheme of noise insulation measures set out in the supporting Noise Assessment submitted with the application [report by RS Acoustic Engineering, Project Ref RSA297/2019 dated 15/08/2019] shall be implemented for those plots identified within section 5 of the report prior to first occupation of each of these dwellings. The approved noise insulation measures shall thereafter be 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).

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

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

18. The dwellings hereby approved shall be of a design suitable or adaptable for older people and people with restricted mobility in accordance with the plans submitted. The development shall be carried out, retained and maintained at all times 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.

19. Notwithstanding the definition of development as set out under section 55 of the Town and Country Planning Act 1990 (as amended) and the provisions of Parts 1 and 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification);

(a) no fences, gates, walls or other means of enclosure shall be erected along the front or side boundaries of the curtilage of any dwellinghouse forward of the main front elevation or side elevation, or along the side or rear boundaries of the curtilage of any dwelling beyond the rear elevation where

that elevation directly faces a highway; and

(b) no areas of soft landscaping to the front of properties shall be removed to make provision for additional car-parking, without express planning permission from the local planning authority.

Reason: To safeguard the appearance of open plan development and junction highway visibility in accordance with Policies CDMP3 and CDMP6 of the Adopted Wyre Borough Local Plan.

20. The pedestrian/cycle connection shown linking to the southern boundary as shown on the approved site layout plan shall be constructed up to the respective site boundary in surface materials that have first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved phase they fall within. The pedestrian/cycle connection shall thereafter be maintained and remain open and unobstructed at all times.

Reason: In order to ensure that the links are appropriately designed and managed, and are provided to the boundary with any adjacent land to ensure access is not prejudiced in accordance with the provisions of Policies CDMP3, CDMP6 and SA1/6 of the Wyre Borough Local Plan 2011-2031.

21. The measures contained within the approved Arboricultural Impact Assessment (Ref: P.1114.18), Method Statement and Tree Protection Plan 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.

22. The approved landscaping proposals outlined below shall be implemented in full in accordance with the approved phasing plan:

- Landscape Proposals Sheet 1 of 2, Trevor Bridge Associates, dwg 6066.01 rev B, April 2020
- Landscape Proposals Sheet 2 of 2, Trevor Bridge Associates, dwg 6066.02 rev A, April 2020

Any trees or shrubs planted in accordance with this condition which are

removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development.

23. Prior to first occupation of any dwelling, a scheme for the provision of home-owner information packs highlighting the sensitivity of Morecambe Bay (a European protected nature conservation site) to recreational disturbance shall be submitted to and agreed in writing by the Local Planning Authority. The scheme details shall include the content of the home-owner information packs which must explain the conservation value of Morecambe Bay, the potential impacts that can arise from residential development and explain the responsible behaviours 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.

24. No tree felling, tree works or works to hedgerows including grass sward removal or earth moving 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.

25. 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 to include the mitigation measures set out within section 7 of the Ecological Appraisal submitted with the planning application [Envirotech dated 23 March 2021)

For the purposes of this condition the scheme shall identify:

- The road infrastructure design to include amphibian friendly features

such as off-set gully pots and dropped kerbs in locations between the existing pond and adjoining hedgerows/green infrastructure;

- Details of long term management for the water bodies and terrestrial habitat specifically for great crested newts along with other retained or recreational habitats;
- Demonstration of design features within the scheme's infrastructure, particularly in the vicinity of the pond that could accommodate great crested newts. This may for example include outfalls and headwall features which will not trap newts, ecological permeability under boundary fencing (cf 7.3.1 submitted Ecology Report, boundary detail shown Appleshwaite 1.8m close boarded fence dwg no. SD-EXT-02
- The erection of temporary protection fencing to retained trees, shrubs and hedgerows
- Provision of bat, bird, beetle and hedgehog boxes within the development;
- Details of informative signage for the Public open space and any new countryside furniture
- Long term management for the retained pond/other water bodies and terrestrial habitat specifically for great crested newt. This should be included within both the POS management schedule and for any other feature that might be associated with SuDS maintenance

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

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

26. Details of the appearance (size, materials and external colour finish) of the Pumping Station as shown on the approved Proposed Site Layout Plan, shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The development shall be carried out and retained thereafter in accordance with the approved details.

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

27. No dwelling shall be occupied other than by a person of 55 years of age or over, or as part of a household where at least one person is of 55 years of age or over.

Reason: The application has been assessed on this basis and other impacts may arise through occupation by other demographics requiring further consideration by the Local Planning Authority.

28. An Open Space Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all areas of open space, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the first

occupation of the development or any phase of the development whichever is the sooner for its permitted use. The Management Plan shall be implemented in accordance with the approved details during the lifetime of the development.

Reason: To ensure the long term management and maintenance of open space within the site in the interests of visual amenity and the health and wellbeing of occupants in accordance with Policies SP8 and HP9 of the Wyre Local Plan (2011-31).

**PA.62      Application B - Former Kirkland Smithy Garstang By Pass Road Churchtown Preston Lancashire PR3 0HQ (20/01209/FUL)**

The application was brought to committee for determination at the request of Councillor Peter Cartridge.

A site visit occurred to enable members to understand the proposal beyond the plans submitted and the photographs taken by the Case Officer.

Wyre Borough Councillor for Great Eccleston Ward, Peter Cartridge, submitted a letter, writing in objection to the application.

Jake Salisbury, the agent, spoke on behalf of the applicant, in favour of the application.

Members raised questions on the following topics:

- Flood risks on the site
- Traffic issues with surrounding developments
- Whether any contributions could be used by the Highways Authority to improve access in the area

The Head of Planning Services explained to members that when developments began on the A6, the County Council developed the A6 Barton to Garstang Sustainable Transport Strategy, with the intention of improving traffic flow and safety. He told members that they could ask the County Council for an update on works they had done in regards to this.

Councillor Orme asked that his unease over the access to the service station just opposite the application site, and his apprehension regarding the Highway Authority's decision on this, be minuted to record his concerns on road safety for the inhabitants of the application site and the wider public.

The Chairman recommended that members asked the Lancashire County Council Cabinet Member for Highways and Transport to visit the site to understand their concerns, as well as asking members to pass on their concerns to the parish council.

The Head of Planning Services responded to the concerns raised over flooding and traffic. He told members that on the face of it, this application would be contrary to policy; however, officers considered the visual impact of the site and the flood risk, and in comparing what could be implemented on the site versus what was already permissible, officers considered the

application proposal to be preferable. He responded to the concerns over traffic, and explained to members that the application would not be adding traffic to the area, thus the Highway Authority was not objecting to the application. According to the National Planning Policy Framework (NPPF), the committee would have to demonstrate a severe impact on highway safety to justify refusing the application for traffic/highway reasons but that a refusal on this basis was not supported by the responses from the relevant consultees.

Following discussion, it was proposed by the Chairman, Councillor Moon, seconded by the Vice Chairman, Councillor Ballard, that the application be **approved**, as per the officer recommendations subject to conditions as set out below.

**Conditions: -**

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 3/12/20 including the following plans/documents:

- Site location plan GA3214-PL03-01G
- Site layout as proposed GA3214-PL03-03G
- Plans as proposed GA3214-PL03-05G
- Proposed elevations GA3214-PL03-06G
- Existing and proposed strip elevations GA3214-PL03-07G

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

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

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

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



Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework. The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development.

4. No development shall take place until, a plan indicating the positions, design, materials and type of boundary treatment to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed before the dwelling(s) is first occupied. The approved details shall thereafter be maintained and retained.

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

5. Prior to the commencement of development a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken and submitted to and approved in writing by the Local Planning Authority. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site, and validation of the approved measures shall be submitted to, and approved by, the Local Planning Authority in writing on completion of the works. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

Reason: The development is for a sensitive end use and insufficient information has been submitted with the application as to the potential contamination risks of the site. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

6. No development, clearance, demolition, site preparation or other works shall take place on the original stone-built portion of the building complex until the applicant or their agent or successors in title has secured

the implementation of a programme of building recording, analysis and reporting work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of a record of the building to level 2-3 as set out in "Understanding Historic Buildings" (Historic England 2016). It should include a full description of the building, inside and out, drawn plans, elevations and at least one section (which drawings may be derived from checked and corrected architect's drawings), and a full photographic coverage, inside and out. The record should also include a rapid desk-based assessment, putting the building and its features into context. The work must be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. A copy of this record shall be submitted to the Local Planning Authority and the Lancashire Historic Environment Record before any dwelling hereby approved is first occupied.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policy CDMP5 of the Adopted Local Plan, and the NPPF.

7. Prior to the commencement of development, a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan, with evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates to be submitted. For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No part of the development shall be 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, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent

approach is taken with regard to the design of drainage and housing layout.

8. Prior to the commencement of development a Landscape and Habitat Creation and Management Scheme, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall identify the opportunities for biodiversity enhancement on site including (but not limited to):

- Native tree and shrub planting
- Hedgerow planting
- Bolstering of existing hedgerows
- Bird Boxes

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

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

9. Prior to the commencement of the works on the dwellings hereby approved, the existing buildings at the application site, as shown on the approved site plan shall be entirely demolished, and any leftover materials removed from the site.

Reason: To protect visual amenity in accordance with Policies SP4 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, the agreed method statement for the control of Himalayan Balsam [Envirotech letter 13/6/2019] shall be implemented in full, unless carried out in accordance with an alternative timetable for implementation submitted to and approved in writing by the Local Planning Authority.

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

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

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

12. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) [GA3214; published on the LPA website on 14 January 2021] and flood emergency plan [published on the LPA website on 14 December 2021], and the following mitigation measures detailed within the FRA:

1. The floor level of the properties is to be set at 12.80m AOD
2. Flood proofing measures are to be incorporated into the building designs including:
  - Forming the ground bearing slab in solid concrete
  - Incorporate a non-return valve on the drainage system
  - Connect incoming services at high level on the face of the building
  - Locating all fittings, fixtures and services above design floor level
  - Using UPVC skirting / architraves and flood resistant linings internally
  - Using storm dry additives to mortar and masonry cream application to limit penetrating water to external masonry
  - Used closed cell insulation to walls and floors
  - Provide movable flood barriers for door openings

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.

13. The ground and finished floor levels shall be constructed and completed in accordance with the approved details [Site layout as proposed GA3214-PL03-03G].

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

14. No dwelling hereby approved shall be first occupied until the parking shown on the approved plan [Site layout as proposed GA3214-PL03-03G] as relating to that dwelling has been laid out, surfaced and drained. The parking areas shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles without express planning consent from the local planning authority first being obtained.

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

15. Prior to the first occupation of the development hereby approved, the noise mitigation and control of odour measures set out in the supporting assessment submitted with the application [Acoustic and Odour Assessment January 2021 Report No: 2039-1] shall be implemented, and the following mitigation measures detailed within the assessment:

- 6/12/6 double glazing unit that provide a sound reduction,  $R_w(C;Ctr)$ , of 33(- 1;-3) for all the windows in the dwellings.
- The installation of an alternative ventilation system incorporating acoustic trickle ventilators for all windows to habitable rooms to the dwellings.
- The erection of a 2.0m high close boarded fence of at least 12Kg/m<sup>3</sup> around the garden area
- Installation of positive input ventilation (PIV) system, with an additional carbon filter to remove odour and particulates, located within the roof space of the dwellings.

The approved noise and control of odour mitigation measures shall thereafter be retained and maintained.

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

16. An electric vehicle recharging (EVCP) scheme shall be submitted to and agreed in writing by the Local Planning Authority 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 agreed electric vehicle recharging point scheme 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).

17. No demolition, 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.

18. The development hereby approved shall be implemented in full accordance with the Ecological Appraisal submitted with the planning

application [Envirotech report reference 5347] 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.

The meeting started at 2.00 pm and finished at 2.57 pm.

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