

Planning Committee Minutes

The minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday, 7 December 2022 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Planning Committee members present:

Councillors I Amos, Lady D Atkins, Ballard, Catterall, Kay, Le Marinel, Moon, Orme, Raynor, Rendell, Stirzaker and D Walmsley

Apologies for absence:

Councillors Ingham and O'Neill

Other councillors present:

Councillors Collinson and E Ellison

Officers present:

Ro McKillop, Senior Planning Officer
Karl Glover, Planning Development Manager
Steve Smith, Head of Planning and Regeneration
Carmel White, Solicitor
Daphne Courtenage, Assistant Democratic Services Officer

14 members of the public attended the meeting.

PA.31 Chair's Introduction

The Chair opened proceedings with housekeeping rules for the meeting. He asked the members of the public in attendance if they would like to record the meeting and to indicate so to the committee.

One member of the public requested permission to record the meeting via an audio recorder on her phone, specifically for item 5c.

The Chair informed the public of the procedures for recording meetings. There were no objections to such a recording being made and the Chair granted the request.

PA.32 Declarations of interest

The Chair declared a non-pecuniary interest in item 5d, as he knew the one of

the directors of the building company but that this was not such as to prejudice his judgement or be reasonably seen to. Therefore he remained in the meeting and participated in the determination of the application.

Councillor Kay declared a non-pecuniary interest in item 5b as she was the county councillor for the ward relating to that item. She also declared a non-pecuniary interest in item 5c as she was a Corporate Parent for Lancashire and was also, in her role as a county councillor, involved in the County Council's Children Looked After (CLA) Sufficiency Strategy. She would therefore leave the Chamber for item 5c.

PA.33 Confirmation of minutes

The minutes of the meeting of the Planning Committee held on the 02 November 2022 were **approved** as a correct record.

PA.34 Appeals

The committee noted the Schedule of Appeals lodged and decided between 15 October – 15 November 2022, as set out on pages 3-6 of the agenda pack. Any member requiring any further details or clarification on any appeal was invited to contact the relevant case officer.

PA.35 Planning applications

PA.36 Application A - 191 Fleetwood Road South, Thornton-Cleveleys, Lancashire FY5 5NS (22/00773/FUL)

The application was before members for determination for a second time, as it had been deferred at the previous meeting to enable a site visit to take place and allow members to assess the impacts arising from the development on the surrounding neighbouring properties.

A site visit had occurred to enable members to understand the proposal beyond the plans and photographs submitted by the case officer, as requested.

An update sheet was published on the council's website, the information only having become available after the original agenda was published. The committee considered the update sheet, which contained additional neighbour representations which were acknowledged by officers.

There were no material changes to the application since it was previously presented, so there would be no opportunities for public speaking on this item.

The committee moved straight into debate, however there were no further questions for the application.

The Chair presented the recommendation to approve the application to the

committee. It was proposed by Councillor I Amos, and seconded by Councillor Le Marinel, and resolved to **approve** planning permission subject to the conditions 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 1 August 2022 including the following plans/documents:

- Revised Proposed floor plans, elevations, location plan & site plan Drawing -Number 201 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. The development shall be carried out strictly using those materials specified on the application form 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 (2011-31).

4. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) as received by Wyre Council on 2 August 2022 including 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.

5. Notwithstanding the provisions of Class A, Part1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), there shall be no first floor window inserted within the south

facing dormer extension hereby approved without the express planning permission from the Local Planning Authority.

Reason: To ensure that the Local Planning Authority have control over any future development to protect adjacent properties from overlooking and to comply with Policy CDMP3 of the Wyre Local Plan (2011-31).

6. Prior to the first occupation or use of the development hereby approved, the three first floor windows in the northern elevation shall be:
 - i) obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
 - ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

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

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

Reasons: -

Notes: -

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

PA.37 Application B - Land off Fleetwood Road North, Thornton-Cleveleys (21/01152/OULMAJ)

The application was brought before members for determination as it fell primarily within an allocated site within the Wyre Local Plan and was of strategic importance.

A site visit occurred to enable members to understand the site context beyond the plans submitted and site 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: additional consultation responses from the Education Authority with an objection to the application; Natural England with no objections to the application; WBC Head of Public Realm and Environmental Sustainability with comments on the loss of the existing woodland. It also contained amendments to conditions 2, 4, 7, 21, and 22.

The Senior Planning Officer introduced the report. He explained to members that the application was part of the Hillhouse Enterprise Zone, and was in line with the approved masterplan. The application also included the removal of the Tree Preservation Order (TPO) which had been placed on it by committee approval in the summer; however the loss of these trees had been mitigated by the replacement of the landscaping and future tree planting. He informed the committee that due to financial constraints, the full development contributions relating to social housing, children's play, offsite highway improvements and travel plans could not be sought.

Prior to the opening of the public speaking on the application, , the Vice Chair proposed that the item be deferred to allow further investigations into the removal of the woodland TPO; social matters including the quantity of affordable housing being provided; and for the case officer to liaise with Lancashire County Council Highways to reconsider the required off-site highway works and to see if the scope of works could be extended to include all of Fleetwood Road North and not just up to the junction of Bourne Way This was seconded by Councillor Orme.

The Chair put the vote to the committee. It was resolved to **defer** the item to allow officers to liaise with the applicant and consultees.

After the determination of this item Councillor Kay left the meeting.

PA.38 Application C - Blencathra, Cabus Nook Lane, Cabus, Preston, Lancashire PR3 1AA (22/00872/FUL)

The application was brought before members for determination at the request of Councillor Collinson.

A site visit occurred to enable members to understand the site context beyond the plans submitted and site 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 additional consultation responses from WBC Head of Environmental Health and Community Safety with no objections to the proposal and additional neighbour responses.

Judith Fairclough spoke in objection to the application on behalf of a neighbour.

Melissa Toland spoke in objection to the application on behalf of a neighbour.

Cabus Parish Councillor Mark Houghton spoke in objection to the application.

Wyre Borough Councillor for Garstang ward, Alice Collinson, spoke in objection to the application.

Mark Twiname, the applicant, spoke in favour of the application.

Councillor Lady Atkins asked the applicant about the number of children's homes he owned and ran, and whether they would take in children primarily from the local area.

The Head of Planning and Regeneration addressed some of the points raised during public speaking.

He told the committee that care for children was regulated by other bodies, and was not something to be considered on the application. The application itself was in conformity with the council's policies within the Local Plan; additionally, the Local Plan only expressed a need for C3 classed dwellings, and was silent regarding C2 dwellings. Therefore the committee could not, whether there was a local need for children's care homes or not, take this into account. He also explained how dwellings were classed into C3, C2 and C2a dwellings.

He reminded members that they were considering a change of use in principle; planning decisions did not necessarily lead to implementation, particularly as there were further hurdles the applicant would need to go through if permission were granted for the business to be able to operate. He addressed comments made by the members of the public on the suggestion that the council had not followed statutory timescales for publishing information. He responded that although the information provided on the update sheet had come after the publication of the agenda, the committee had a duty to consider all relevant information brought to their attention before a decision was made.

Several members raised their concerns over the proposed location of the care home, including the difficulties in accessing public transport and the lack of facilities for children in the area. Many raised this issue of sustainability and said that the proposal did not conform to policy SP2. They also mentioned issues with school spaces and vehicle movements by staff and visitors.

The Head of Planning and Regeneration responded to the concerns raised by members. He said that in terms of the sustainability of the property and its location, officers did not see a material difference from use by a private dwelling and a care home. The sustainability approach was also only applied to new developments. In terms of the vehicle movements, he told the committee that there would not be many vehicles coming in and out at once, and that the property was in excess of the parking requirements along with a double garage provided. However, he reminded them that they had brought up these concerns on previous applications and in order to present this concern as a reason for refusal, the committee would need to identify the harm on the residential amenity.

The Chair asked for a proposer and a seconder for the recommendation to approve the application. No motion to approve the application was proposed. Therefore the Chair asked for an alternative to the recommended proposal. Councillor Orme proposed to refuse the application on the grounds of unacceptable impacts on sustainability and amenity. This was seconded by Councillor Rendell.

It was then resolved to **refuse** planning permission for the following reason:

By reason of the location of the subject property it would represent an unsustainable form of development in particular the proximity to local services and would not be acceptable and would be contrary to Policy SP2 of the Wyre Local Plan 2011-2031.

After the determination of this item Councillor Kay returned to the meeting.

PA.39 Application D - Craiglands, Hillylaid Road, Thornton-Cleveleys, Lancashire FY5 4EB (22/00094/OUTMAJ)

The application was brought before members for determination as it was a resubmission of a previous application which had been called in by Councillor Minto.

A site visit occurred to enable members to understand the site context beyond the plans submitted and site 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 an updated Flood Risk Sequential test from the applicant's agent; additional consultation responses from the Lead Local Flood Authority withdrawing their objections and WBC Head of Public Realm and Environmental Sustainability confirmed they were seeking off-site financial contributions towards the improvements at Wyre Estuary Country Park. There were also additional neighbour representations.

The Senior Planning Officer introduced the item. He reminded members that the application had previously been refused by the committee in April 2021 and an appeal submitted to the Planning Inspectorate had been dismissed, but only on the grounds that the applicant had not submitted a Section 106 obligation. The appeal had also resulted in a separate costs decision with a partial award of costs to the applicant. He told the committee that this application was an identical scheme, and that the previous reasons for refusal on the on-site parking provision and the scale and massing were not supported by the Planning Inspector despite the fact the appeal had been dismissed.

Dianne McKnight spoke in objection to the application.

Dave Morse, the agent, spoke in favour of the application.

Councillor Orme said that the refusal reasons for the previous application were still relevant, but conceded that the existence of a 3-storey building behind the boundary meant that the refusal on scale and massing would be difficult to pursue. Both he and Councillor Lady Atkins were still concerned over the proposed number of on-site parking spaces.

The Chair reminded members of the comments made by the Planning Inspector on these issues.

Other councillors agreed with the continued concerns over the parking provisions but conceded the difficulties in continuing with these reasons in view of the Planning Inspector's decision letter. Councillor Walmsley said that it was important for the building to no longer remain empty and derelict.

The Head of Planning and Regeneration addressed the committee. He reminded them that they were to consider the development proposal in front of them, not previous applications, but were to be mindful of the weight of the Inspector's comments due to the similarities of the two applications.

Councillor Orme asked the Head of Planning to clarify the council's policy on the number of parking spaces per bedrooms of a property. A suggestion was made by Councillor Kay for residents to book and pay for parking spaces.

The Head of Planning responded that the parking standards were covered in the report to members; in this case, more parking spaces would be needed however the site location and availability of other transport measures mitigated this.

The Chair proposed the recommendation to approve the application to the committee, and the Vice Chair seconded the proposal. It was resolved to **approve** the application and grant outline planning permission subject to conditions and a S106 legal agreement to secure a reduced financial contribution to Green Infrastructure. That the Head of Planning and Regeneration be authorised to issue the decision following the satisfactory completion of the S106 agreement.

Conditions:

1. In the case of any reserved matter, namely landscaping, of the development, an 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 01.02.2022 including the following plans/documents:
 - Location Plan Drg No.JBA404-PL-001;

- Proposed Site Plan Drg No.JBA404-PL-005 Rev C;
- Proposed Ground Floor Plan Drg No.JBA404-PL-006 Rev B, received by the LPA on 02.03.2022;
- Proposed First Floor Plan Drg No.JBA404-PL-007;
- Proposed Second Floor Drg No.JBA404-PL-008 Rev A;
- Proposed Roof Plan Drg No.JBA404-PL-009 Rev A;
- Proposed South Facing Front Elevation Drg No.JBA404-PL-010 Rev B;
- Proposed West Facing Side Elevation Drg No.JBA404-PL-011 Rev C;
- Proposed North Facing Rear Elevation Drg No.JBA404-PL-012 Rev B;
- Proposed East Facing Side Elevation Drg No.JBA404-PL-013 Rev A;
- Proposed Drainage Plan Drg No.PL014 Rev A;
- Proposed Site Highways Plan Drg No.JBA404-PL-015 Rev B, received by the LPA on 28.09.2022.

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

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

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

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

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

The scheme details shall include, as a minimum:

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

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

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

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

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

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided 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.

5. 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.

6. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Version 2 - dated July 2020 by Amber Planning) and the FRA Addendum (dated June 2022 by Enviro Solution), and the following mitigation measures detailed within the FRA:
 1. Raising of finished floor levels to 600mm (5.60m AOD) above the surrounding ground level;
 2. Flood resilient construction to a height of 1.2m above surrounding ground level (6.2m AOD). This to include rendering or tanking of the external walls to prevent ingress via these in the event of flooding and the installation of flood proof air bricks (where fitted) up to the same height;
 3. Raising of entry points for all services to a minimum of 600mm above the surrounding ground level, e.g. to 5.60m AOD;
 4. Orientation of entry points away from the direction of flooding e.g. no entry points present on north eastern elevation;
 5. All entry points at ground floor level to comprise flood doors /

flood windows;

6. Provision of a muster point / safe refuge space situated at first floor level or above and capable of accommodating all ground floor residents for up to 2 no. high water tides (12 hrs - 14hrs); and
7. Non return valves to be fitted on all ground floor toilets, sinks and other waste outfalls to prevent backflow / ingress pathways in the event of flooding.

The mitigation measures shall be fully implemented prior to first occupation of any dwelling 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 NPPF.

7. Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:
 - (a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
 - (b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
 - (c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays
 - (d) contractors' compounds and other storage arrangements
 - (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period
 - (f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
 - (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
 - (h) external lighting of the site during the demolition / construction period
 - (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where

- appropriate
- (j) recycling / disposing of waste resulting from demolition / construction work
 - (k) measures to protect watercourses against spillage incidents and pollution

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

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

8. The visibility splays from the proposed new site access onto Hillylaid Road as shown on approved Drg No.JBA404-PL-015 Rev A Proposed Site (Highways) Plan shall be provided prior to first occupation of any dwelling 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).

9. No dwelling hereby approved shall be occupied until the parking / turning areas shown on the approved plan Drg No.JBA404-PL-015 Rev A [Proposed Highways Plan] has been laid out, surfaced and drained. The parking / turning areas shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles for communal use only, and no spaces shall be reserved for individual dwellings.

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).

10. The car parking and manoeuvring area 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 before any other development takes place within the site.

Reason: To ensure that satisfactory access is provided to the development site, and that adequate provision is made for deliveries off road, the storage of materials and contracting staff in the interests

of highway safety in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

11. Prior to first occupation of any dwelling hereby approved, the off-site works of highway improvements [namely the site access, street lighting, 2m wide footpath along site frontage, upgrading of bus stops near 11 and 117 Hillylaid Road and reinstatement of footway over the existing access which shall be closed permanently] shall be carried out, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall be carried out in accordance with any alternative approved timetable for implementation.

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

12. Prior to the commencement of any demolition works, in respect of the existing building, a report which establishes the presence or otherwise of European protected species (defined in the Conservation of Habitats and Species Regulations 2010 or in any statutory instrument revoking and re-enacting those regulations with or without modification) shall be submitted to and approved in writing by the Local Planning Authority. If a European protected species is confirmed to be present the report shall include mitigation measures, including timescales, to avoid and / or mitigate any possible harm to the European protected species. Those mitigation measures shall then be implemented in accordance with the approved details.

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

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 NPPF.

14. Prior to the installation of any external lighting a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall demonstrate that artificial lighting will be designed so that it will not illuminate potential habitat for bats (e.g. hedgerow, trees) and or/

bird breeding places; and shall demonstrate that light intrusion into the windows of any sensitive premises will not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3). The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009 (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: In order to safeguard biodiversity and residential amenity in accordance with Policies CDMP1, 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.

15. Prior to the commencement of development, including any demolition or tree works, an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan for the retained trees shall be submitted to and approved in writing by the Local Planning Authority. This shall indicate the methods and positioning of tree protection measures such as ground protection (where necessary), Heras protective fencing and details of any specialist demolition or construction methods if appropriate.

The measures contained within the approved Arboricultural Impact Assessment, 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. The details are required to be approved prior to commencement of development to ensure timely tree protection measures are in place.

16. As part of any reserved matters application, details 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 to mitigate for loss of trees
- Hedgerow planting / Bolstering of existing hedgerows along site boundaries using native species
- Bat bricks and/or tubes within the new development
- Bird Boxes
- Bat Boxes
- Assessment and removal of any present invasive species at the site (including rhododendron)

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.

17. 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 that would be required from residents to avoid undue ecological impact, as well as a methodology for the distribution of the home-owner packs to future home owners including upon resale of the dwellings as far as is reasonably practicable. The approved information packs shall subsequently be made available to future home owners in line with the approved methodology.

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

18. The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved Proposed Site Plan Drg No.JBA404-PL-005 Rev C.

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

19. 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 would arise through occupation by other demographics requiring further consideration by the Local Planning Authority.

20. 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. 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).

21. Prior to the first occupation of any dwelling hereby approved, the first floor window in the west facing side elevation serving the landing/corridor shall be:

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

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

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

22. 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).

23. No development above ground level shall be commenced until details of the location and appearance of cycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, prior to first occupation of any part of the approved development and thereafter maintained and retained.

Reason: In the interests of the appearance of the site and locality, in accordance with policy CDMP3 of the Wyre Local Plan (2011-31). The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

24. No development above ground level shall be commenced until details of the refuse storage provision (including location, design and materials of construction) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, prior to first occupation of any part of the approved development and thereafter maintained and retained.

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

Reasons: -

Notes: -

1. The applicant should be aware that the decision is subject to a separate legal agreement.

The meeting started at 2.00 pm and finished at 3.20 pm.

Date of Publication: 14 December 2022