



Wyre Borough Council
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Please ask for : Democratic Services
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Planning Committee Agenda

**Planning Committee meeting on Wednesday, 2 May 2018 at 2.00 pm
in the Council Chamber, Civic Centre, Poulton-le-Fylde**

- 1. Apologies for Absence**
- 2. Declarations of Interest**

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

- 3. Confirmation of Minutes**

To confirm as a correct record the minutes of the meeting of the Planning Committee held on Wednesday 4 April 2018 (already circulated by email).

- 4. Apology from Cllr E Stephenson**

Cllr E Stephenson has agreed to the following wording being included on the agenda for a future meeting of the Planning Committee:

“At the Planning Committee on 5 July 2017 I made some comments in relation to the Fleetwood Pier application. As you will no doubt recall, it was a very controversial meeting which was noisy, heated and emotional. I was very much aware of the strength of public feeling in Fleetwood about the impact the proposed development would have and having heard the debate felt passionately that it should have been refused. However, a Panel of Standards Committee Members has now informed me that some of my behaviour at that meeting amounted to a breach of the Councillors Code of Conduct.

I apologise for that breach.”

The Committee is asked to note the apology.

5. Appeals

(Pages 1 - 14)

Schedule of Appeals lodged and decided between 15 March 2018 – 15 April 2018

6. Planning Applications

(Pages 15 - 112)

Background Papers:

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

1. The Wyre Borough Local Plan (1999)
2. Wyre Borough Core Strategy Preferred Options document (March 2012)
3. Wyre Local Plan Issues and Options (June 2015)
4. Submission draft – emerging Wyre Borough Local Plan 2011-2031
5. Joint Lancashire Minerals and Waste Local Plan
6. Statements of Government Policy/advice (NPPF, NPPG, Circulars etc.).
7. Supplementary Planning Documents and evidence base documents specifically referred to in the reports.
8. The application file (as per the number at the head of each report).
9. The forms, plans, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
10. Any additional information specifically referred to in each report.

These Background Documents are available either on line, or for inspection by request at Planning Services, Civic Centre, Breck Road, Poulton-le-Fylde, FY6 7PU

- (a) Schedule of applications to be considered (page 15)
- (b) Reports of the Head of Planning Services:-

- Item 1, Erection of eight new B2 units (following demolition of existing units) - Former LCC Depot, Green Lane West, Garstang, Lancashire – 17/00177/FULMAJ (pages 16 - 33)
- Item 2, Erection of two industrial units (1no. unit for B2 use and 1no. unit for B1/B8 use) - Former District Council Depot, Green Lane West, Garstang, Lancashire – 17/00210/FUL (pages 34 - 53)
- Item 3, Change of use of land to travelling show people accommodation site and erection of storage and amenity building - Conway, Lancaster Road, Cabus, Preston Lancashire PR3 1NL – 17/01176/FULMAJ (pages 54 - 79)

- Item 4, Erection of building to form 7 apartments (following demolition of existing dwelling) – Acresfield, 9 Garstang Bypass Road, Garstang, Preston, Lancashire, PR3 1PH – 18/00037/FUL (pages 80 - 96)
- Item 5, Outline application for the erection of one detached dwelling with access, appearance, layout and scale applied for (with landscaping as a reserved matter) - Resubmission of app: 17/00533/OUT - Land At Occupation Lane, South Of Grange Lane, Stalmine, Lancashire - 17/00980/OUT (pages 97 - 111)

PLEASE NOTE:

Transport for the members will leave the Civic Centre for the Three Site Visits at 10.30am.

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APPEALS LODGED AND DECIDED

Appeals Lodged between – 15 March – 15 April 2018

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
No appeals lodged					

Appeals Decided between – 15 March – 15 April 2018

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
16/00195/COU (Enforcement)	7 Curlew Close Thornton Cleveleys Lancashire FY5 2AN	Change of use from residential dwelling to a nursery	Delegated	Dismissed	05 April 2018
17/00455/FUL	1 Maple Cottages Sowerby Road Inskip-With-Sowerby Lancashire PR3 0TT	Application for removal of condition 5 (relating to holiday accommodation) on Planning Permission 08/00385/FUL	Committee	Dismissed	23 March 2018
17/00178/FUL	Blueberry Stables Lancaster Road Preesall Poulton-Le- Fylde Lancashire FY6 0HN	Erection of detached dwelling and change of use of domestic stables to stud and operation from site of mobile farrier business	Delegated	Dismissed	27 March 2018



Appeal Decisions

Site visit made on 20 March 2018

by **A A Phillips BA (Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 April 2018

Appeal Ref: APP/U2370/C/17/3182648

7 Curlew Close, Thornton Cleveleys, Lancashire FY5 2AN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Daniel Irvin against an enforcement notice issued by Wyre Borough Council.
- The enforcement notice was issued on 28 June 2017.
- The breach of planning control as alleged in the notice is without planning permission the material change of use of the Land from use as a residential dwelling to use as a children's day nursery.
- The requirement of the notice is to cease the use of the Land as a children's day nursery.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice upheld.

Main Issue

1. Ground (a) of appeal is that planning permission should be granted. The main issue is the effect of the use as a children's day nursery on the living conditions of the occupants of neighbouring residential properties with particular reference to noise and disturbance.

Reasons

2. The appeal site is a semi-detached property situated in a residential area surrounded by residential properties and shares its boundary with the rear private amenity space of four properties. It is situated in a quiet and compact residential cul de sac where properties are relatively close to one another, the width of the road is relatively restricted and there is limited space for manoeuvring vehicles.
3. The evidence before me suggests that there is a history of problems of noise and disturbance associated with the children's day nursery use and complaints have been made to the Council's Environmental Health Department. The maximum number of children at the nursery at any one time is fifteen and I understand that the carers/staff to children ratio is 1:3. It is my understanding that the entire property is being used as a day nursery and that the rear garden is also used as an outdoor play area.

4. I have noted that no acoustic noise impact assessment has been submitted by the appellant in support of his case. The ambient and background noise at the site comprises some local and more distant traffic with some minor residential generated activity.
5. Given the nature of this modern semi-detached property it seems to me that with up to 15 children using the premises and the type of activities likely to take place in the building there is significant potential for noise to be heard through the walls. While some noise might be expected through the walls from a family living in the property, that is not likely to be as extensive as with a nursery with up to 15 children and on a daily basis.
6. Evidence from neighbours also suggests that noise from children playing outside during the day and during periods of good weather can be particularly intrusive. The appellant states that measures are in place to control noise levels generated by children's outdoor play and activities such as restricting the number of children playing outside at any one time, limiting the times and periods of outdoor play and ensuring that the children are mindful of noise. However, I have limited evidence that such measures have successfully mitigated the impact of noise and disturbance on the living conditions of neighbours. Furthermore, some of the measures are unrealistic given the age of the children involved and the nature of outdoor play and activity.
7. The appellant contends that the noise is in line with a family letting their children play outside; however, the nature and intensity of the use as a day nursery and activities associated with the business are sufficiently different from the use of the property as a family residence to cause concern, as has been the case. I can appreciate that with respect to noise resulting from activities taking place at the premises in a relatively quiet residential area where the outdoor play area is situated close to other residential properties and immediately adjacent to gardens the noise likely to be generated has the capacity to cause significant disturbance to the detriment of the living conditions of occupants of neighbouring properties. Not only may this noise and disturbance be experienced in nearby garden areas, but also inside some properties, especially through the internal wall (as is the case with the adjoining property) and during periods of warm weather when windows are likely to be open.
8. During the early morning drop off period the evidence before me is that there is significant disturbance near to the property from vehicles being parked and manoeuvred in Curlew Close and Pheasant Wood Drive as children and staff are dropped off. This includes noise from vehicle engines, car doors opening and shutting and other more general disturbance arising from the flurry of non-domestic activity. Given the restricted width of the street and the presence of cars parked on the street close to the site noise, disturbance and general activity associated with awkward vehicle manoeuvres, reversing cars and revving engines would be significantly greater than would be expected from use of the property as a family residential property. I expect that similar levels of noise and disturbance may be experienced towards the end of the day during pick up times, although I understand that the pick-ups take place over a longer period of time.
9. I conclude that given the close relationship of the site to residential properties in the immediate vicinity the level of noise and disturbance caused by the use

is significant and harmful to the living conditions of nearby residential occupants.

10. The appellant contends that the site is close to a bus route and is within walking distance of 3 housing estates, providing a much needed service to the community. That may be the case but I have little evidence of carers, children or staff walking to the site, so I can give limited weight to this benefit and the evidence from other parties indicates that even if some are walking to the premises there is still harmful noise and disturbance from cars arriving at and leaving the premises. In addition, the benefits to the community must also be balanced against any harm to the living conditions of the residents of neighbouring properties.
11. It has been put to me by the appellant that other such developments have been approved in the area, including the conversion of a property on Victoria Road. However, I do not have details of the circumstances that applied to that or any other cases with particular reference to noise and disturbance. In this case there is significant evidence that the development is causing harm.
12. I therefore conclude that the use as a children's day nursery would have a harmful effect on the living conditions of the occupants of neighbouring residential properties with particular reference to noise and disturbance. This harm outweighs any benefits attributable to the children's nursery being located at this particular site. As such the development conflicts with Policy SP14 of the Wyre Borough Local Plan 1991-2006 Written Statement Adopted and Operative 5 July 1999 which among other objectives seeks to ensure that development proposals are compatible with the adjacent existing land uses. It also fails to comply with the principles of the National Planning Policy Framework (the Framework) with particular reference to seeking to secure a good standard of amenity for all existing occupants of land and buildings, preventing development from contributing to noise pollution and planning decisions should aim to avoid noise from giving rise to significant adverse impacts on quality of life.
13. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

14. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Alastair Phillips

INSPECTOR

arm/rg/pla/cr/18/0205nc2



Appeal Decision

Site visit made on 20 February 2018

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2018

Appeal Ref: APP/U2370/W/17/3190676

1 Maple Cottages, Sowerby Road, Inskip-with-Sowerby PR3 0TT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mary Southwell against the decision of Wyre Borough Council.
 - The application Ref 17/00455/FUL, dated 17 May 2017, was refused by notice dated 3 August 2017.
 - The application sought planning permission for the conversion of existing stables into three holiday cottages without complying with a condition attached to planning permission Ref 08/00385/FUL, dated 29 May 2008.
 - The condition in dispute is No 5 which states that: *The development shall be used for the purposes of holiday accommodation only and the occupation by any person or persons shall be limited to short stay visitors staying for periods not exceeding one month in any six month period.*
 - The reason given for the condition is: *The development is approved for holiday use only and occupation on a permanent basis would be contrary to the provisions of Policy SP13 of the Adopted Wyre Borough Local Plan (July 1999) and Policy CORE9 of the Wyre Borough Local Plan 2001-2016(first deposit draft).*
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form states that the original applicants were Mr and Mrs T Southwell. However, the appeal form indicates that the appellant is solely Mary Southwell. Given that the appellant appears as a named applicant, I am satisfied that the appeal has been made in accordance with the relevant procedural guidance and I have determined the appeal on that basis.

Background

3. The appeal concerns holiday cottages which the appellant wishes not to be restricted in terms of their occupation, so as to allow for permanent, as well as holiday, use. This is prevented by condition 5 on planning permission ref: 08/00385/FUL which limits occupation to the purposes of holiday accommodation and for visitors staying for periods not exceeding one month in any six month period.

Main Issues

4. I consider the main issues are whether condition 5 is reasonable and necessary, concerning (i) whether the proposal would provide a suitable location for housing with regard to the accessibility of services; (ii) economic considerations arising from the potential loss of tourism accommodation; and (iii) whether it would provide acceptable living conditions for the future occupiers by way of the outlook and the private outdoor amenity space provision.

Reasons

Accessibility

5. The 3 holiday cottages are located in a single building to the rear of 1 Maple Cottage, which is found at the end of a short row of residential properties. It is understood the building was formerly stables. Development along Sowerby Road comprises of isolated or small groups of dwellings, together with agricultural related development, that are interspersed with extensive areas of open fields. The prevailing character of the area is open countryside.
6. The nearest settlements are St. Michael's on Wyre and Inskip, which are found just over 1 mile from the site. Both these settlements have typically local services for moderate sized villages, including a school and a public house, amongst other facilities.
7. The occupants of the proposal would have to travel to St. Michael's on Wyre and Inskip to access local services. As well as the distance, with the absence of lit footways on what are country roads, this would result in a likely reliance on the private car as the primary means of transport. Although there is a bus route which runs closer to the site, the frequency of the associated services would mean this would not be likely to significantly reduce the use of the car.
8. The appellant has referred to a housing development in Inskip, although this is substantially closer to the services in the village than the site. In respect of Brookvale Court, also located on Sowerby Road, I have not been made aware of the full circumstances pertaining to residential development, although the appellant has stated this was approved prior to the advent of the National Planning Policy Framework (Framework), which is of some relevance to the consideration of the proposal before me.
9. The Development Plan policies that I have been referred to in the Wyre Borough Council, Wyre Borough Local Plan 1991 – 2006 (1999) (LP) are silent on the issue of accessibility of services, beyond a more restrictive approach to development in the countryside. This places further weight on the Framework.
10. With its lack of proximity to services, the proposal would not enhance or maintain the vitality of rural communities as it would not appreciably support services in a village nearby, and would be functionally isolated. Whilst the Framework does recognise that rural areas can provide housing, the proposal would constitute an isolated home in the countryside and none of the special circumstances to justify it cited in paragraph 55 of the Framework would apply.
11. Taking these factors together, I conclude the proposal would not provide a suitable location for housing with regard to the accessibility of services and it would not comply with the Framework in this regard.

Economic Considerations

12. The appellant has stated that the business associated with the letting of the cottages is not generating sufficient income due to insufficient demand, despite marketing and this is especially low in winter.
13. From my site visit, the cottages are well maintained and so I have some sympathy for the appellant's situation. However, the information I have before me is limited in relation to how the business is managed and what detailed measures have been taken to attempt to actively increase lettings. The accounts information provided also indicates the business makes a profit, albeit this is relatively small. The seasonal variations with holiday cottage bookings would also not be unexpected. With regard to whether or not the neighbouring property may be affecting bookings, the cottages are well screened from this property, so I only give limited weight to this matter.
14. Concerning the marketing of the property for sale as a holiday cottage business, this has been in conjunction with the house at No 1. Whilst I accept this was done on the best advice of an agent, the site layout is as such that the holiday cottages are physically separate, with their own access. The holiday cottages could therefore be marketed separately, with the potential lower value without the house, in order to try to attract more interest.
15. I conclude that with the uncertainties that I have set out there is not sufficient justification before me to permit the proposal on the basis of economic considerations. The potential loss of the tourist use would harm the local economy because of the reduction in tourism spend that would result, both in terms of lettings fees and on local services. This would not be outweighed by the likely spend in the local economy by permanent occupants.
16. As a consequence, the proposal would not comply with 'Saved' Policy H6 of the LP which states that in the countryside area of rural Wyre, proposals for conversions to residential use will only be acceptable provided it can be satisfactorily demonstrated that no potential/demand exists for a commercial, industrial or tourist use in the locality. It would also not comply with 'Saved' Policy SP13 of the LP, as far as it refers to 'Saved' Policy H6 as regards conversions, so it would not form a type of development which is permitted in the countryside under this policy.

Living Conditions

17. The bedroom windows that are on the rear facing elevation of the cottages are obscurely glazed and located in close proximity to the rear garden boundary of an adjacent property. The cottages share a communal grassed area to the front of the building, with the end cottages also having access to an outdoor area with chairs. There is also an area of loose stone nearest to the holiday cottage closest to the site access, which provides a parking area.
18. The bedrooms in each of the cottages that have windows on the rear elevation currently have a poor outlook due to the use of the obscure glazing. Whilst this may be tolerable for a short stay associated with a holiday, this would appreciably detract from the living conditions of future occupiers, if the cottages were occupied on a permanent basis. Even if the windows were clearly glazed, the outlook would be restricted by the proximity to the hedge, and the removal of the obscure glazing would significantly increase the

perceived overlooking of the adjoining garden, with the number of windows that are involved.

19. With regard to the outdoor amenity space, with the communal arrangement, there is a limited degree of private space provided. Although the appellant has stated the communal areas could be sub-divided, no such details are before me to consider. The cottages are also accessed through these areas, so sub-dividing these areas would not provide an adequate level of privacy for future occupiers.
20. The appellant has also referred to the potential use of the building as one dwelling, although this would not address the issue of poor outlook from the bedroom windows at the rear, and it would also require significant internal changes to the layout of the building that are also not before me.
21. I conclude the proposal would provide unacceptable living conditions for the future occupiers by way of the outlook and the private outdoor amenity space provision. As such, it would not comply with 'Saved' Policy SP14 of the LP, where it seeks to apply a high standard of amenity for all types of development. Similarly, it would not comply with paragraph 17 of the Framework, where it concerns a good standard of amenity for all future occupants.

Other Matters

22. Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. The supply of housing is below the 5 years expected by national policy and so paragraph 14 of the Framework is relevant.
23. The proposal would not be unacceptable with regard to visual impact, energy efficiency, the living conditions of existing local residents, access and parking, and with regard to flood risk. These, however, carry neutral weight, as they would be expected from a proposal.
24. I have identified that the proposal would not provide a suitable location for housing with regard to the accessibility of services; that the potential loss of the tourist use would harm the local economy; and it would provide unacceptable living conditions of the future occupiers with regard to the outlook and the private outdoor amenity space provision.
25. Balanced against this is the contribution to the supply of housing and the re-use of an existing building, including in rural areas, to which I have given moderate weight. None of the other factors considered carry any more than limited weight in support of the proposal. Taking all relevant matters into account, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted.
26. Matters in relation to the Council's pre-application advice service, or how the planning application was handled, are not for me to comment on, in my decision.

Conclusion

27. I have considered all matters that have been raised, but none would demonstrate that condition 5 is not reasonable and necessary. Without the imposed condition, the proposal would result in open market housing in the countryside that would in this instance be unacceptable and contrary to the Development Plan and the Framework.
28. As a consequence, condition 5 complies with the tests for planning conditions set out in paragraph 206 of the Framework and the related advice in the Planning Practice Guidance concerning the application of these tests. Accordingly, I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR

arm/rg/pla/cr/18/0205nc3



Appeal Decision

Site visit made on 20 February 2018

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2018

Appeal Ref: APP/U2370/W/17/3190660

Blueberry Stables, Lancaster Road, Preesall FY6 0HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs K McGinley against the decision of Wyre Borough Council.
 - The application Ref 17/00178/FUL, dated 27 February 2017, was refused by notice dated 5 June 2017.
 - The development proposed is a detached house and a change of use of domestic stables to stud and operation from the site of a mobile farrier business.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. With regard to the application of the sequential test, the appellant has sought through the appeal submission to apply a Net Developable Area (NDA) which is of smaller size than the application site boundary. However, the application site boundary itself, as shown on the submitted drawings, has remained the same as was before the Council at the time the planning application was determined. The Council and other interested parties have also has the opportunity to comment on the sequential test submitted with the appeal, including the NDA. I have, therefore, considered the NDA that the appellant has applied to the sequential test in my decision. I consider this accords with the Wheatcroft Principles¹, including the issue of fairness to the Council and third parties.

Main Issues

3. The main issues are (i) the effect of the proposal on the character and appearance of the area; (ii) whether it would be likely to increase the risk of flooding; and (iii) if harm arises under (i) and (ii), whether this is outweighed by the needs of the appellant and other considerations.

Reasons

Character and Appearance

4. The appeal site comprises a field, a paddock area surfaced in sand and an adjacent area constructed of road planings that is used for parking. The site also contains a partly constructed stables building, immediately to the rear of

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37].

which is a smaller dilapidated structure which also appears to be a stables building in form. The boundary to the road is defined by a hedge and the access. A post and wire fence is found on the boundary of the site to the west with a small field. Watercourses form the remaining boundaries of the site, and close boarded fencing is found beyond the watercourse on the east boundary.

5. The site is found in a semi-rural location, with expansive views over a landscape of open and expansive fields to the south. Built development in the area is of a sporadic nature, with clusters of dwellings or agricultural development interspersed with areas of open land. With the associated countryside qualities, this forms the prevailing character. The site lies in countryside under the Wyre Borough Local Plan 1991 – 2006 (1999) (LP).
6. The proposed dwelling would increase the amount of built development on the site. In doing so, it would serve to both consolidate and result in the further encroachment of development into the site. This would detract from the site's appreciable contribution to the character of the countryside, including with the proximity to adjoining fields and open land. It would also increase the amount of sporadic built development in the area, and this would further erode its character.
7. This harm would not be addressed by the height of the proposed dwelling, as it would still present a height of 2 storeys of accommodation, by way of the dormer windows arrangement in the roof. Its height would also be greater than the hedge along the road, and so despite the distance it would be set back from the site frontage, it would still be noticeable and viewed as a further addition to the amount of development on the site. Screening on other boundaries would also not adequately mitigate the adverse visual effects.
8. The presence of the terraced properties to the west of the site, along with detached properties that are set further along the road from the site frontage, do not alter my views on character because these are clearly separated from the site and so do not have the same effect on character and appearance, as would arise from the proposal.
9. With regards to the use of domestic stables to stud and the operation from the site of a mobile farrier business, as these do not involve the construction of further buildings on the site, they would not unduly affect the character and appearance.
10. I conclude the proposed dwelling would have an unacceptable effect on the character and appearance of the area and, as such, it would not comply with 'Saved' Policies SP13 and SP14 of the LP, which seeks to protect the inherent qualities and rural characteristics of areas designated as open countryside and require a high standard of design. It would also not comply with related guidance in the National Planning Policy Framework (Framework), concerning development responding to local character and reflecting the identity of the surroundings.

Flood Risk

11. The site lies within flood zone 3, which the Planning Practice Guidance (PPG) considers is an area at risk of flooding, for the purposes of the Framework. The PPG also states that the type of use proposed, as regards the residential use, is

- 'more vulnerable' to flooding under the Flood Risk Vulnerability Classification. With the proposed use, for the proposal to comply with paragraphs 100 and 101 of the Framework and the PPG, it must pass the sequential test which seeks to steer new development into flood zone 1.
12. The Council have also produced a Sequential Test: Advice Note for Applicants (2015) document (Advice Note), which provides a methodology for applying the sequential test. The methodology follows a 3 step approach, concerning the defined geographical area across which the test is applied; the range of alternative sites to be considered; and a consideration of the reasonably available sites. I consider the Advice Note represents a robust approach to the sequential test, and it broadly accords with the intentions of the PPG.
 13. The Sequential Test document² which the appellant has submitted with the appeal uses the whole of the Council area as the defined geographical area across which the test is applied. This is accordance with the approach in the Council's Advice Note. With regards to the range of alternative sites, the appellant has considered the scheme as a whole, as the proposed dwelling is to be related to the equestrian related activities on the site. I consider this is reasonable, given the proposal is not simply for a new dwelling and this approach broadly concurs with the Pointer Stables appeal decision³, which my attention has been drawn to.
 14. In terms of establishing an NDA for the consideration of alternative sites, the appellant has sought to reduce the gross size from the application site boundary due to the easements the Environment Agency (EA) require from the watercourses.
 15. However, if the easement areas are excluded, this would also exclude a surface water attenuation tank that is shown on the proposed site layout plan. As part of the proposal would, therefore, be outside of the NDA, I find its reduced size compared to the gross size from the application site boundary, not to be acceptable if the sequential test is to be properly applied to reduce the likelihood of flooding.
 16. Given these concerns, I am not persuaded that the information before me can be relied upon as a basis for the consideration of the alternative sites, as other comparator sites could be available if a more applicable NDA was used. It also follows it has not been established, therefore, whether there are sites that would be reasonably available. This does not constitute information which enables me to be able to come to a view that the sequential test is passed. This weighs against the proposal as a whole, given that the scheme is to be considered as such, with the dwelling related to the rest of the proposal.
 17. I have noted the information submitted about the specific flood risk concerning the proposal. However, as I find the appellant has not demonstrated under the sequential test that it is not possible to locate the development in zones with a lower probability of flooding, I am not, therefore, required to apply the exception test and whether it has been demonstrated the proposal would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible would reduce flood risk

² Sequential test & exception test analysis, Site at Lancaster Road, Preesall, FY6 0DY Proposed use: stud with one dwelling, November 2017.

³ Appeal Ref: APP/U2370/A/14/2227969.

overall. This is notwithstanding that the EA objected to the planning application due to the location of the surface water attenuation tank.

18. The appellant has also stated that land close to the site is at a low risk of flooding, despite that it lies in flood zone 3. The appellant has also referred to photographic evidence submitted by an interested party that shows whilst the road outside the site has flooded, the site itself did not. However, these do not negate the need to properly consider the sequential test for the site itself.
19. I am, therefore, unable to conclude that the proposal would not cause an unacceptable level of flood risk. As such, the proposal would not comply with paragraph 100 of the Framework which states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. It would also not comply with paragraphs 100 and 101 of the Framework, as well as the PPG, with regards to the application of the sequential test.

Needs of the Appellant

20. The appellant is a gypsy and I have no substantive evidence before me which disputes this. I have had full regard to that the appellant intends to settle in the area with the family, that work is undertaken locally, the children attend local schools and the family attends the local church. I also acknowledge the appellant has lived in the area for a number of years and that a member of the family has a medical condition and it is the wish to have the family settled in one place in order to have continuity of care and the means of receiving medical correspondence reliably.
21. With regards to the business case, the appellant has stated that an on-site presence is required due to the value of the stallions and the requirements of owners, and the associated activities such as horse welfare and foaling. No retailing is proposed.
22. I am sympathetic to these needs, both from a personal and business perspective. In exercising my function on behalf of a public authority, I am also consciously aware of my duties under the Public Sector Equality Duty (PSED) contained within the Equality Act 2010 which sets out to eliminate discrimination, harassment and victimisation, advance equality and foster good relations, and the protected characteristics under the PSED. I am also aware of my duties under Article 8 of the Human Rights Act 1998 (Article 8) that bestows the right to private and family life and for the home.
23. However, there is not the evidence before me that persuades me that an existing dwelling in the area could also not meet the family's needs nor provide for a person to live close by in relation the requirements arising from horse welfare and foaling. I also do not have the evidence before me that potentially other less intrusive forms of security have been considered. Matters are in relation to character and appearance, and flood risk, are also legitimate wider community and public interests. The needs of the appellant could also be jeopardised by the potential flood risk. I do not, therefore, find that not granting planning permission would unacceptably conflict with the PSED or Article 8.
24. 'Saved' Policy SP13 of the LP also states, in part, that development in that area designated as the countryside on the proposals map will not be permitted,

except for a number of defined uses. The proposal does not fall within the essential requirements of agriculture and forestry. With regard to whether it is a use appropriate in a rural area, considering the matters I have raised in relation to the need for the proposal, I am not satisfied this has been demonstrated. None of the other defined uses would apply. Moreover, as I have set out, I find the proposal would not comply with 'Saved' Policy SP13, due to its effect on character and appearance.

Other Matters

25. The appellant has also drawn my attention to an application for a prior approval for a change of use from an agricultural building to a dwelling, close to the site. However, such applications are subject to different procedures for those which require planning permission and this does not alter the need to consider flood risk, character and appearance, the need of the appellant and other relevant considerations in determining whether or not the proposal subject of this appeal is acceptable.
26. The Council acknowledges that it cannot demonstrate a 5 year housing land supply in accordance with paragraph 49 of the Framework. However, as the appellant has set out, the proposed dwelling would be related to the equestrian activities on the site. With its proximity to these activities, it would be unlikely to perform the role of a dwelling that would contribute meaningfully to the Council's housing land supply and as a single dwelling, its contribution would be modest.
27. Matters in relation to the Council's pre-application advice service are not for me to comment on in my decision.

Conclusion

28. The proposal would have unacceptable effects as regards the character and appearance of the area and in relation to flood risk. This harm weighs significantly against the proposal. I have had regard to the appellant's personal and business needs, and considered all matters that have been raised, but taking everything into account, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted. The proposal would be contrary to the development plan and the Framework and this conflict is not outweighed by other material considerations. For these reasons, the appeal should be dismissed.

Darren Hendley

INSPECTOR

arm/rg/pla/cr/18/0205nc4

Planning Committee

2 May 2018

Item No	Site/ Video/ Photos	Application Number	Location	Proposal	Rec.	Decision
1	N/A	17/00177/FULMAJ	Former LCC Depot Green Lane West Garstang Lancashire	Erection of eight new B2 units (following demolition of existing units)	PER	
2	N/A	17/00210/FUL	Former District Council Depot Green Lane West Garstang Lancashire	Erection of two industrial units (1no. unit for B2 use and 1no. unit for B1/B8 use).	PER	
Page 15	S	17/01176/FULMAJ	Conway Lancaster Road Cabus Preston Lancashire PR3 1NL	Change of use of land to travelling showpeople accommodation site and erection of storage and amenity building	PER	
4	S	18/00037/FUL	Acresfield 9 Garstang Bypass Road Garstang Preston Lancashire PR3 1PH	Erection of building to form 7 apartments (following demolition of existing dwelling)	PER	
5	S	17/00980/OUT	Land At Occupation Lane South Of Grange Lane Stalmine Lancashire	Outline application for the erection of one detached dwelling with access, appearance, layout and scale applied for (with landscaping as a reserved matter) - Resubmission of app: 17/00533/OUT	PER	

Committee Report**Date: 02.05.2018**

Item Number	01
Application Number	17/00177/FULMAJ
Proposal	Erection of eight new B2 units (following demolition of existing units)
Location	Former LCC Depot Green Lane West Garstang Lancashire
Applicant	Garstang Truck Bodies
Correspondence Address	c/o M L Planning Ltd 5 Bobbin Mill Cottages Stubbins Lane Claughton On Brock Preston OPL
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Miss Lucy Embery****1.0 INTRODUCTION**

- 1.1 This application is before the Committee at the request of Councillor Lady Atkins.
- 1.2 The application was deferred at the March Planning Committee to enable re-consideration of the proposal by Environmental Health Officers.

2.0 SITE DESCRIPTION AND LOCATION

2.1.1 The application site is a former County Council Depot on the north side of Green Lane West, Garstang. The site currently contains 4no. buildings (offices, store and workshop) and is located within the rural settlement of Garstang as identified on the Policies Map of the Adopted Wyre Borough Local Plan. It is also within an existing employment area as defined by the Policies Map of the draft Local Plan.

2.1.2 The site is immediately adjacent to existing buildings in employment use to the east, west and south on the opposite side of Green Lane West. An existing dwelling known as Sunset view is also immediately to the west of the site. To the north is a parcel of land also formerly part of the County Council Depot which is the subject of current application 17/00210/FUL and proposes the erection of 2 no industrial units for B2 employment use to be accessed by the same internal access road.

3.0 THE PROPOSAL

3.1 The application proposes the erection of 8 no. industrial units (B2 use) following the demolition of the existing units on the site. The existing units comprise four buildings; a store, offices, workshop, and a row of offices which make up one linear block.

3.2 The application proposes one large unit (described as unit 8 for the purposes of this report) measuring 21.9m in width on the western part of the site, and 7 smaller units (units 1-7) in an inverted L-shape attached to each other along the eastern and southern boundaries of the site. The application states that it is intended the largest unit would be used by Garstang Truck bodies.

3.3 An internal access road would lead from the existing access point off Green Lane West, and then between unit 8 and the linked units 1-7. The east elevation of the unit 8 would be sited 9m back from the route of the internal access road. Parking is proposed to the south of this large unit and either side of the proposed access road near the entrance to the site.

3.4 The walls of the units would be constructed of concrete blocks to the lower expanse of walls and Juniper green box profile sheeting above. The roofing would also be constructed of Juniper green sheeting with GRP (glass reinforced polyester resin) roof lights. Doors would be roller shutter style and constructed of galvanised steel. There would be no windows in the walls of the proposed buildings, however roof lights are proposed within the mono-pitch sloping roof areas on the east and south roofs of units 1-7, and the east and west roof of the larger unit. Separate pedestrian entrance doors are now also proposed.

3.5 In addition to the plans illustrating the proposal the application is supported by:

- Design and Access Statement
- Drainage Strategy
- Ecology Report
- Noise Report

4.0 RELEVANT PLANNING HISTORY

4.1 Application site - 91/00893 - Erection of an industrial unit. Approved August 1991.

4.2 Adjacent land

- 17/00210/FUL - Erection of two industrial units (B2 Use). Pending consideration.
- 16/00437/FUL - Erection of one dwelling and formation of new vehicular access with dropped kerb. Approved December 2016.

5.0 PLANNING POLICY

5.1 National Planning Policy Framework (NPPF)

5.1.1 The NPPF sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision". Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.1.2 Twelve core principles are identified. These include supporting sustainable economic development to meet local need; securing high quality design and a good standard of amenity; recognising the different roles and characters of different areas; accounting for flood risk; conserving and enhancing the natural environment; encouraging the effective use of land and mixed use developments; actively managing patterns of growth to maximise use

of sustainable transport modes; and delivering sufficient community and culture facilities and services to meet local needs.

The most relevant sections of the NPPF to the determination of this application are considered to be:

- Section 1 - Delivering sustainable development
- Section 4 - Promoting sustainable transport
- Section 7 - Requiring good design

5.2 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.2.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be given to relevant policies according to their degree of consistency with the NPPF.

- Policy SP5: Definition Of Main Rural Settlements
- Policy SP14: Standards of Design and Amenity

5.3 EMERGING WYRE LOCAL PLAN

5.3.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The minor amendments deal with clarification matters or errors raised at the public consultation and they do not alter the substance of the 'Publication' draft Wyre Local Plan. The 'Submission' stage is an advanced stage in the local plan process. It confirms the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. This stage is a further advancement in the local plan process. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document'. As the draft Local Plan has now advanced to 'submission' the weight to be given in the planning balance has increased depending on the particular circumstances of the case.

5.3.2 The following policies contained within the draft Local Plan are of most relevance:

- Policy SP1: Development Strategy
- Policy SP2: Sustainable Development
- Policy CDMP3: Design
- Policy EP1: Employment Land Supply
- Policy EP2: Existing Employment Areas

6.0 CONSULTATION RESPONSES

6.1 GARSTANG TOWN COUNCIL: No objections to the application, but if the application were to be approved, in light of comments made by residents, the Town Council requests a condition that suitable hedging be reinstated along the boundary of the site.

6.2 CABUS PARISH COUNCIL: Note that the usage of the units are unspecified at present and seek assurance that the usage is confined to light industrial use which will not impact upon the domestic well-being of local residents and that suitable landscaping is installed.

6.3 LANCASHIRE COUNTY COUNCIL (HIGHWAYS):

Original response

6.3.1 No objections in principle. The internal layout of the site raises no concerns that cannot be addressed. However none of the car parking spaces are identified as mobility spaces, and the site plan shows 37 parking spaces, 2 of which should be made available for the mobility impaired. This can be achieved by designating 2 end spaces. There are no objections to the number of proposed car parking spaces. No spaces for motorcycle or bicycles are shown to be provided, however, there is sufficient space within the site for this to be provided. Cycle parking should be secure and covered. No turning head is provided, however, each unit has a forecourt that if kept clear of obstruction would provide sufficient space for the manoeuvring of service vehicles. As such it should be conditioned that no external storage be permitted. Revised plans should be submitted to address the issues raised.

6.3.2 Whilst two applications have been submitted they share a common access. The development proposals (including application 17/00210/FUL) represent a significant increase in the size of the buildings however, given the previous use of the site LCC highways do not consider that traffic from the two development proposals would be significantly different. As such in terms of traffic generation the impact of these developments on the A6 corridor are considered to be no greater than that what would be generated by the existing highways depot. Therefore LCC raise no objections to the quantum of development proposed (individually or combined).

Follow up response following the submission of amended plans;

6.3.3 The plans show a pedestrian route through the site which County Highways are satisfied can be delivered and as such a planning condition can be imposed to cover it. Turning within curtilage as also shown and is acceptable.

6.3.4 However, the major concern is how the pedestrian route connects to the existing footway on Green Lane West. The plan does not adequately show this. The existing access is kerbed and provide a carriageway width of approximately 6m where the gates are. County Highways is content with this width for vehicular access but not if pedestrians use it as well, therefore the access needs widening to accommodate pedestrians and a footway constructing adjacent to the access. This needs to be clearly shown on plans in order for it to be conditioned. If necessary a slight reposition of the access would be acceptable. Also the first 2 spaces into the site appear to go through where the existing site fencing is splayed again this is not acceptable and needs revising.

6.3.5 The plans do not show that safe pedestrian access is available from the existing footway on Green Lane West adjacent to the site into the site. The revised plan now shows a footway across the access, which is not acceptable.

Response following further amendments;

6.3.6 The amended plans (ML/JG/5622) now address County Highways concerns and the previous objection is withdrawn. Conditions must be imposed on any permission granted to ensure the car parking is surfaced or paved in accordance with a scheme to be first agreed with the Local Planning Authority and the car parking spaces and manoeuvring areas marked out before the use becomes operative, and to ensure the development is not occupied until the pedestrian access tying into Green Lane West has been constructed and made available for use. An informative is also suggested to ensure the applicant is aware that an

appropriate legal agreement will be required with the County Council for any works within the highway.

6.4 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.4.1 No objections to the application on nature conservation grounds. GMEU agrees with the assessment that the buildings on the site have negligible potential for bats and the remainder of the site is not of substantive ecological value.

6.5 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE AND LIGHT POLLUTION)

6.5.1 No objection subject to the following conditions to prevent an adverse impact on the health and quality of life of the occupiers of nearby sensitive premises;

- control of maximum noise levels from the development,
- control of the instantaneous noise levels in the evening and at night (19:00-07:00) so as not to exceed 60da(A),
- control of hours of operation to between 07:00 - 18:00 Monday to Friday, 07:00 - 13:00 on Saturdays, and with no hours of use on Sundays and Bank Holidays.
- limit hours of deliveries and collections to 7am to 6pm Monday to Friday, with none at weekends or on Bank/Public Holidays to avoid significant adverse effect on nearby residents due to noise
- submission and agreement of a construction management plan prior to commencement of development which should include procedures for maintaining good public relations, including complaint management, public consultation and liaison, arrangements for liaison with Environmental Protection, the intended hours of works and ancillary operations during construction, measures to control dust, noise and vibration, site lighting, and the procedures for any emergency deviation from any agreement, and
- submission and agreement of an artificial lighting assessment prior to commencement.

6.5.2 Further Environmental Health response following submission of an additional noise assessment to cover the worst case scenario in terms of noise:

Further to my previous submissions a revised British Standard 4142 noise assessment dated April 2018 has been submitted based on worst case noise scenarios of which I am satisfied. It should be noted from this report that a 2 metre high acoustic fence has been recommended (paragraph 2.6 page 7) to the rear of the site to provide additional attenuation for the residential receptors. The report concludes that based on these worst case noise scenarios there will be minimal impact from noise from these proposed 8 units. I am therefore of the opinion that the noise conditions recommended by Nicola Clark (mentioned above in paragraph 6.5.1) can now be complied with.

6.6 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LAND CONTAMINATION)

6.6.1 No objections subject to conditions requiring a desk study to be carried out prior to the commencement of development.

6.7 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ODOUR)

6.7.1 A condition should be attached to any permission granted requiring the submission and agreement of an odour management plan (OMP) prior to the first use of any B2 unit for the purposes of food storage or food processing. The OMP shall include odour control measures for the delivery, storage and processing of food, and the disposal of food waste and associated material. The OMP shall be designed and implemented such that odour from food or food waste is not detectable outside the development boundary.

6.8 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.8.1 Originally objected on the grounds of insufficient information. Following the submission of further drainage information there are no objections to the proposal. The Environment Agency defines the site as being in Flood Zone 1 (Low Risk) as set out in the National Planning Policy Guidance. The site is assessed as having less than a 1 in 1,000 annual probability of river or sea flooding (<0.1%). These flood zones refer to the probability of river and sea flooding, ignoring the presence of defences.

6.9 LANCASHIRE COUNTY COUNCIL (FLOOD AUTHORITY)

6.9.1 Withdraws its objection to the proposed development following the submission of further drainage information, subject to conditions requiring the following:

- The submission and agreement of final details of the design and implementation of an appropriate surface water sustainable drainage scheme, including drainage for the lifetime of the development.
- A surface water lifetime management and maintenance plan to include the arrangements for adoption, arrangements for appropriate funding, and means of access for maintenance and easements where applicable.
- Advice on sustainable drainage systems has also been provided and should be attached as an informative should the application be approved.

6.10 UNITED UTILITIES

6.10.1 No objections subject to conditions requiring separate systems of foul and surface water drainage, and full details of foul and surface water drainage prior to commencement of development. General drainage comments have been provided which would be passed on to the applicant in the form of an informative.

7.0 REPRESENTATIONS

7.1 One letter of objection has been received and raises the following concerns:

- Loss of light and overshadowing to the existing property of 9 Meadow Park.
- The visual impact of the development would be unacceptable.
- The 8 individual units would result in noise pollution and disturbance to local residents.
- There is a risk of unpleasant odour being omitted from the site and reducing the quality of life and amenity for local residents.
- The proposal would result in overdevelopment. The density would be inappropriate and the development overbearing and out of scale.

Issues have been raised, such as whether there is an economic justification for the number of units proposed, and whether the site could be used for alternative developments other than that applied for, such as housing, which are not material planning considerations and therefore cannot be taken into account in the assessment of this application.

7.2 Three letters have been received which comment on the application but neither object to it nor support it. The points raised can be summarised as follows:

- It is queried what the use of the rear of the site would be closest to Meadow Park.
- Tree planting, landscaping and fencing should be incorporated to provide both screening and security for neighbours.
- The Design and Access Statement is incorrect as it mentions the wrong property as being adjacent. Colin Cross Printers (Pressworks), and the residential bungalow at Sunset are actually adjacent to the site.

8.0 CONTACT WITH APPLICANT/AGENT

8.1 Dialogue has been maintained throughout the application process. Additional information, including amendments to provide mobility parking spaces and cycle parking has been requested, and progress updates have been provided.

9.0 ISSUES/ASSESSMENT

9.1 The main planning issues are considered to be:

- Principle of development
- Visual Impact/ Design/ Impact on the Street Scene
- Amenity impact
- Accessibility, highway safety and parking
- Flood risk and drainage

Principle of development

9.2 Policy SP5 of the Adopted Local Plan defines Garstang as a main rural settlement. The application site lies wholly within the settlement boundary as identified on the policies map of the Adopted Wyre Borough Local Plan. It is also located within an existing employment area as outlined within the policies map of the draft Local Plan.

9.3 The application site is brownfield being formerly used for employment purposes. It is located within an established industrial estate and the proposal would be adjacent to existing employment uses, with the exception of residential properties further to the north, and the property of Sunset View to the west. The employment use of the site would be maintained and the principle of the development would be acceptable subject to the matters discussed below.

Visual Impact / Design / Impact on the streetscene

9.4 From the southern side of Green Lane West the existing buildings on the site are screened at lower levels by existing shrubbery, scrub, and tree planting. Therefore only the roofing and eaves levels of the existing buildings are visible from this position. From closer views immediately adjacent to the southern boundary, the site is much more visible and has a rather disorganised appearance, with various types of buildings, including some with the appearance of temporary cabins, and ageing industrial units. The existing site does not currently contribute positively to the visual amenity of the area, but neither does it have an overall negative impact.

9.5 The proposal would result in a development of buildings with a higher quality design and appearance to those currently on the site. The buildings would have a simple design and appearance as is common for industrial units. The appearance and finish with Juniper Green metal sheeting would be similar to existing industrial buildings in the surrounding area, particularly those to the southern side of Green Lane West, and those to the west of the site (west of Colin Cross Printers).

9.6 In terms of scale the proposed buildings would be higher than the existing buildings proposed to be demolished. However they would be similar in height and scale to existing industrial units viewed in the street scene on Green Lane West. Therefore it is considered that the proposed scale and design of the proposed units is acceptable and commensurate to the size of the existing built form and similar units in use for industrial purposes in the immediate area.

9.7 An objector has raised concerns that the proposal would represent over-development of the site. It is acknowledged that the proposal would intensify the use of the site as it proposes 8no. units in comparison to the existing 4no. on site. However, many of the proposed units would be small in footprint, and smaller than existing units in the immediate surrounding area. The proposed larger building would be sited over the footprint of the largest existing building on the site. The proposed 8no. units would be accommodated on the plot together with the required parking provision, access, and external forecourt manoeuvring space. Furthermore in terms of scale, the units would contain one floor of accommodation, and would be no taller in height than existing similar units on Green Lane West. The units would not significantly project above the existing built form along Green Lane West or appear dominant in the street scene. They would be set back a minimum of 5m from the southern site boundary and a minimum of 9m from the carriageway of Green Lane West. These distances would be greater the further westwards the buildings would extend within the site. The buildings would also be set further back from the southern boundary with Green Lane West than neighbouring industrial buildings to the west in the street scene. For these reasons it is considered that the proposal would not result in over-development of the site either through amount of development or scale.

9.8 In general it is considered that the scheme is acceptable in terms of design subject to the imposition of relevant conditions. No unacceptable visual impacts are anticipated and the appearance of the proposed buildings is considered to be acceptable.

Noise and Impact on residential amenity

9.9 Paragraph 17 of the NPPF states that one of the core principles of the planning system is to seek a good standard of amenity for all existing and future occupants of land and buildings.

9.10 Objectors have raised concerns that the proposed B2 units would result in noise and disturbance to residents. The nearest residential property is located 6m to the west of the site (Sunset View) and is currently surrounded by industrial development. At present there is a block of industrial units on the west side of the application site up to the boundary with Sunset View. The existing largest unit is set back to the north east of this existing property and its curtilage.

9.11 The proposal would remove the existing block of development that adjoins the boundary of Sunset View. The proposal would improve the current relationship between the existing dwelling and buildings on the application site by moving development further away from this property and off the existing joint boundary, and also enabling better light gain to this dwelling. Unit 8 would be sited marginally further forward of the existing large building on the site and would extend northwards away from Sunset View. This unit would still be sited to

the north-west of Sunset View and would not have any further impact upon the existing residential property than the existing building.

9.12 There are existing residential properties at Meadow Park located 31m away from the application site at their nearest point. The boundary of the curtilage of these properties is 20.5m north of the application site. These dwellings are sited within a north-west to south-east orientation and therefore would not directly look towards the proposed 8no. units. The units would however be visible from the garden areas of these dwellings but at a distance (this would not be the case should application 17/00210/FUL proposed 2 industrial units closer to these dwellings be approved). Although the proposed units would be 6m tall, due to the distance between the units and the existing dwellings on Meadow Park it is considered that the proposal would not result in loss of light and overshadowing of these existing dwellings.

9.13 Representations from local residents have also raised concerns that the proposal would result in noise pollution and disturbance. The application site has long been established as a depot and used for employment purposes. However the proposal is likely to increase the level of activity at the site beyond the current situation due to the number of employment units proposed, and associated comings and goings. Concern has also been raised by residents about the potential for unpleasant odour being omitted from the site.

9.14 The Head of Environmental Health originally raised no objections to the proposal subject to conditions. These conditions sought to control the maximum noise levels from the proposed development during the day, evening and at night, and also to control the working hours of the premises and the hours of deliveries in order to protect neighbouring residential amenity. A condition is also suggested requiring a construction management plan for the construction phase of the development should the application be approved. Since the original comments discussions have taken place between Planning Officers and Environmental Health Officers because the original noise assessment did not take into account the worst case scenario (ie, the highest noise level that could be generated from the development and any works taking place concurrently at any time). Therefore it was considered a full and proper assessment of the impact of the proposal by noise upon residents could not take place, and it was unknown whether the conditions suggested by Environmental Health could be complied with.

9.15 The applicant has now submitted a new noise assessment which considers the worst case scenario, and also an amended plan which would provide separate pedestrian access into each unit with enclosed porches. The amendment would enable pedestrians to access the units without the need to open the main doors to the units every time the units needed to be entered/exited, and ensure that when equipment was being used the main doors could be closed if necessary. The Environmental Health Officer is content that the conditions suggested originally by Environmental Health can be complied with and that noise from the 8no. units would be minimal. It is considered that subject to these conditions the proposal would be acceptable and would not result in unacceptable adverse harm through noise to the occupiers of neighbouring residential properties. It is also considered that an additional condition should be attached to ensure that the development takes place in accordance with the most recent noise assessment to ensure that the noise mitigation measures including acoustic fencing is implemented.

9.16 A condition has also been suggested requiring the submission of an odour management plan prior to the first use of any of the units for the purposes of food storage or food processing. This condition is considered to be appropriate as it would enable the control, management and mitigation of odours from the site, particularly as the end users of the units are not yet known at this stage, other than Unit 8 which would be used by Garstang Truck Bodies.

9.17 For these reasons, and subject to the suggested conditions it is considered that the proposal would not cause unacceptable adverse harm to neighbouring residential amenity, and would comply with the above policies.

Impact on Highway / Parking

9.18 The NPPF sets out that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. The application site has been used as a long established depot and the proposal would make use of the existing access off Green Lane West. Lancashire County Highways has raised no objection to the proposal in principle and has stated that although the site as existing has a lower amount of employment floorspace than that proposed, at times the level of traffic to the site was significant. County Highways has considered the development proposal together with that of the proposal for 2no. industrial units on the northern section of the site (17/00210/FUL) and considers that the traffic generation would be no greater than that generated by the depot on the site. Therefore it is considered that the development proposed (individually and combined) would not result in severe harm to the capacity of the highway network.

9.19 County Highways raised no objections in principle to the proposal subject to amendments to improve the internal parking and turning layout, and pedestrian access provision. The applicant has submitted plans to amend the internal layout and County Highways is satisfied that a pedestrian route through the site can be delivered and a planning condition should be imposed to cover it. The proposed turning area within the curtilage is also considered to be acceptable. However, further amendments were requested to the pedestrian route and how it connects to Green Lane West, as County Highways considered that although the access would be wide enough for vehicles (6m width) it would be too narrow to provide for both vehicles and pedestrians. Further amendments were requested from the applicant to widen the access to Green Lane West and to remove the footway crossing the site entrance. Amended plans have been submitted and County Highways now considers that the amendments address their concerns and their objection is withdrawn. Therefore it is considered that the proposal would be acceptable in terms of highway safety.

9.20 In terms of parking provision County Highways considers that the proposed development provides a level of car parking that is commensurate with the total employment floor space that would be created by the development. Therefore the proposal is considered acceptable in terms of parking provision.

Flood Risk and drainage

9.21 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing the risk of flooding elsewhere. The application site is within Flood Zone 1 on the Environment Agency's flood risk mapping service and therefore has the lowest probability of flooding. It is considered that the proposal is acceptable in terms of flood risk and would not be at risk of fluvial flooding, nor would it exacerbate the flood risk to surrounding development.

9.22 In terms of localised surface water flooding and drainage, the applicant has submitted a drainage strategy which states that surface water would discharge into a public combined sewer on Green Lane West. Consultees originally raised concerns that insufficient surface water drainage information had been submitted as there is an existing public combined sewer on Green Lane West and an alternative means of drainage to that proposed should be investigated. The applicant has provided further drainage information and United Utilities, the County Council as Local Flood Authority and Wyre Council's Head of

Engineering Services have no objections to the proposal subject to drainage conditions relating to surface water management and flow levels. It is considered that the suggested conditions are necessary and appropriate in this case and should be attached should the application be approved.

Ecology

9.23 The application site is considered to have low ecological potential and the existing buildings on the site have negligible potential for bats. Therefore no ecological issues have been identified and no conditions are considered necessary in this case.

Contamination

9.24 Paragraphs 120 and 121 of the NPPF and the NPPG state that Local Planning Authorities should ensure that proposed development is appropriate for its location and located on sites suitable to accommodate the new use, taking into consideration ground conditions and land stability, including any former uses of the land and that any required mitigation measures are secured.

9.25 The Head of Environmental Health has no objections to the proposed development provided that a condition is attached to ensure a desk study is carried out and submitted to and agreed by the Local Planning Authority prior to the commencement of development. Subject to this condition it is considered the proposal would be acceptable in terms of ground contamination and would comply with the policy provisions of the NPPF and NPPG.

Waste Management

9.26 The National Planning Policy for Waste seeks to ensure that new development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities, for example by ensuring there is discrete provision for bins to facilitate a high quality, comprehensive and frequent collection service.

9.27 The end users of each of the proposed units is not known, however the industrial use proposed would be likely to generate some level of waste. It is suggested that to ensure adequate storage and collection of waste from the development, a condition should be attached to require details and measures for the storage and collection of waste for each unit to be submitted prior to first occupation. Subject to the proposed condition the proposal would fulfil the requirements of the provisions of the National Planning Policy for Waste.

10.0 CONCLUSION

10.1 The proposal is for the development of industrial units within an existing industrial/employment area. The development is therefore acceptable in principle subject to any identified impacts. Objections have been received which have been taken into consideration in the assessment of this application. It is considered that the proposal would be acceptable and would not result in detrimental harm to residential amenity subject to the conditions suggested. The proposal is also considered acceptable in terms of design, scale and siting, drainage and contamination, ecology, waste management, and highway safety, capacity and parking.

10.2 The proposal would be located within the rural settlement of Garstang and proposes an employment use within an existing employment area along Green Lane West. Due to its close proximity to the facilities of Garstang and its location immediately adjacent to the existing road network, it is considered that the proposal would represent sustainable development in terms of its links and easy access to the highway network and facilities.

10.3 With regard to the NPPF, in terms of the economic role, the proposed development would provide economic investment and employment in Garstang through the delivery of a number of units for industrial use. In terms of the social role the proposal would create a built environment with new modern buildings that would improve the current appearance of the site and remove existing buildings which are not considered to contribute well to the visual amenity of the area at present. For those employed at the site local services would be accessible in the immediate area. It is considered that the proposal would have a limited impact upon the environment but that any pollution would be mitigated through the imposing of conditions to control noise and odour. Overall it is therefore considered the proposal would represent sustainable development.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions

Recommendation: Permit

Conditions: -

1. The development 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 27th February 2017 including the following plans/documents:

- ML/JG/5622 (As proposed site plan) received by the Local Planning Authority on 29th March 2018,
- ML/JG/5621 (Elevations as proposed) received by the Local Planning Authority on 29th March 2018,
- Site Location Plan received by the Local Planning Authority on 24th February 2017.

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 using those materials specified on the approved plans and application form received by the Local Planning Authority on

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

4. Prior to use of any B2 unit hereby permitted for the purposes of food storage or food processing, an odour management plan (OMP) shall be submitted and agreed in writing by the LPA, and shall be implemented thereafter. The OMP shall include odour control measures for the delivery, storage and processing of food, and the disposal of food waste and associated material. The OMP shall be designed and implemented such that odour from food or food waste is not detectable outside the development boundary.

Reason: In order to minimise odour emanating from the operation and maintenance of the units, in the interests of protecting the amenity of nearby residents, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999 and the NPPF.

5. The rating levels for cumulative noise from the development shall not exceed the existing background level (LA90) at the nearest noise sensitive premises, as assessed in accordance with British Standard 4142: 2014 Methods for rating and assessing industrial and commercial sound. Alternative levels and monitoring locations may be used subject to the prior written agreement of the Local Planning Authority.

Reason: To avoid demonstrable harm to the amenities of the surrounding area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999.

6. The Maximum Instantaneous Noise Levels (LAFmax) from the development shall not exceed 60 dB (A) evening (19:00 - 23:00) and night-time (23:00 - 07:00) at the façade of the nearest noise sensitive premises. Alternative levels and monitoring locations may be used subject to the prior written agreement of the Local Planning Authority. The evening standard LAFmax will only apply where evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence (several times per hour).

Reason: To avoid demonstrable harm to the amenities of the surrounding area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999.

7. The operation of the development shall be restricted to the hours of 07.00 to 18.00, Monday to Friday, 07.00 to 13.00 on Saturdays. The development shall not operate at any time on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

8. There shall be no deliveries or collections of goods (including waste) to or from the development outside the hours of 07.00 to 18.00, Monday to Friday, 07.00 to 13.00 on Saturdays, and there shall be no deliveries at any time on Sundays, Bank Holidays and Public Holidays. This shall include that no delivery or collection vehicle shall enter the development site outside of these hours.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with the provisions of Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

9. No development shall commence (including any demolition works), until a site specific Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of best

practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:

- Procedures for maintaining good public relations, including complaint management, public consultation and liaison
- Arrangements for liaison with the Council's Environmental Protection Team
- The intended hours of work. It should be noted that the standard permitted hours of operation expected in relation to all works and ancillary operations (including deliveries to and removal of plant, equipment, machinery and waste), which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, are :
 - Between 08.00 hours and 18:00 hours, Monday to Friday
 - Between 08.00 hours and 13:00 hours on Saturdays
 - At no time on Sundays and Bank and Public Holidays
- Measures for controlling and monitoring:
 - Noise and vibration
 - Dust and air borne pollutants having regard to the location of nearby sensitive receptors and industry best practice
- Measures for controlling the use of site lighting whether required for safe working or security purposes
- Procedures for emergency deviation of any agreed element within the Plan
- The approved plan shall be strictly adhered to throughout the demolition/construction period, unless otherwise permitted by the Local Planning Authority in writing.

Reason: This information is required prior to commencement to ensure that the preparation and construction phases through to the completion of the development do not adversely affect the amenity of the area or local residents in accordance with the National Planning Policy Framework.

10. Prior to commencement of the development, an Artificial Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the lighting will be installed in accordance with the standards for 'Environmental Zone E3' as described within the Institute of Lighting Professionals' Guidance for the Reduction of Obtrusive Light, GN01:2011' in that the light intrusion into the windows of any nearby sensitive premises from the development shall not exceed 10 Lux before 23.00, and 2 lux after 23.00. All artificial lighting to the development, (including fixed flood lighting to buildings and vehicle parking areas), shall be designed such that it is not intrusive to nearby sensitive premises.

Reason: This information is required prior to commencement for the avoidance of doubt and to ensure that any external lighting installations do not cause harm to neighbouring residential amenity in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999.

11. There shall be no external storage to the units hereby approved.

Reason: In order to prevent the potential for harm to the visual amenity of the area in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

12. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with the policy principles of the NPPF.

13. Prior to the commencement of development, details of the foul and surface water drainage schemes (inclusive of how the schemes shall be maintained and managed after completion) shall be submitted to and approved in writing by the local planning authority.

The foul and surface water drainage schemes shall provide details of measures required to mitigate any risks to groundwater and public water supply from the development.

The development shall be completed, maintained and managed in accordance with the approved details.

Reason: This information is required prior to commencement to promote sustainable development, secure proper foul and surface water drainage and to manage the risk of flooding and pollution, in particular to groundwater and public water supply. The site lies within a Groundwater Source Protection Zone 2 for a nearby public water supply abstraction, and as such the site is considered to be particularly sensitive to the input of pollutants at the surface. This condition is imposed in accordance with Policies ENV16 and ENV17 of the Adopted Wyre Borough Plan 1999, the NPPF and NPPG.

14. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those 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 - see EA advice <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), 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 flood levels in AOD;
- b) The drainage scheme should demonstrate that surface water run-off must not exceed the existing pre-development runoff rate for the corresponding rainfall event and must not exceed 15.5 litres per second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required on or off-site to ensure the adequate discharge of surface water without causing flooding or pollution (which should include the refurbishment or removal of any existing watercourses, culverts, headwalls or unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing where applicable;
- f) Site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that surface water can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development and to ensure that water quality is not detrimentally impacted by the development proposal, in accordance with Policies ENV16 and ENV17 of the Adopted Wyre Borough Plan 1999, and the policy provisions of the NPPF.

15. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) arrangements concerning appropriate funding mechanisms for its 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 plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

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 Policies ENV16 and ENV17 of the Adopted Wyre Borough Plan 1999, and the policy provisions of the NPPF.

16. 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 potential for contamination must be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

17. No part of the development hereby approved shall be occupied or opened for trading until the pedestrian access tying into the existing footway on Green Lane West (and requiring the removal of existing fencing as shown on plan ML/JG/5622) has been constructed and is available for use.

Reason: To separate pedestrian and vehicle movements at the site access in the interests of highway safety.

18. The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan ML/JG/5622, before the use of the premises hereby permitted becomes operative.

Reason: To allow for the effective use of the parking areas and provide a safe pedestrian route through the car park.

19. Prior to the first occupation of each unit within the development hereby permitted, full details of the provision for and location of bin storage and details of waste collection for that unit, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: For the avoidance of doubt, to ensure that bin storage would not interfere with any public footway or cause harm to pedestrian safety, and to ensure that the units would be provided with sufficient provision for waste storage and collection, and that the proposal would fulfil the requirements of the National Planning Policy for Waste.

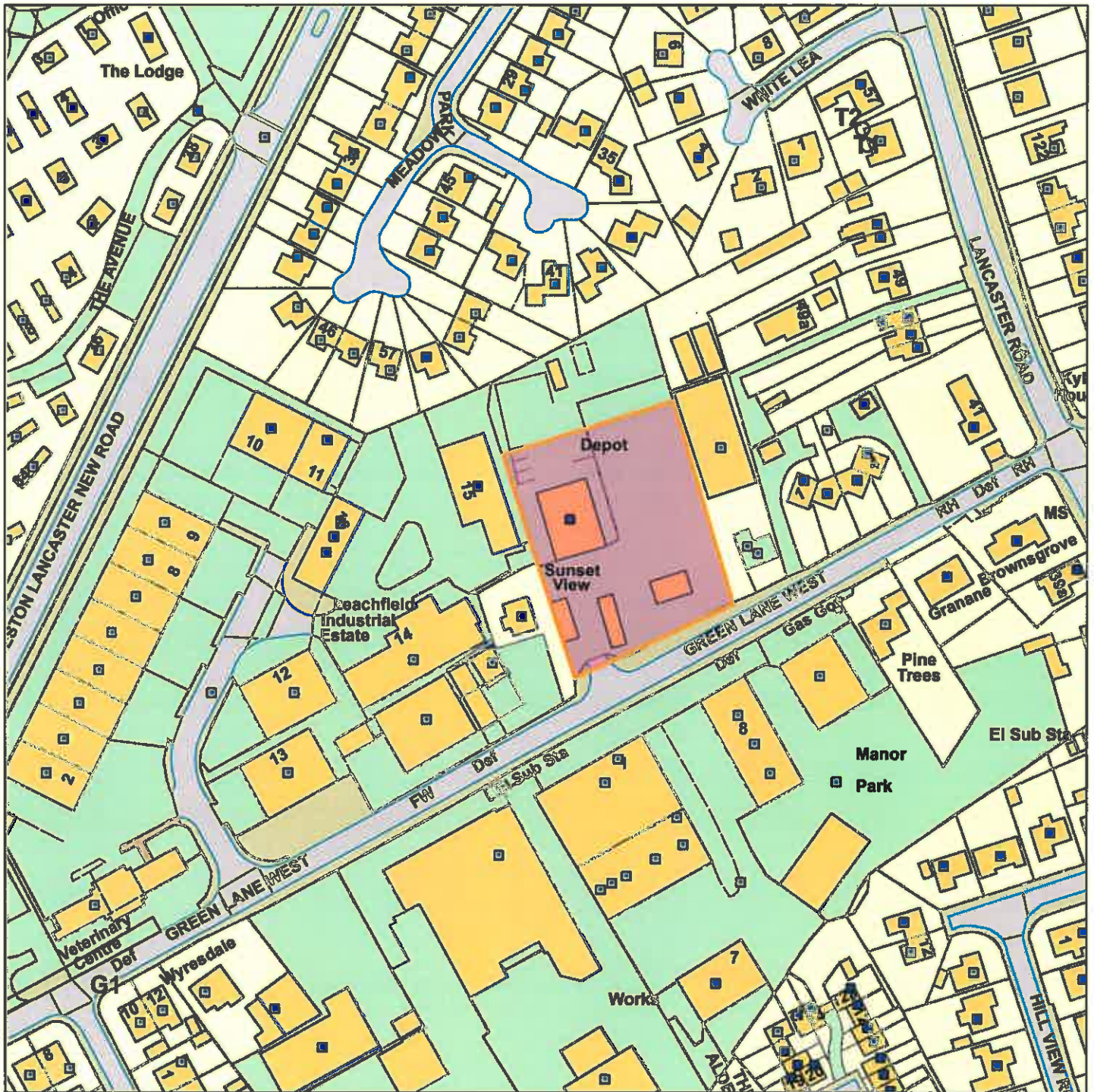
20. Prior to first use / first occupation of the development hereby approved, the noise mitigation measures set out in the supporting Noise Assessment by Martin Environmental Solutions Report No: 1446-3, and dated April 2018, and received by the Local Planning Authority on 16th April 2018, shall be implemented. The approved noise 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 SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

Notes: -

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council in the first instance to ascertain the details of such an agreement and the information to be provided.

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	18 April 2018
SLA Number	100018720

Committee Report**Date: 02.05.2018**

Item Number	02
Application Number	17/00210/FUL
Proposal	Erection of two industrial units (1no. unit for B2 use and 1no. unit for B1/B8 use).
Location	Former District Council Depot Green Lane West Garstang Lancashire
Applicant	Messrs Pugh
Correspondence Address	c/o M L Planning Ltd 5 Bobbin Mill Cottages Stubbins Lane Claughton On Brock Preston PR3 0PL
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Miss Lucy Embery****1.0 INTRODUCTION**

1.1 This application is before the Committee at the request of Councillor Lady Atkins.

1.2 The application was deferred at the March Planning Committee to enable re-consideration of the proposal by Environmental Health Officers.

1.3 The description of the proposal has been amended to 'Erection of two industrial units (1no. unit for B2 use and 1no Unit for B1/B8 use)' instead of both units being for B2 use. Re-consultation has also taken place following this amendment.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is a former County Council Depot on the north side of Green Lane West, Garstang. The site is located within the rural settlement of Garstang as identified on the Policies Map of the Adopted Wyre Borough Local Plan, and within an existing employment area as defined by the Policies Map of the draft Local Plan.

2.2 The site is immediately adjacent to existing buildings in employment use to the south, east and west. To the north are existing residential properties on Meadow Park. There are also existing residential properties further east on Green Lane West and Lancaster Road.

3.0 THE PROPOSAL

3.1 The application proposes the erection of 2no. industrial units, one large unit for Class B2 (General Industrial) use, and one smaller unit for B1/B8 use. The larger unit would be used to expand the applicant's existing piglet business based at Bowgreave House Farm. The unit would be used for the processing raw meat and would contain offices, staff facilities, fridge rooms, freezer room and a preparation room. This unit would measure 18m width by 15m depth, and 5.8m height to the roof ridge.

3.2 The smaller unit would be of mono-pitch design with a roof sloping downwards to the rear. This unit would contain open plan space for either office use or storage use and would measure 12.1m width, 7.5m depth, 3.6m to the eaves, and 6m in height to the highest point.

3.3 The buildings would be sited with the largest building to the west of the site, and the smaller building to the east. The front elevation of the largest building would face south, and the front elevation of the smaller building would face west. Access to the buildings would be from an existing access off Green Lane West and along an internal access road leading to a parking and turning area between the two proposed buildings.

3.4 Both of the units would be constructed of Juniper green box profile sheeting to the roof and walls. Doors would be roller shutter style and constructed of galvanised steel. No windows are proposed.

3.5 In addition to the plans illustrating the proposal the application is supported by:

- Design and Access Statement
- Drainage Statement

4.0 RELEVANT PLANNING HISTORY

4.1 Application site

- 91/00893 - Erection of an industrial unit. Approved August 1991.
- 85/00516 - Change of use to food processing. Withdrawn.
- 82/01603 - Advertisement hoarding. Approved.

4.2 Adjacent land

- 16/00437/FUL - Erection of one dwelling and formation of new vehicular access with dropped kerb. Approved December 2016.
- 12/00638/FUL - Two storey rear extension, garage conversion and new attached garage. Approved November 2012.

5.0 PLANNING POLICY

5.1 National Planning Policy Framework (NPPF)

5.1.1 The NPPF was published by the Department of Communities and Local Government on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision". Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.1.2 Twelve core principles are identified. These include supporting sustainable economic development to meet local need; securing high quality design and a good standard of amenity; recognising the different roles and characters of different areas; accounting for flood risk; conserving and enhancing the natural environment; encouraging the effective use of land and mixed use developments; actively managing patterns of growth to maximise use of sustainable transport modes; and delivering sufficient community and culture facilities and services to meet local needs. The most relevant sections of the NPPF to the determination of this application are considered to be:

- Section 1 - Delivering sustainable development
- Section 4 - Promoting sustainable transport
- Section 7 - Requiring good design

5.2 WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.2.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be given to relevant policies according to their degree of consistency with the NPPF.

- Policy SP5: Definition Of Main Rural Settlements
- Policy SP14: Standards of Design and Amenity

5.3 EMERGING WYRE LOCAL PLAN

5.3.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The minor amendments deal with clarification matters or errors raised at the public consultation and they do not alter the substance of the 'Publication' draft Wyre Local Plan. The 'Submission' stage is an advanced stage in the local plan process. It confirms the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. This stage is a further advancement in the local plan process. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document' As the draft Local Plan has now advanced to 'submission' the weight to be given in the planning balance has increased depending on the particular circumstances of the case.

5.3.2 The following policies contained within the draft Local Plan are of most relevance:

- Policy SP1: Development Strategy
- Policy SP2: Sustainable Development
- Policy CDMP3: Design
- Policy EP1: Employment Land Supply
- Policy EP2: Existing Employment Areas

5.4 BRE (BUILDING RESEARCH ESTABLISHMENT) STANDARDS

5.4.1 The Building Research Establishment is a former UK government national laboratory which covers all aspects of the built environment. Its standards are still used by Government bodies to determine the quality of the built environment. It specifically looks at energy efficiency, in the form of BREEAM standards, but also provides guidance on matters such as loss of light. The guidance (which is merely indicative) on overshadowing and loss of light has been used in the assessment of this application.

6.0 CONSULTATION RESPONSES

6.1 GARSTANG TOWN COUNCIL

6.1.1 No objections but it is requested conditions be attached requiring an odour management plan for the processing of raw meat, limiting delivery hours to between 7am - 6pm Monday to Friday, and the installation of planting or fencing on the boundary adjoining Meadow Park.

6.2 CABUS PARISH COUNCIL:

6.2.1 Concurs with the Garstang Town Council objections to the 17/00210/FUL application (response dated 18 December 2017) which appears to have been overlooked according to the paperwork provided for the Planning Committee 7 March 2018 planning application paperwork which only references the 25 April 2017 Garstang Town Council response, not the most recent response. In addition, whilst we support local business endeavours and welcome capital investment in Cabus, we are concerned about the potential hazards associated with the proposed meat processing plant activities: 1. Surface water disposal and potential pollution to drinking water - concerns raised as to the risk associated with the proposed meat processing business in this location 2. Noise/light pollution and disturbance resulting from use, including proposed hours of operation - we are concerned about the delivery times, especially in early mornings 3. Location - close to domestic dwellings and impact of resulting odours/noise/vermin 4. Inadequate landscaping or means of enclosure - the proposed site is not fully landscaped.

6.3 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

Original response:

6.3.1 No objections in principle subject to appropriate conditions and a revised plan to address the internal layout issues. The internal layout raises concerns that need to be addressed. The plans show vehicle turning for a car, however the design and access statement indicated that vehicles of 18T will make deliveries, therefore vehicle turning for an 8m vehicle need to be provided. In addressing this the car parking layout may require amending. The plan shows 9 car parking spaces although 7 would be acceptable. No pedestrian route is shown.

6.3.2 Whilst two applications have been submitted they share a common access. The development proposals (including application 17/00177/FUL) represent a significant increase in the size of the buildings, however given the previous use of the site LCC highways do not consider that traffic from the two development proposals would be significantly different. As such in terms of traffic generation the impact of these developments on the A6 corridor are considered to be no greater than that which would be generated by the existing highways depot. Therefore LCC raise no objections to the quantum of development proposed (individually or combined).

Response following the submission of amended plans;

6.3.3 The plans show a pedestrian route through the site which County Highways are satisfied can be delivered and as such a planning condition can be imposed to cover it. Turning within the curtilage is also shown and is acceptable. However, the major concern is how the pedestrian route connects to the existing footway on Green Lane West. The plan does not adequately show this. The existing access is kerbed and provides a carriageway width of approximately 6m where the gates are. County Highways is content with this width for vehicular access but not if pedestrians use it as well, therefore the access needs widening to accommodate pedestrians and a footway constructing adjacent to the access. This needs to be clearly shown on plans in order for it to be conditioned. If necessary a slight reposition of the access would be acceptable. Also the first 2 spaces into the site appear to go through where the existing site fencing is splayed again this is not acceptable and needs revising. The plans do not show that safe pedestrian access is available from the existing footway on Green Lane West adjacent to the site into the site. The revised plan now shows a footway across the access, which is not acceptable.

Response following further amendments;

6.3.4 The amended plans (ML/JG/5622) now address County Highways concerns and the previous objection is withdrawn. Conditions must be imposed on any permission granted to ensure the car parking is surfaced or paved in accordance with a scheme to be first agreed with the Local Planning Authority and the car parking spaces and manoeuvring areas marked out be before the use becomes operative, and to ensure the development is not occupied until the pedestrian access tying into Green Lane West has been constructed and made available for use. An informative is also suggested to ensure the applicant is aware that an appropriate legal agreement will be required with the County Council for any works within the highway.

6.4 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY):
No comments to make.

6.5 UNITED UTILITIES

6.5.1 No objections subject to conditions requiring separate systems of foul and surface water drainage, and full details of foul and surface water drainage prior to commencement of development. General drainage comments have been provided which would be passed on to the applicant in the form of an informative.

6.6 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE): Originally objected on the grounds of insufficient information. Following the submission of further information there are no objections to the proposal.

6.7 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE POLLUTION)

6.7.1 No objection subject to a condition restricting the hours of operation to 7.00am to 6.00pm Monday to Friday, with no operation at the weekends. The deliveries to the proposed pig meat processing unit are proposed as early as 5.30am and this is considered to be unacceptable in terms of the potential significant adverse effect on nearby residents due to noise and resultant sleep loss. A condition should be attached to limit hours of deliveries and collections to 7am to 6pm Monday to Friday, with none at weekends or on Bank/Public Holidays. A construction management plan, and an artificial lighting assessment should also be required by condition.

6.7.2 Further Environmental Health response following change of smaller unit from B2 to B1/B8, and submission of an additional noise assessment to cover the worst case scenario in terms of noise.

I have been consulted on this application for the erection of 2 industrial units, one for B2 usage and one for B1/8 usage in respect of matter pertaining to noise. I have made reference to both noise reports provided by Martin Environmental Solutions, dated May 2017 & April 2018 I have also made reference to comments made on the 22nd March 2017 and I have carried out a site visit. I have satisfied that the conditions stipulated by Environmental Health are able to be complied with. I have one further recommended condition that the use of machinery to process meat for future usages of the building will be not permitted.

6.8 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LAND CONTAMINATION)

6.8.1 Standard conditions should be attached to any permission granted requiring a desk study to be carried out prior to the commencement of development.

6.9 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ODOUR)

6.9.1 A condition should be attached to any permission granted requiring the submission and agreement of an odour management plan (OMP) prior to the first use of the development for the purposes of raw meat processing. The OMP shall include odour control measures for the delivery, storage and processing of raw meat, and the disposal of meat waste and associated material.

7.0 REPRESENTATIONS

7.1 Thirteen letters of objection have been received from ten respondents. The issues raised can be summarised as follows:

- Odour impact upon, and proximity to, neighbouring residential amenity.
- An odour management plan has not been produced.
- There is concern about noise pollution to residential properties due to delivery vehicles, particularly in the early morning.
- There is concern that artificial lighting would be required due to the operating hours proposed and that this would be disruptive to the residents of neighbouring properties.

- There is concern the proposal would result in loss of natural daylight, shadowing, and loss of privacy to the occupiers of neighbouring dwellings of 39 Meadow Park.
- The proximity of the proposal to adjacent dwellings and gardens (including 39 Meadow Park) would result in overbearing.
- There would be an impact upon the quiet enjoyment of the garden of 41 Meadow Park, and an impact upon the security of this property.
- The lack of landscaping would have a negative visual impact upon residential properties in Meadow Park. Boundary planting and fencing should be provided and retained.
- Lack of clarity on the storage and removal of waste from the site.
- Concerns that meat waste would attract vermin, pose a health risk to residents, and result in land contamination, and contamination of boreholes for drinking water and water extraction.
- Ecological concerns about nesting ducks in the local area
- The proposed use of the building would be different to the trade counter style units along Green Lane West.
- The proposed use would not be compatible with residential housing.
- This proposal together with a further 8 units (application ref: 17/00177/FULMAJ) would represent overdevelopment and be out of scale with the area.

Issues have been raised, such as impact upon the value and sale of properties, loss of view/outlook, and use of the site for alternative uses other than that proposed, which are not material planning considerations and therefore cannot be taken into account in the assessment of this application.

7.2 One letter of support has been received from a specialist collectors of Category 2 and 3 Animal by Products. The matters raised can be summarised as follows;

- The company have collected category 3 animal by products from Pugh's Piglets, Bowgreave Farm, Garstang for over 25 years, there is minimal waste and the products are always stored in sealed containers in a fridge.
- The company collects 150kg of products a week.
- The premises are clean with no smell.
- There was no noise associated with the premises as all processing was carried out in a refrigerated insulated room.
- The proposal would bring employment back to the area for butchers and delivery drivers.
- The Green Lane site has always been industrial and the local family firm should be able to continue with their business from this site.

7.3 One letter has been received which comments on the application but neither objects to, nor supports it. The points raised can be summarised as follows:

- The site should be secured by appropriate fencing or tree planting as the proposed buildings would be sited about 10m away from existing housing.
- Confirmation should be provided about the disposal of waste.

8.0 CONTACT WITH APPLICANT/AGENT

8.1 Dialogue has been maintained throughout the application process. Additional information, including amendments to the parking and turning layout, and provision of a pedestrian route through the site has been requested, and progress updates have been provided.

9.0 ISSUES/ASSESSMENT

9.1 The main planning issues are considered to be:

- Principle of development
- Visual Impact/ Design/ Impact on the Street Scene
- Amenity impact
- Accessibility, highway safety and parking
- Drainage

Principle of development

9.2 Policy SP5 of the Adopted Local Plan defines Garstang as a main rural settlement. The application site lies wholly within the settlement boundary as identified on the policies map of the Adopted Wyre Borough Local Plan. It is also located within an existing employment area as outlined within the policies map of the draft Local Plan. The application site is brownfield being formerly used for employment purposes. It is located within an established industrial estate and the proposal would be adjacent to existing employment uses, with the exception of residential properties to the north. Therefore the employment use of the site would be maintained and the principle of the development would be acceptable subject to the matters discussed below.

Design / Visual Impact/ Impact on the streetscene

9.3 The proposed buildings would be typical of modern utilitarian industrial buildings with a simple design and appearance. They would be sited adjacent to similar industrial units. It is considered that the appearance, design and materials would be in keeping with the character of existing industrial buildings along Green Lane West, some of which have been constructed of the proposed Juniper Green box profile sheeting, and would blend into the existing industrial built form. Both of the proposed buildings would contain facilities at ground floor level. The larger unit would be 5.8m in height but with a longer footprint, and the smaller building, 6m in height to its highest point due to the mono-pitch design. The scale and height of the buildings is considered to be commensurate to the existing neighbouring industrial buildings to the east and west, and also to the south, including those across Green Lane West. The proposed buildings would also be similar in height to the nearby residential properties on Meadow Park.

9.4 The proposed buildings would be sited set back away from Green Lane West and behind existing industrial buildings and a larger portion of land that has been used for employment purposes. This adjacent land is the subject of a separate application (ref: 17/00177/FULMAJ). Due to the existing buildings to the south between the proposal and Green Lane West the proposed development would not be up to the road or widely visible in the street scene. The existing buildings south of the site are proposed to be demolished and new buildings erected under application 17/00177/FULMAJ. Regardless of whether the existing buildings to the south are

demolished, it is considered that the two proposed units subject to this application would not appear unduly dominant in the street scene due to the distance of the units from Green Lane West.

9.5 In general it is considered that the scheme is acceptable in terms of design subject to the imposition of relevant conditions. No unacceptable visual impacts are anticipated and the appearance of the proposed buildings is considered to be acceptable in accordance with saved Policy SP14 of the Adopted Local Plan.

Impact on residential Amenity

9.6 The NPPF states that one of the core principles of the planning system is to seek a good standard of amenity for all existing and future occupants of land and buildings. Although the proposal is not for a residential development, SPG4 can be used as an aid to assessing the acceptability of the proposals and the impact upon existing residential properties. The guidelines of this document are set out in paragraph 5.4.1 of this report.

9.7 Objectors have raised concerns about loss of light, overbearing, overlooking (loss of privacy), noise and odour. These matters are considered in turn below;

Overbearing

9.8 The nearest residential properties to the application site are to the north of the application site on Meadow Park. The curtilage of properties 39, 41, 51 and 53 Meadow Park bound the application site (from east to west respectively). The rear elevation of 39 Meadow Park is 12.1m away from the northern elevation of the proposed smaller unit at its closest point, and 16m away at its furthest point. Therefore although the rear of this property would face towards the side of the proposed smaller unit the proposal would comply with the guidelines of SPG4 in that there would be a 12m separation distance between the existing dwelling and proposed building.

9.9 No. 41 Meadow Park is orientated to face north-south and its rear elevation would therefore face towards the proposed area of hardstanding between the two industrial units, and the north-east corner of the larger unit. Its rear elevation would be 15.8m away from the north boundary of the application site, and 20m from the rear elevation of the larger unit. The rear garden of 51 Meadow Park runs diagonally between this dwelling and its curtilage and the application site.

9.10 No. 51 and 53 Meadow Park are orientated to face south east to north-west. The rear elevation of No. 51 would face past the proposed larger building towards the proposed area of hardstanding between the two buildings. No. 53 would face towards the area of hardstanding but also the north-east corner of the larger unit at a distance of 23m.

9.11 As the proposed smaller unit would be sited with the side elevations nearest the rear elevations of neighbouring dwellings, and the distance between this building and these dwellings would be 12m or greater it is considered the proposal complies with the distancing guidelines of SPG4. Due to the orientation of numbers 41, 51 and 53 Meadow Park it is considered that the 21m guidance distance between rear elevations would not apply in this case as the rear elevations of the existing and proposed buildings would not directly face each other. It is also therefore considered that due to the proposed siting of the buildings and the orientation of existing

properties that the proposal would not result in unacceptable adverse impact to residential amenity by means of overbearing or dominance.

Overlooking

9.12 The proposal would not result in any harm by overlooking to existing residential properties as no windows are proposed within the elevations of the buildings. It is therefore also considered that the proposal would not result in loss of privacy to the occupiers of the existing dwellings.

Loss of light and overshadowing

9.13 BRE standards indicate that impact on skylight, daylight (natural light) and sunlight should be taken into account when assessing proposals for new development. The main factors that can affect the amount of overshadowing are the height, distance to the boundary, the size of plot, the orientations of existing and proposed buildings, and topography. Where land levels are the same between existing and proposed development which would directly face each other, a distance of 10m is required to prevent overshadowing.

9.14 In this case the proposed development would not directly face existing residential properties (i.e., front elevations). In respect of the physical dwelling houses themselves, the rear elevation of No. 39 Meadow Park would directly face the side elevation of the smaller proposed unit and at a similar land level to this proposed unit. The proposed buildings would be sited at a distance greater than 10m away from existing dwellings, including 39 Meadow Park, and the smaller unit would be 6m in height but on the east elevation, and therefore it is considered that the proposal would not cause loss of skylight, daylight or sunlight, and therefore would not result in detrimental overshadowing to existing dwellings.

9.15 In respect of the garden curtilages, as the proposed units would be 6m in height and sited to the south and close to the curtilage boundaries of neighbouring residential properties the proposal would result in loss of sunlight to the gardens of these residential properties. Therefore some overshadowing of neighbouring gardens would occur. Shadows can be determined at various times of the day (tracking the sun moving from the east in the morning, to the south at midday, and to the west morning to evening) and also in different seasons. Shadows will be shorter in the summer months when the sun is higher in the sky. This would be the case in particular to 39 Meadow Park as it is orientated with its rear elevation and garden area directly north of the proposed smaller unit. The smaller unit would be due south of this property and therefore shadowing of the garden would be most likely to occur at midday, particularly in the winter months when the sun would be lower in the sky. However due to the separation distance of 12.1m, and taking into account that the proposed building would be lower than 6m along the boundary with this neighbouring garden (the highest point of the building would face east), shadowing would not be significant or over a large proportion of this garden area.

9.16 The gardens of 51 and 53 Meadow Park would be affected to a lesser degree due to their orientations facing away from the proposed larger unit, and the distance to the proposed smaller unit. Their gardens are long and linear, especially the garden of No. 51. Neither of the gardens would be affected by overshadowing in the early morning due to their location in comparison to the proposed units. However, there would be some overshadowing to the garden area of No. 53, and its neighbour No. 55, in the later morning, particularly in the winter months when the sun is lower in the sky. However this would only affect the end (southern) portion of the garden area

of No. 53, and to a lesser extent for a very limited time of day as the sun tracks round. The garden of No. 53 does not currently benefit from late afternoon/evening sun due to existing buildings to the south west. Shadowing would occur to the very end section of the garden of No. 51 and to approximately a third of the garden of No. 53 north of the larger unit at midday, however this would still leave a large proportion of their gardens unaffected. There would be very limited overshadowing of the garden of No.41 as this garden area directly faces the hardstanding area between the two proposed buildings.

9.17 In conclusion, the existing properties would not be detrimentally affected by loss of light or overshadowing, however the proposal would impact through shadowing upon the amenity space of neighbouring properties, particularly No. 39. However, as the shadowing would be to garden areas rather than the properties themselves, and would be more likely to happen in winter, late autumn and early spring, it is considered that the impact would not be so significant to warrant refusal of the application.

Noise

9.18 The proposal would result in an increase in noise to surrounding premises above that of the current situation since the demolition of the former units on the site. However, the Head of Environmental Health (noise) originally raised no objection to the proposals subject to a number of conditions. The suggested conditions include limiting the hours of operation to 7am to 6pm Monday to Friday, with no operation at the weekends, limiting the hours of deliveries and collections to 7am to 6pm Monday to Friday, with none at weekends or on Bank/Public Holidays, and the submission of a construction management plan. Although the applicant's Design and Access Statement states that there would be deliveries at 5:30am, the applicant has advised that they would be agreeable to the condition requiring deliveries to begin at 7am. It is considered that subject to these conditions the proposal could be acceptably operated without causing unacceptable adverse harm to neighbouring amenity through noise, both during the construction phase and operation.

9.19 The applicant has now submitted a new noise assessment which considers the worst case scenario, and has also agreed to change the use of the smaller unit to B1/B8 (office and storage uses) rather than B2 following concern by Planning Officers and Environmental Health that the potential B2 use could result in unacceptable harm by noise to neighbouring residents in close proximity. As the smaller unit would be used as B1/B8 office/storage use rather than B2 light industrial use it is considered that the noise impacts from the development would be lessened. Class B1 includes offices and for any industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. The larger unit however is proposed as B2 (general industrial use) with a particular end user for meat processing which is proposed to operate without the use of machinery to process meat. This particular use can be controlled by condition. The Environmental Health Officer is content that the conditions suggested originally by Environmental Health but also recommends a further condition to ensure that no machinery is used to process meat by the proposed future occupier or any future occupiers using the building for meat processing. Subject to the suggested conditions it is considered that the proposal would not result in unacceptable adverse harm to neighbouring residential amenity through noise, and would comply with the above policies.

Odour

9.20 A number of objectors have raised concerns about the potential for impact upon their amenity from odours from the proposed use of the larger unit for meat processing. Environmental Health has raised no objections to the proposal provided that a condition is attached to any permission. The condition requires the submission and agreement of an odour management plan (OMP) detailing measures for delivery, storage and processing of raw meat, and the disposal of meat waste prior to the first use of the development for the purposes of raw meat processing. It is considered that this condition would meet the test of reasonableness and that subject to this condition the proposal would not cause detrimental harm to the amenity of occupiers.

Impact on Highway / Parking

9.21 The NPPF sets out that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. The application site has been used as a long established depot and the proposal would make use of the existing access off Green Lane West which would remain unaltered. Lancashire County Highways has raised no objection to the proposal in principle and has stated that although the site as existing has a lower amount of employment floorspace than that proposed, at times the level of traffic to the site was significant. County Highways has considered the development proposal together with that of the proposal for 8no. industrial units on the southern section of the site (17/00177/FUL) and considers that the traffic generation would be no greater than that generated by the depot on the site. Therefore it is considered that the development proposed (individually and combined) would not result in severe harm to the capacity of the highway network.

9.22 County Highways has raised no objections in principle to the proposal subject to amendments to improve the internal parking and turning layout, and pedestrian access provision. The applicant has submitted plans to amend the internal layout and County Highways is satisfied that a pedestrian route through the site can be delivered and a planning condition should be imposed to cover it. The proposed turning area within the curtilage is also considered to be acceptable. However, further amendments have been requested to the pedestrian route and how it connects to Green Lane West, as County Highways considered that although the access would be wide enough for vehicles (6m width) it would be too narrow to provide for both vehicles and pedestrians. Further amendments have been requested from the applicant to widen the access to Green Lane West and to remove the footway crossing the site entrance. Amended plans have been submitted and County Highways now considers that the amendments address their concerns and their objection is withdrawn. Therefore it is considered that the proposal would be acceptable in terms of highway safety.

9.23 In terms of parking provision County Highways considers that the proposed development provides a level of car parking that is commensurate with the total employment floor space that would be created by the development. Therefore the proposal is considered acceptable in terms of parking provision.

Flood Risk -

9.24 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing the risk of flooding elsewhere. The application site is within Flood Zone 1 on the Environment

Agency's flood risk mapping service and therefore has the lowest probability of flooding. It is considered that the proposal is acceptable in terms of flood risk and would not be at risk of fluvial flooding, nor would it exacerbate the flood risk to surrounding development.

Contamination

9.25 Paragraphs 120 and 121 of the NPPF and the NPPG state that Local Planning Authorities should ensure that proposed development is appropriate for its location and located on sites suitable to accommodate the new use, taking into consideration ground conditions and land stability, including any former uses of the land and that any required mitigation measures are secured. The Head of Environmental Health has no objections to the proposed development provided that a condition is attached to ensure a desk study is carried out and submitted to and agreed by the Local Planning Authority prior to the commencement of development. Subject to this condition it is considered the proposal would be acceptable in terms of ground contamination and would comply with the policy provisions of the NPPF and NPPG.

Ecology

9.26 No issues have been identified. The buildings on this site have previously been demolished. GMEU have raised no objections to application 17/00177/FULMAJ on the land immediately to the south as the site which was identified as having low ecological value.

Trees/ Landscaping

9.27 No issues in relation to existing trees have been identified. There are existing soft boundary features along the northern boundary of the application site which it is considered should be retained. However, the applicant now proposes to provide further landscaping along the northern and eastern boundaries of the application site. It is considered that this landscaping would improve the appearance of the site from both within the application site, and also provide a softer edge to the site when viewed from the gardens and rear of neighbouring residential properties. A condition is suggested to ensure that this soft landscaping is provided, and retained following completion of the proposed buildings should the application be approved. Subject to this condition it is considered the proposal would be acceptable in terms of impact upon trees and landscaping.

Other Issues - Waste Management

9.28 The National Planning Policy for Waste seeks to ensure that new development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities, for example by ensuring there is discrete provision for bins to facilitate a high quality, comprehensive and frequent collection service.

9.29 The applicant has confirmed that the waste created on site from the meat processing unit will be contained in a fridge inside the building. It would be collected from there and removed from site by a third party at suitable intervals. It is stated that there would be no smell associated with this procedure.

9.30 Notwithstanding the submitted information, it is suggested that to ensure adequate storage and collection of waste from the development, a condition should be attached to require details and measures for the storage and collection of waste for each unit to be submitted prior to first occupation. Subject to the proposed condition the proposal would fulfil the requirements of the provisions of the National Planning Policy for Waste.

10.0 CONCLUSION

10.1 Objections have been received which have been taken into consideration in the assessment of this application. It is considered that the proposal would be acceptable in principle, and would not result in detrimental harm to residential amenity subject to the conditions suggested, and in particular those relating to noise and odour. The proposal is also considered acceptable in terms of design, scale and siting, highway safety, capacity and parking, drainage and contamination, ecology, and waste management.

10.2 The proposal would be located within the rural settlement of Garstang and proposes an employment use within an existing employment area along Green Lane West. Due to its close proximity to the facilities of Garstang and its location immediately adjacent to the existing road network, it is considered that the proposal would represent sustainable development in terms of its links and easy access to the highway network and facilities.

10.3 With regard to the NPPF, in terms of the economic role, the proposed development would provide economic investment and employment in Garstang through the delivery of units for industrial use. In terms of the social role the proposal would create a built environment with new modern buildings that would improve the current appearance of the site, and for those employed at the site local services would be accessible in the immediate area. It is considered that the proposal would have a limited impact upon the environment but that any pollution would be mitigated through the imposing of conditions to control noise and odour. Overall it is therefore considered the proposal would represent sustainable development.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions

Recommendation: Permit

Conditions: -

1. The development 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 10th March 2017 including the following plans/documents:

- ML/JG/5622 (As proposed site plan) received by the Local Planning Authority on 13th February 2018,
- ML/RP/5630 Rev B (Elevations as proposed) received by the Local Planning Authority on 29th March 2018,
- Site Location Plan received by the Local Planning Authority on 13th March 2017.

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 using those materials specified on the application form received by the Local Planning Authority on 9th March 2017.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

4. Prior to first use of the development for the purposes of raw meat processing, an odour management plan (OMP) shall be submitted to and agreed in writing by the LPA and be implemented thereafter. The OMP shall include odour control measures for the delivery, storage and processing of raw meat, and the disposal of meat waste and associated material. The OMP shall be designed and implemented such that odour is not detectable outside the development boundary.

Reason: In order to minimise odour emanating from the operation and maintenance of the units, in the interests of protecting the amenity of nearby residents, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999 and the NPPF.

5. The rating levels for cumulative noise from the development shall not exceed the existing background level (LA90) at the nearest noise sensitive premises, as assessed in accordance with British Standard 4142: 2014 Methods for rating and assessing industrial and commercial sound. Alternative levels and monitoring locations may be used subject to the prior written agreement of the Local Planning Authority.

Reason: To avoid demonstrable harm to the amenities of the surrounding area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999.

6. The Maximum Instantaneous Noise Levels (LAFmax) from the development shall not exceed 60 dB (A) evening (19:00 - 23:00) and night-time (23:00 - 07:00) at the façade of the nearest noise sensitive premises. Alternative levels and monitoring locations may be used subject to the prior written agreement of the Local Planning Authority. The evening standard LAFmax will only apply where evening LAFmax

significantly exceeds the LAeq and the maximum levels reached are regular in occurrence (several times per hour).

Reason: To avoid demonstrable harm to the amenities of the surrounding area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999.

7. The operation of the development shall be restricted to the hours of 07.00 to 18.00, Monday to Friday, 07.00 to 13.00 on Saturdays. The development shall not operate at any time on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

8. There shall be no deliveries or collections of goods (including waste) to or from the development outside the hours of 07.00 to 18.00, Monday to Friday, 07.00 to 13.00 on Saturdays, and there shall be no deliveries at any time on Sundays, Bank Holidays and Public Holidays. This shall include that no delivery or collection vehicle shall enter the development site outside of these hours.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with the provisions of Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

9. No development shall commence (including any demolition works), until a site specific Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:

- Procedures for maintaining good public relations, including complaint management, public consultation and liaison
- Arrangements for liaison with the Council's Environmental Protection Team
- The intended hours of work. It should be noted that the standard permitted hours of operation expected in relation to all works and ancillary operations (including deliveries to and removal of plant, equipment, machinery and waste), which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, are :
 - Between 08.00 hours and 18:00 hours, Monday to Friday
 - Between 08.00 hours and 13:00 hours on Saturdays
 - At no time on Sundays and Bank and Public Holidays
- Measures for controlling and monitoring:
 - Noise and vibration
 - Dust and air borne pollutants having regard to the location of nearby sensitive receptors and industry best practice
- Measures for controlling the use of site lighting whether required for safe working or security purposes
- Procedures for emergency deviation of any agreed element within the Plan

The approved plan shall be strictly adhered to throughout the demolition/construction period, unless otherwise permitted by the Local Planning Authority in writing.

Reason: This information is required prior to commencement to ensure that the preparation and construction phases through to the completion of the development do not adversely affect the amenity of the area or local residents in accordance with the National Planning Policy Framework.

10. Prior to commencement of the development, an Artificial Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. Artificial lighting to the development, for example, fixed flood lighting to buildings and vehicle parking areas, shall be designed such that it is not intrusive to nearby sensitive premises. The assessment shall demonstrate that the lighting will be installed in accordance with the standards for 'Environmental Zone E3' as described within the Institute of Lighting Professionals' Guidance for the Reduction of Obtrusive Light, GN01:2011' in that the light intrusion into the windows of any nearby sensitive premises from the development shall not exceed 10 Lux before 23.00, and 2 lux after 23.00.

Reason: This information is required prior to commencement for the avoidance of doubt and to ensure that any external lighting installations do not cause harm to neighbouring residential amenity in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999.

11. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

12. Prior to the commencement of development, details of the foul and surface water drainage schemes (inclusive of how the schemes shall be maintained and managed after completion) shall be submitted to and approved in writing by the local planning authority. The foul and surface water drainage schemes shall provide details of measures required to mitigate any risks to groundwater and public water supply from the development.

The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. The site lies within a Groundwater Source Protection Zone 2 for a nearby public water supply abstraction, and as such the site is considered to be particularly sensitive to the input of pollutants at the surface.

13. 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 potential for contamination must be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

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

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

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

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development in the interests of the visual amenity of the area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

15. No part of the development hereby approved shall be occupied or opened for trading until the pedestrian access tying into the existing footway on Green Lane West (and requiring the removal of existing fencing as shown on plan ML/JG/5622) has been constructed and is available for use.

Reason: To separate pedestrian and vehicle movements at the site access in the interests of highway safety.

16. The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan ML/JG/5622, before the use of the premises hereby permitted becomes operative.

Reason: To allow for the effective use of the parking areas and provide a safe pedestrian route through the car park.

17. Prior to the first occupation of each unit within the development hereby permitted, full details of the provision for and location of bin storage and details of waste collection for that unit, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: For the avoidance of doubt, to ensure that bin storage would not interfere with any public footway or cause harm to pedestrian safety, and to ensure that the units would be provided with sufficient provision for waste storage and collection, and

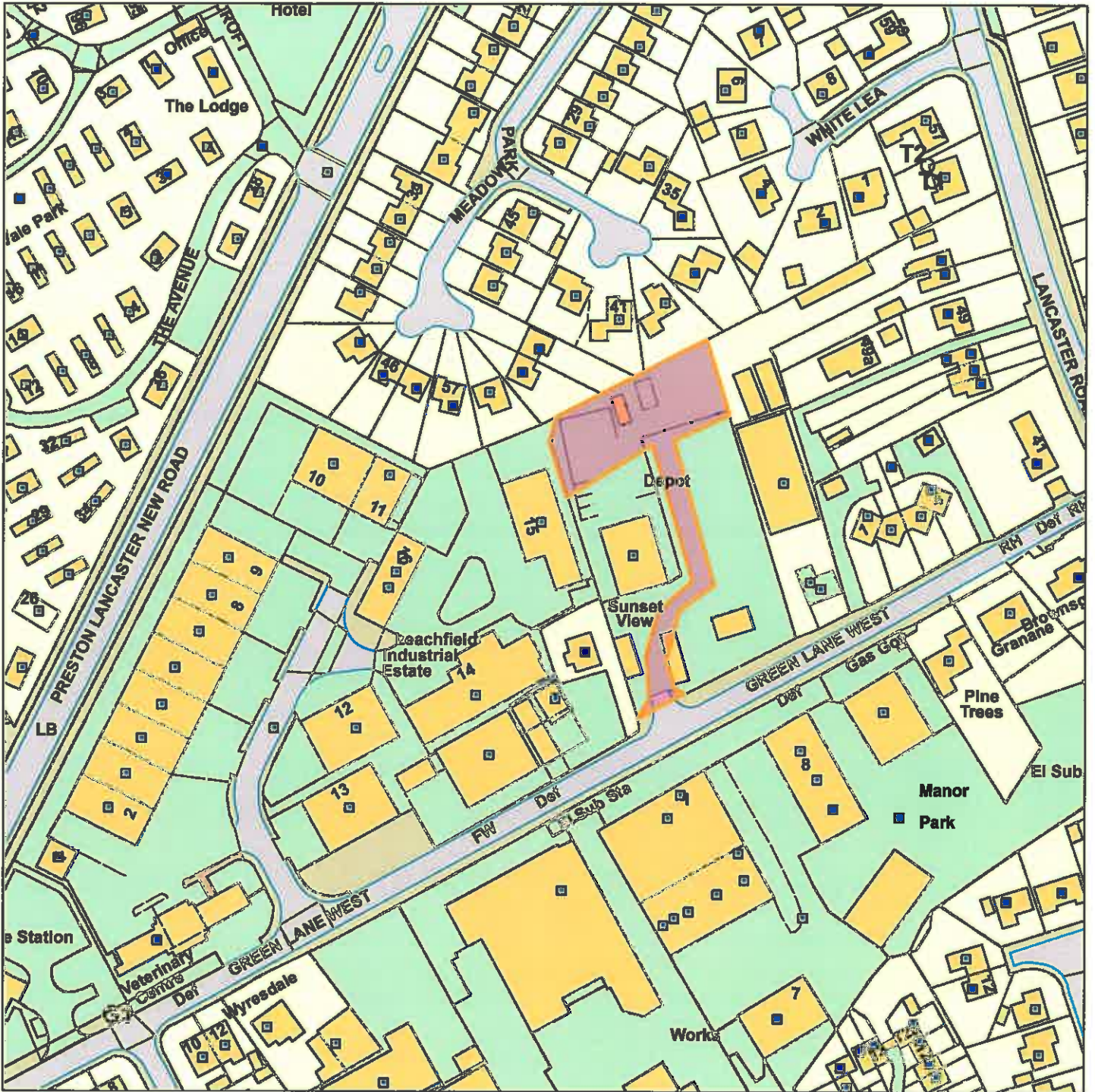
that the proposal would fulfil the requirements of the National Planning Policy for Waste.

18. There shall be no use of machinery to process meat in association with the use of the building hereby permitted.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with the provisions of Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

arm/rg/pla/cr/18/0205nc5 rep 2

Former District Council Depot, Green Lane West, Garstang



Scale : 1:1726

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 2
Date	18 April 2018
SLA Number	100018720

Committee Report**Date: 02.05.2018**

Item Number	03
Application Number	17/01176/FULMAJ
Proposal	Change of use of land to travelling showpeople accommodation site and erection of storage and amenity building
Location	Conway Lancaster Road Cabus Preston Lancashire PR3 1NL
Applicant	Mr Stanley Cubbins & Mr Jonathan Cubbins
Correspondence Address	c/o McAteer Associates Ltd Mrs Tony McAteer 4 St Johns Wood Lostock Bolton BL6 4FA
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Miss Lucy Embery****1.0 INTRODUCTION**

1.1 This application is before the Planning Committee for consideration at the request of Councillor Lady Atkins.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is identified as being within the countryside area on the Policies Map of the Adopted Wyre Local Plan 1999. The site is not within Green Belt. It is also identified as an allocated site for travelling showpeople (Site SA6) within the Emerging Local Plan.

2.2 The application site comprises 2.5 hectares of agricultural land to the north and west of an existing residential property known as Conway, Lancaster Road, Garstang. The agricultural land is currently divided into 3 paddocks; two smaller paddocks to the western part of the site nearest the A6, and a large paddock to the east.

2.3 To the east of the site is the A6 Garstang Road, a row of residential semi-detached properties, and a detached property known as Woodville. To the west, and immediately to the north and south of the site boundary are agricultural fields. The latter are not as extensive in size as the field to the west. Existing dwellings are to the north and south beyond the agricultural land.

3.0 THE PROPOSAL

3.1 The application proposes the change of use from agricultural land to a site for travelling showpeople accommodation, and the erection of a storage/maintenance building. The application originally also proposed a separate amenity building to

provide toilet and shower facilities, but now proposes these amenities to be within the proposed storage building. The proposal would also involve the creation of a new 10m wide vehicular access into the site from the A6 Lancaster Road, at the point directly opposite 1 and 2 Cabus Terrace.

3.2 The application proposes 21 caravan plots (including 3 transit pitches) along the southern part of the site (points 19-22 on the submitted plans). An internal loop road would run between and around these caravan plots. To the north of these caravan plots there would be a separate area for touring caravan storage (north-west corner, point 24) and an area for siting caravans, vehicles, fairground rides and equipment (shown as point 25 on the submitted plans).

3.3 Closer to the A6 within the existing front paddock of the site the proposed internal access road would meander through the site before leading to the proposed caravan plots and touring caravans further west. To the north of this access road a pond is proposed with an ecological habitat island within it. A children's play area is also proposed north of the access road.

3.4 Within the existing paddock immediately to the rear of the property of Conway an area for 3no. family owned caravans is proposed, as well as a 20m by 45m steel framed building for use for the repair/maintenance and storage of fairground rides.

3.5 Landscaping is proposed inside the existing hedgerow boundaries of the site in the form of further hedgerow planting, and a new hedgerow is also proposed along the boundary between the family owned caravans and the curtilage of Conway.

4.0 RELEVANT PLANNING HISTORY

4.1 There is no planning history on this site although the following planning permission relating to Conway and the land immediately to its rear is relevant: 03/01549/FUL - change of use of land for caravan storage (maximum of 30 caravans at any one time). Permitted 9th February 2004.

5.0 PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1.1 The NPPF sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision". Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.1.2 Twelve core principles are identified. These include supporting sustainable economic development to meet local need; securing high quality design and a good standard of amenity; recognising the different roles and characters of different areas; accounting for flood risk; conserving and enhancing the natural environment; encouraging the effective use of land and mixed use developments; actively managing patterns of growth to maximise use of sustainable transport modes; and delivering sufficient community and culture facilities and services to meet local

needs. The most relevant sections of the NPPF to the determination of this application are considered to be:

Section 1 - Delivering sustainable development

- Paragraph 14 sets out a presumption in favour of sustainable development and for decision-making this means 1) approving development proposals without delay; and 2) where the development plan is absent, silent, or relevant policies are out-of-date, granting planning permission unless:
 - Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, assessed against the NPPF as a whole; or
 - There are specific policies in the NPPF that indicate development should be restricted.

The NPPF supports the presumption in favour of sustainable development, and looks at the 'economic role', 'social role, and 'environmental role'.

- Section 4 - Promoting sustainable transport
- Section 7 - Requiring good design

5.1.3 The NPPF also states that for proposals for Travellers sites the NPPF should be read in conjunction with the Government's Planning Policy for Travellers sites.

5.2 DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT (DCLG) - PLANNING POLICY FOR TRAVELLERS SITES (PPTS) (amended 2017)

5.2.1 This document relates to both Travellers and travelling showpeople. Paragraph 3 of this document sets out that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. Local Planning Authorities should work collaboratively in respect of traveller sites to meet need through the identification of land for sites, and should promote more private traveller site provision but recognise that there will always be travellers who cannot provide their own sites. Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally.

5.2.2 This document sets out specific planning policies for traveller sites separate to the NPPF. These policies must be taken into account in the preparation of development plans and are a material consideration in planning decisions. The most relevant policies are:

- Policy A: Using evidence to plan positively and manage development
This policy sets out that Local Planning Authorities should use an evidence based approach, plan and cooperate early and effectively with travellers and their representative bodies and other local authorities, to establish the accommodation needs in the preparation of the local plan.
- Policy B: Planning for traveller sites. This policy states that local plans should be proposed with the objective of contributing to sustainable development, consistent with the NPPF. Local Planning Authorities should set pitch targets for gypsies and travellers which address the permanent and transit site accommodation needs of travellers and identify a supply of deliverable sites for up to 5 years, and

locations for growth for years 6-10, and where possible years 11-15. Local Authorities should protect local amenity and the environment.

- Policy C: Sites in rural areas and the countryside. This policy requires Local Planning Authorities when assessing the suitability of sites to ensure that the scale of sites does not dominate the nearest settled community.

- Policy F: Mixed planning use traveller sites. The policy requires Local Planning Authorities to consider, where possible, including traveller sites suitable for mixed residential and business uses, having regard to the safety and amenity of the occupants and neighbouring residents. Regard should be given to the need that travelling showpeople have for mixed-use yards to allow residential accommodation and space for storage of equipment.

- Policy H: Determining planning applications for traveller sites. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and the Planning Policy for Traveller Sites. This policy advises that Local Planning Authorities should consider the following issues when considering planning applications for traveller sites.

- a) the existing level of local provision and need for sites

- b) the availability (or lack) of alternative accommodation for the applicants

- c) other personal circumstances of the applicant

- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

- e) that they should determine applications for sites from any travellers and not just those with local connections and that, when considering applications, Local Planning Authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land

- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness

- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children

- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

If a Local Planning Authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

Policy I: Implementation

The implementation policies set out in the National Planning Policy Framework will apply also to plan-making and decision-taking for traveller sites.

5.2.3 Policies D, E and G of the PPTS are not relevant in this case as the site is not a rural exception site for affordable accommodation, is not in the Green Belt, and is not proposing the relocation of an existing authorised traveller's site.

5.2.4 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

- SP13: Development in the Countryside
- SP14: Standards of Design and Amenity
- H5: Permanent Residential Mobile Homes and Residential Caravan Parks
- TREC5: Static Caravans and Chalet Developments
- TREC6: Touring Caravans

5.3 EMERGING LOCAL PLAN

5.3.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The minor amendments deal with clarification matters or errors raised at the public consultation and they do not alter the substance of the 'Publication' draft Wyre Local Plan. The 'Submission' stage is an advanced stage in the local plan process. It confirms the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. This stage is a further advancement in the local plan process. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document' As the draft Local Plan has now advanced to 'submission' the weight to be given in the planning balance has increased depending on the particular circumstances of the case.

5.3.2 The following policies contained within the draft Local Plan are of most relevance:

- Policy SP1: Development Strategy
- Policy SP2: Sustainable Development
- Policy SA6: Travelling Showpeople Site
- Policy CDMP3: Design
- Policy CDMP6: Accessibility and Transport
- Policy HP8: Accommodation, for Gypsy, Travellers and Travelling Showpeople

5.3.3 OTHER RELEVANT DOCUMENTS

- Fylde Coast Authorities Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (2014)
- Blackpool, Fylde and Wyre Gypsy and Traveller Accommodation Assessment Update (Final Report) - (2016)

- Natural England Agricultural Land Classification map North West Region 2010

6.0 CONSULTATION RESPONSES

6.1 CABUS PARISH COUNCIL: Objects to the application for the following reasons:

- Road safety concerns
- For other road users - access to and from the proposed site is the A6 (50mph), round a blind bend for which sightlines are poor. There will be large (60-70ft) trailers stopping on the A6 to turn into the proposed site.
- Residents along the A6 already experience difficulties getting onto the A6, this would be exacerbated by the increase in traffic to and from the proposed development
- Site allocation and the intended purpose of the site will result in building on open countryside which is both out of keeping with the character of the landscape and will have a detrimental impact on the visual amenity
- The Area of Separation between the Settlements of Cabus and Garstang will be detrimentally impacted
- Lack of infrastructure to support the proposed site and concerns about flood risk (proposed site is regularly flooded)

It is further noted that the site had been allocated in the final version of the September 2017 draft Wyre Local Plan for which there had been no prior consultation as to its appropriateness and soundness.

The Parish Council has also provided a copy of their response to the September 2017 draft Wyre Local Plan consultation - with specific reference to the Travelling Showpeople Accommodation Site (SA6). The comments provided that are relevant to this proposal can be summarised as follows;

- Legal compliance has also not been sufficiently achieved with regard to the Allocation of Sites (SA6) - with specific reference to a lack opportunity being afforded for Public Consultation on the proposed Travelling Showpeople Site (SA6).
- The 2015 Local Plan Issues and Options Consultation fails with regard to evidence base for co-operation over the SA6 site allocation potential to be met by neighbouring authorities.
- Site allocation SA6 (Travelling Showpeople site) is not an appropriate location for the proposed site.
- The soundness in question is not the lack of evidence for the 'need' for such a site within Wyre - it is the specific location which has not been tested and which fails with regard to soundness.
- The proposed site is on open countryside and there is a lack of infrastructure to support access to and from the proposed site via the A6.

6.2 WINMARLEIGH PARISH COUNCIL: Concurs with the comments of Cabus Parish Council and objects to the application on the basis that the proposal does not fit the site, is not appropriate for the area and impacts visual amenity. In addition, there are issues with access and the impediment of traffic flow.

6.3 GARSTANG TOWN COUNCIL: The Town Council acknowledge that the application is not in the ward of Garstang Town, however the Town Council are

concerned about the visual impact of the proposal from the A6. There needs to be appropriate screening/landscaping to mitigate the visual impact of the site.

6.4 LANCASHIRE COUNTY COUNCIL (HIGHWAYS): Comments as follows;

6.4.1 The site was visited on the 21st February 2018 at 12:30. LCC Highways does not have any objections regarding the proposed change of use of land to a travelling showpeople accommodation site and erection of storage building and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. LCC Highways understands that the applicants current site on Kepple Lane has outline planning permission for 75 dwellings (application 14/00053) and the reserved matters application 17/00305 is still to be determined.

6.4.2 As part of planning application 14/00053 the applicant submitted a transport assessment for the 75 dwellings and did not remove the traffic generation from the existing use of the site, as such the relocation of the existing travelling showpeople accommodation site from Kepple Lane to this site will not have an impact on the existing capacity issues along the A6 corridor.

6.4.3 The site will be accessed via a new access on to Lancaster New Road. Lancaster New Road is classified as A6 and is categorised as a Main Distributor road with a speed limit of 50 mph fronting the site access. LCC Highways are of the opinion that the proposed geometry of the site access is to prescribed design standards for this size of development for all highway users. From observations on site the available sight lines over the existing adopted highway exceeds the recommendations in Manual for Streets 2. The new site access will need to be constructed under a section 278 agreement of the 1980 Highways Act.

6.4.4 LCC Highways are of the opinion that the proposed development should not have a severe impact on highway safety or increase capacity issues along the A6 corridor and a safe and suitable access to the site would be provided for all users of the site.

6.4.5 Based on the car parking recommendations in the Joint Lancashire Structure Plan and the Wyre Draft Local Plan, September 2017, Appendix B, page 177; LCC Highways is of the opinion that the applicant has provided adequate off road parking provision for this type and size of development.

6.4.6 LCC Highways recommends the following conditions as part of the formal planning decision;

- No commencement of development until a scheme has been submitted and agreed, for works within the adopted highway.
- Construction and completion of works within the adopted highway before occupancy.
- Car parking and manoeuvring areas to be marked out before the use becomes operative.
- Construction of new estate road to base course level before any development takes place within the site.
- Submission of a traffic management plan prior to commencement which should include;
- The parking of vehicles of site operatives and visitors;

- Loading and unloading of plant and materials used in the construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Routes to be used by vehicles carrying plant and materials to and from the site;
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

6.5 UNITED UTILITIES

6.5.1 No objections subject to conditions requiring separate systems of foul and surface water drainage, and submission of a surface water drainage scheme prior to the commencement of development. It is also advised that there is an easement which is affected by the proposed development and is 15 feet in width which has restricted covenants that must be adhered to. Under no circumstances should anything be stored, planted or erected on the easement width. This information can be attached as an informative to any permission granted.

6.6 ENVIRONMENT AGENCY

6.6.1 No objection in principle to the proposed development but has comments to make on groundwater that the application site is located in Source Protection Zone 3 and is underlain by Principal Aquifer. The submitted details have been reviewed and the Environment Agency has no concerns in regard to groundwater. Comments have also been made in relation to pollution prevention which surmise that all service water from parking and servicing areas must pass through an oil interceptor before discharging into any watercourse, surface water sewer or soakaway system. This information can be attached as an informative to any permission granted.

6.7 LANCASHIRE COUNTY COUNCIL (FLOOD AUTHORITY): No response received.

6.8 GREATER MANCHESTER ECOLOGY UNIT (GMEU): No response received.

6.9 WBC PARKS AND OPEN SPACES MANAGER

6.9.1 The new species chosen for hedge planting and shrub beds appear satisfactory. Noted comments from the Tree and Woodland Officer regarding replacement tree planting. It is only shown as indicative by the tree symbols on the latest plan. Tree species and size should be required and included in a landscaping condition.

6.10 WBC PARKS AND OPEN SPACES MANAGER (TREES)

6.10.1 Mature Ash tree, Ivy clad from base, ivy extending to cover approx. 70% of stem and crown. The crown tips appear to be displaying rapid bud division. The footpath at approx. 5m north of the tree base is cracked and suggestive that a large root is radiating towards and beyond this point from the tree base. The level falls

away gradually to the west from the ground level at the tree base. A number of mature trees are present along this stretch of the A6 within hedgerow boundaries.

6.10.2 Looking at the proposed redevelopment of the site the construction of access and necessary splays would encroach significantly into what should be the root protection area of the mature ash tree. Cellular confinement to build a load bearing surface so as to not disturb the anchorage roots beneath would not be feasible due to the laying surface not being flat. An initial evaluation of the suitability of the ash tree for TPO has been carried out and unfortunately it just falls short.

6.10.3 Mitigation such as 2no new fastigiated form oak trees (heavy standard) in sequence running along the hedge line towards the present Conway access point could be provided.

6.11 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LAND CONTAMINATION)

6.11.1 No objections subject to conditions requiring a desk study to be carried out prior to the commencement of development.

6.12 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE)

6.12.1 First response:

From the information provided by the applicant it is noted that part of the development site would have a steel framed building for repair/storage of fairground ride, and an amenities building. With such commercial/industrial activities there is a potential for an adverse impact due to noise to both the existing and proposed sensitive premises. Therefore, prior to granting of planning permission a thorough noise impact assessment should be provided by the applicant. The assessment shall be carried out by a person suitably qualified in acoustics and shall have regard to all of the potential noise issues associated with the proposal. The noise impact assessment shall be carried out in accordance with the main procedural requirements of British Standard 4142:2014 Methods for rating and assessing industrial and commercial sound. An assessment of the background (LA90, T) and residual (LAeq, T) noise shall be required to quantify the nature and levels of background noise at the nearest noise sensitive premises. In addition, the assessment shall include the highest evening and night-time LAFmax of the proposed noise sources at the nearest noise-sensitive premises.

6.12.2 Follow-up response following submission of noise assessment:
Comment on the above noted application in terms of "Environmental Health Amenity", specifically "noise" and the recent Noise Impact assessment undertaken by Red Acoustics on behalf of the applicant.

The above report concludes that the predicted noise levels at the nearest noise sensitive properties associated with the use of hand held power tools within the storage and repair building are below background noise levels measured on site and therefore are of low impact. However the report does not provide a table of the actual noise levels or any detail as to how the specific noise levels (predicted) shown in tables 5.2 and 5.3 were arrived at. As a consequence I am unable to complete my review of this element of the report until the additional information including the actual noise levels and the calculations used to determine the specific noise levels (predicted) are provided.

The report also provides a building predicted SRI (dB) which is based on an assumed structure. Therefore once the design of the building has been completed and the structure known, a check must be undertaken with Red Acoustic to ensure that the figures provided for the Building predicted SRI (dB) are correct for the actual building design.

The report has not covered the impact of the A6 on the nearest static caravans located on the site, or the possible use of generators outside which was requested to be included in the report.

The report does however state that all repairs will be undertaken within the building, and that no work will be undertaken during the evening.

6.12.3 Should the application be approved it is recommended the following conditions are applied;

- Works for the service, maintenance, repair and testing of vehicles, fairground rides and equipment shall not take place outside the times between 0800 hours and 1800 hours on Mondays to Fridays inclusive.
- No movements of HGVs into or out of the site shall take place at times between 2200 hours and 0700 hours on any day.
- The doors to the workshop should remain closed whilst repairs are being undertaken.

6.13 WBC's HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.13.1 No objection. The Environment Agency defines the site as being in Flood Zone 1 (Low Risk) as set out in the National Planning Policy Guidance. The site is assessed as having less than a 1 in 1,000 annual probability of river or sea flooding (<0.1%). These flood zones refer to the probability of river and sea flooding, ignoring the presence of defences.

7.0 REPRESENTATIONS

7.1 Nine letters of objection have been received from seven different objectors and raise the following concerns:

- Highway matters
 - It would be dangerous for travellers to reside in this location due to the sheer volume of traffic already on the A6, and as there would be large heavy good vehicles which would require large turning space and could impose a danger turning on and off the A6.
 - There are concerns about the access as it is close to a bend and to a busy junction to Gubberford Lane.
 - Heavy traffic leaving the site during the day and night would increase problems with noise.
 - There may be a risk to children residing near the busy road as there have already been countless accidents.
 - There is no traffic study with proposals to improve highway safety and provide street lighting.
- National and local policy

- The proposal would be on green belt and therefore is not in accordance with existing planning policies, including Item 4 of the DCLG Planning Policy for Travellers Sites 2012.
 - The proposal would be contrary to Policy SP13 as it is in the open countryside and not agricultural in nature.
 - The proposal would not meet any of the 3 dimensions of sustainable development (economic, social and environmental) in the NPPF. The environmental role would be detrimental.
 - The draft local plan whilst making provisions for such a scheme has yet to be tested at enquiry. This application proceeds this and is therefore presumptuous.
- Landscape and character of the area
- The development would be visually intrusive and out of keeping with the area. It is in the middle of green fields and will be visible from the A6 in both directions, Snapewood Lane and Cockerham Road.
 - The visual effect of the site will be increased when a large area of hedge is removed to introduce a new site entrance.
 - The commercial element would be unacceptable and the rides that would be sited are very high and difficult to screen. This proposal in the open countryside does not demonstrate an acceptable detailed screening scheme.
 - The proposal would dominate the local area contrary to DCLG Planning Policy for Travellers Sites (Policy C referenced in full above).
 - The boundary hedge E to F (south east boundary) on the plans is not in the applicant's ownership, and the area E would be partly reinforced with native species but would not shield the visual impact.
- Flood risk/drainage and ecology
- There are concerns of flood risk to neighbouring agricultural land from the increase in hard surfacing on the site as the site already floods to the rear.
 - The wastewater generated by the development would overload an already struggling watercourse and make existing farm land even wetter.
 - Conway is situated on an aquifer and it is queried how the seepage of oil and diesel from storing and repairing rides and vehicles would be prevented from entering the underground water supply.
 - The application proposes a pond with an ecological island but there is no study submitted.
- Need and size of development
- There is no need for a site for travellers.
 - The proposal would provide for considerably more than 20 units.
- Other matters
- Issues have been raised, such as recent planning refusals for housing developments in the area, and speculative future business uses of the site, future planning applications, and speculative enforcement concerns, which are not material planning considerations and therefore cannot be taken into account in the assessment of this application.

7.2 A letter of objection has also been received from Ben Wallace MP and raises the following concerns:

- As highlighted by Cabus and Winmarleigh Parish Councils the site is in open countryside and the scale of the proposal would be out of keeping with the character of the local area.
- The storage of equipment and fairground rides will have a detrimental impact on the visual amenity of the site.
- The site forms part of the area of separation between the settlements of Cabus and Garstang and is important to the local community as it protects the individual identity of each settlement.
- The nature of fairground vehicles using the site would have an impact on the A6 and may impede traffic flow given the turning space required to exit or enter the site.
- Local residents have raised concern that the site entrance may not provide sufficient visibility.
- Consideration should be given to the speed of traffic using the A6.
- The Council refused application 16/00442/OUT which sought outline permission for 3 residential dwelling at Nicky Nook on the basis that it would lead to an extension and consolidation of sporadic development and result in injury to visual amenity and the character and appearance of the area and open countryside. These concerns apply to this application which is for a much larger development.
- The application states that the development would meet an identified need, but the applicant does not have a genuine need.
- The applicant secured planning permission for a travelling showpeople site on Kepple Lane in Garstang but has chosen to dispose of it by obtaining planning permission for housing development. Given these circumstances the Local Planning Authority would not have a duty to provide a further site.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Further information has been requested from the applicant in the form of a noise assessment, and details of the landscaping, land levels, and the amenity building. This information has been provided by the applicant and is considered to be acceptable.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Evidence of need for accommodation
- Loss of agricultural land
- Visual Impact / Design / Impact on the street scene (Including landscaping)
- Impact on residential amenity - Occupiers and Neighbouring
- Impact on Highway / Parking / Sustainability
- Flood Risk
- Drainage
- Trees
- Sustainable development

Principle of development:

9.2 The application site is identified as being within the countryside and outside of the settlement of Garstang. Policy SP13 of the adopted Local Plan seeks to restrict development within the countryside in order to protect its intrinsic open and rural character and states that development will not be permitted except for the essential

requirements of agriculture, forestry, suitable forms of tourism and related activities, or other uses appropriate to the area. The development proposed would in effect represent an incursion into the countryside area and would be contrary to the general aims of this policy.

9.3 However the proposed development could meet the exception criteria outlined in Policy SP13. The supporting text to the Policy states, 'in many cases the use proposed will be considered appropriate to the rural area if it provides for a particular rural need or addresses a recognised social, economic or environmental need'. Should there be a recognised social need for the development it could be considered appropriate to the rural area. The issue of need is considered later in this report.

9.4 The principle of the use of this site for use as a Travelling Showpeople Site is supported by the policies contained within the Emerging Local Plan and the site is put forward as allocated for this particular use. Additionally Policy HP8 of the Emerging Local Plan states that provision will be made for the development of 20 additional plots for Travelling Showpeople over the development plan period to 2031. However, although the document has been submitted and is a material planning consideration, it can only be given limited weight and acknowledged in the assessment of this application. It has however been prepared in accordance with Policy A and B of the Planning Policy for Travellers Sites.

9.5 There is a tension between the directional policies for development in the Adopted Local Plan and the policies of the Emerging Local Plan in this case. Notwithstanding this, given that the Emerging Local Plan has not yet been adopted, the decision falls to be determined against the 1999 local plan and presumption in favour of sustainable development in the NPPF. Regard should also be had to national guidance in the form of Planning Policy for Traveller Sites (PPTS) and the existence of a need for showpersons provision as evidenced by the 2016 Fylde Coast Gypsy and Traveller Accommodation Assessment. These matters are considered below in this report.

Evidence of need for accommodation

9.6 The National planning policy for Traveller Sites states Local Planning Authorities should identify a five year supply of Traveller Sites, locations for growth for 6-10 years, and where possible 11-15 years. Evidence of need and supply of Traveller Sites in Wyre Borough is set out in the Blackpool, Fylde and Wyre Gypsy and Traveller Accommodation Assessment Update (GTAA) 2016. This assessment identifies the need for sites for Gypsies and Travellers Sites, and Travelling Showpeople Sites, in each borough. The assessment identified a need for 19 plots for Travelling Showpeople across the Wyre borough over the 15 year GTAA period to 2031. This has since been increased to a need for 20 plots at the time of the publication of the Draft Emerging Wyre Local Plan. The need specified is a minimum need over the plan period.

9.7 No need is identified in Wyre for any other type of Traveller accommodation. The GTAA also identified that there is no transit provision in Wyre and that from discussions with the travelling showpeople at Garstang it is suggested there is a need for transit provision for Showpeople within the area, ideally close to main routes such as the A6. Therefore in summary there is only a need in Wyre for plots for Travelling Showpeople, and in a location close to a main commuter route.

9.8 There is an existing travelling showpeople site in the Wyre Borough at Utopia, Kepple Lane. However, this site is not in lawful use as the temporary permission has now lapsed and the site is therefore susceptible to enforcement action. As the Kepple Lane site was only ever granted temporary permission, and is now susceptible to enforcement action, it is not considered that it can be included in the consideration of the Council's 5 year supply of deliverable sites. The Kepple Lane site is in the same ownership as the application site, and the applicant asserts that it is their intention to close the unlawful Kepple Lane site and utilise the application site as an authorised site for traveling showpeople. It is considered that it is likely the Kepple Lane site would be vacated as it has permission for housing, and the site would have to be first vacated by its current occupants in order to enable the approved housing development to be implemented.

9.9 Therefore the Council does not currently have a 5 year supply of deliverable sites for travelling Showpeople (although it is expected to following adoption of the Emerging Local Plan and allocation of the application site). It is therefore a material planning consideration that the Council does not currently have a 5 year supply of deliverable sites. The development of this site would meet a need identified in the GTAA to 2031, and would take up the identified need for Wyre over the 15 year period. There are no other authorised sites in the borough that would provide for this identified need to 2031. It is considered that proposed development would therefore meet a recognised social need.

9.10 Under Policy F of the PPTS Local Planning Authorities are required to consider sites suitable for mixed use. The proposal seeks permission not just for caravan pitches, but as a mixed use site with space for storage and maintenance of equipment. It is considered the mixed use of the site would be acceptable in principle and that the proposal would therefore be in accordance with the requirements of Policy F of the PPTS.

Loss of Agricultural Land

9.11 Paragraph 112 of the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. The application site is Grade 3 agricultural land which is only of moderate quality and therefore the proposal would not lead to the loss of high value agricultural land. The proposal would not conflict with Paragraph 112 of the NPPF.

Visual Impact / Design / Impact on the street scene / Integration with the area -

9.12 As stated above the Council does not currently have a 5 year supply of deliverable traveller sites and there are no brownfield sites available or already authorised for the proposed type of development. Policy C of the PPTS requires Local Planning Authorities when assessing the suitability of sites to ensure that the scale of sites in the countryside do not dominate the nearest settled community. It is considered that the proposed site, although 2.5 hectares in size, would not dominate the scale of the settlement of Garstang which is much greater in size than the application site and proposal.

9.13 In terms of impact on the countryside and character of the area, the proposal would result in the front section of the site containing the access road, but otherwise landscaped with a pond and children's play area set back from the highway. The proposed buildings and plots for residential use would be even further from the highway (105m away) and the proposed family owned caravan and 20m by 45m steel framed building would be sited behind the existing outbuildings associated with

Conway and 50m from the highway. Therefore this steel building would be difficult to view from the highway, and would be read in association with existing built development from wider surroundings. The application originally proposed a separate amenity building along the northern boundary. The application now proposes these amenities to be contained within the storage building and therefore from this point of view, it is considered that the removal of one of the buildings on the site would reduce the impact of the proposal to a limited degree.

9.14 Objectors have raised concerns that the development of the site would not be out of keeping with the area and be visually intrusive in the countryside. The objections received cite a nearby planning application for residential development at Nicky Nook View (reference 16/00442/OUT) which was refused by the Local Planning Authority but allowed at appeal. The proposal at Nicky Nook View, and this application, are for very different types of development, but both in the countryside area. In his consideration of the planning appeal at 16/00442/OUT at Nicky Nook View which is 200m north of the application site, the Inspector concluded that the character and appearance of the area would not be significantly diminished by the loss of the visual gap currently provided by the appeal site.

9.15 In similarity to that appeal site, the proposal would extend into an existing field along the route of the A6. The proposal would be larger in scale than that appeal site, but would also be at a lower land level than the A6, and the majority of the hedge fronting the site would be retained in similarity to the appeal site. Existing views of the site from the A6 are limited particularly from the eastern side of the A6 due to the existing hedgerows and land levels. Therefore it is considered that from the A6 the proposal would not result in a significant impact upon visual amenity. Therefore although the site, and the pitches and buildings within it, would be visible at a distance from the A6, and the change of use of the site would have an impact upon the area in comparison to the existing use, it would not appear dominant from the A6.

9.16 The proposal would not result in the loss of the visual gap along the western side of the A6. It would however, reduce the gap by 50m, but not to a significant extent A6 as a 100m gap would still be retained between the northern site boundary and the nearest buildings. Therefore it is considered that although the development would change the character of the site, the impact upon the streetscene when viewed along the A6 would not be so significant or detrimental to the area.

9.17 The application site is greenfield and the proposed development would undoubtedly have an effect on the open rural character of the land through the development of existing agricultural fields. The proposed development would extend away from the A6 into existing fields and beyond the footprint of the existing dwelling at outbuildings of the adjacent dwelling, Conway. The fields are currently bound by existing thinned hedgerows, however there is a stronger more substantial hedgerow forming the western boundary. Although the site would extend westwards away from the A6 it would still be contained within the existing field boundaries, and would not break out into wider agricultural land. It would be visible from a distance from Park Lane, Cockerham Road, and Snapewood Lane where the existing caravan site is visible in return and at a distance from the A6.

9.18 Following a request for further information the applicant has provided amended plans showing that additional hedge planting and a grassed landscaped strip would be provided inside the boundaries of the existing hedges. It is proposed to plant a double staggered row of hawthorn (height 60-90cms) to complement the existing hedgerow. The applicant has stated that whilst this will not screen the

proposals, it will help to break up views and be in keeping with the character of the area. It is considered that the amount and location of landscaping proposed would be adequate in this case. Policy H of the DCLG's Planning Policy for Travellers Sites requires sites to be landscaped in such a way as to positively enhance the environment and increase its openness, and aims to promote opportunities for healthy lifestyles. The Policy also aims to prevent travellers sites from being deliberately isolated from the rest of the community, and therefore the sites should not be screened in their entirety or by hard or high boundary features from surrounding and neighbouring development. The proposed landscaping would not screen the development from the wider surrounding area. However it would enhance the soft landscaping boundaries of the site by providing additional planting, of the same or similar species to existing hedgerows, within the site boundaries. It is considered that the proposed soft landscaping would help to soften the site boundaries and reduce the impact of the proposal when viewed from a distance in the wider landscape and surrounds. The proposed landscaping would be in keeping with the existing site boundaries, hedgerow boundaries to the main road, and nearby residential properties, and field boundaries in the wider area. It is considered that the introduction of hard edges and landscaping, such as high walls and fencing would be inappropriate to the site surroundings and character of the area, and would fail to meet the aims of Policy H of the PPTS. Subject to a condition requiring the submission and agreement of full details of a soft landscaping scheme including the type and species of planting, it is considered that the proposal would be acceptable in terms of landscaping.

9.19 In conclusion the proposed landscaping would help the development to assimilate into the surroundings to some degree and be in keeping with existing soft landscaping and boundaries in the immediate surrounding area. The proposal would result in limited visual impact from the A6, but would overall have a negative impact upon the environment, by changing the appearance of an existing agricultural field into a developed site. Therefore as the development would result in negative environmental impact, it must be considered whether the harm to the environment would be outweighed by other factors.

Impact on residential Amenity

9.20 The nearest residential property to the proposal is Conway which is in the applicant's ownership, albeit outside the application site. The dwelling is immediately adjacent to the site at the point of the existing front paddock through which the access is proposed. The existing dwellings of 1-6 Cabus Terrace are located across the A6. The front boundary of the curtilage of these dwellings would be 19m away from the eastern boundary of the application site. The front elevations of the dwellings would be 37m away from the eastern boundary of the proposal, and 138m away from the nearest pitches proposed within the main section of the application site. The proposed family plots would be 85m away from these dwellings behind the existing property of Conway, but separated from this dwelling by existing outbuildings.

9.21 The nearest residential property to the south of the site is Orchard House. This is 108m away from the southern boundary of the application site. The boundary of the existing residential property of Fern Bank is 100m away from the northern boundary of the site.

9.22 The proposed pitches would be sited away from existing residential properties, and would not result in any overlooking, overbearing, loss of light, or loss of privacy, to existing properties. The proposal would inevitably result in an increase

in activity due to the proposed residential use and associated comings and goings, when compared to the existing agricultural use of the site. However due to the separation distances between the site and existing residential properties in the area, it is considered that the residential use and the comings and goings from the site would not result in unacceptable adverse harm to the amenity of nearby residents.

9.23 The application proposes a mixed use site including a building for use for repair and maintenance of rides. The Head of Environmental Health and Community Safety requested a noise assessment stating that it should consider the potential for noise that could be generated from machinery and repair and maintenance works upon neighbouring amenity, in this case the existing dwelling of Conway. The applicant has submitted the noise assessment and Environmental Health considers that although does not cover the use of generators outside it does state that all repairs will be undertaken within the building, and that no work will be undertaken during the evening. Environmental Health had not objected to the proposal but considers that conditions should be attached. It is considered that the condition that works for the service, maintenance, repair and testing of vehicles, fairground rides and equipment would not take place outside the times between 0800 hours and 1800 hours on Mondays to Fridays inclusive, would be reasonable in this case. However it is not considered that the suggested condition to control movements of HGVs into or out of the site between 2200 hours and 0700 hours on any day would be reasonable given the proposed use of the site for travelling showpeople, or that the condition requiring the doors to the workshop should remain closed whilst repairs are being undertaken would meet the tests of being enforceable. Subject to the condition to control working hours of the workshop it is considered the proposal would be acceptable in terms of impact upon neighbouring amenity.

Sustainability / Impact on Highway / Access / Parking

9.24 The proposal would be located on a main route through the borough, the A6 Lancaster Road. The site would be immediately to the west of the A6, and close to two existing filling stations, an existing residential property to the south, and opposite a row of residential properties to the eastern side of the A6. The proposed access would be immediately off the A6. In considering application 16/00442/OUT close to this site, the Inspector in allowing the appeal (an application for 3 dwellings), acknowledged that the site was located on a busy route which has a regular bus service. As a result, it was not considered to be an isolated site and was a suitable and accessible location on the A6 route which has regular access to public transport in each direction with bus stops situated close by.

9.25 Although the proposed development would be significantly larger than the appeal site, it is considered that the same principles and considerations apply in terms of sustainability, and that the proposal would represent sustainable development in terms of its location, proximity to the A6, and modes of transport. Although the site is not within an existing settlement, it is considered that it is in a sustainable location close to the existing facilities of Garstang.

9.26 In terms of highway safety, capacity and access, County Highways have raised no objections to the proposal citing that the proposal would not have a severe impact on the highway capacity along the A6 corridor. County Highways also states that the proposed site access would be acceptable and to required design standards, and that required the sight lines (visibility splays) would also be exceeded. Conditions have been suggested as set out in paragraph 6.4 of this report. Subject to these conditions it is considered that the proposal would be acceptable in terms of highway

safety and would not have a severe impact upon the highway network. Therefore the proposal would comply with the NPPF.

Flood Risk and Pollution Prevention

9.27 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. It also states that Local Planning Authorities should ensure flood risk is not increased elsewhere.

9.28 The application site is in Flood Zone 1 on the Environment Agency's flood risk mapping service and therefore has the lowest probability of flooding. Therefore a sequential test is not required in this case. As the application site is over 1 hectare in size the applicant has submitted a Flood Risk Assessment as appendices to their Planning Statement. The Environment Agency has raised no objections to the proposal and therefore it is considered that the proposal is acceptable in terms of flood risk and would not be at risk of fluvial flooding, nor would it exacerbate the flood risk to surrounding development. The Environment Agency has however made comments that surface water drainage from parking and serving areas should be passed through an oil interceptor. This matter is controlled by separate legislation outside the planning process, however, the Environment Agency's comments would be added in full to any permission as an informative. It is therefore considered the proposal would be acceptable in terms of flood risk and pollution in accordance with the NPPF.

Drainage

9.29 The application proposes that foul drainage would be drained to the mains sewer, and that surface water would be drained to an existing watercourse. United Utilities has no objections to the proposal, subject to conditions requiring separate systems of foul and surface water drainage, and submission of a surface water drainage scheme prior to the commencement of development. Therefore subject to these conditions it is considered the proposal would be acceptable in terms of both foul and surface water drainage.

9.30 United Utilities has provided comments that there is an easement which is affected by the proposed development, 15 feet in width, and that under no circumstances should anything be stored, planted or erected on the easement width. Should the application be approved, it is suggested this information should be communicated to the applicant in the form of an informative. No response has been received from Lancashire County Council as Local Flood Authority. Should any response be received members will be informed within the Committee update.

Ecology

9.31 The application site is not located within an area with any ecological designations. The application proposes the creation of a pond with an ecological habitat island within it. Further hedgerow planting is also proposed within the site, inside the location of the southern, western, and northern site boundaries. The proposal would not result in the removal of any existing trees, and hedgerows around the site would be retained, with the exception of the section of existing hedgerow adjacent to the A6 which would be removed to allow access into the site. Following discussions, the applicant has agreed to provide additional planting on the eastern boundary of the site between the proposed family plots and the boundary of the

existing dwelling of Conway and has submitted amended plans to this effect. The Greater Manchester Ecology Unit (GMEU) has been consulted however no response has been received to date. Should any response be received members will be informed within the Committee update.

Trees

9.32 There is an existing Ash Tree to the south of the proposed access into the site. The tree is not covered by a Tree Preservation Order. The Council's Tree Officer has advised that this tree is not worthy of a Tree Preservation Order. Therefore it could be removed at any time. Whilst replacement tree planting should be provided, the tree is within the highway verge rather than within the applicant's land. However, any mitigation for the loss of the tree would be required by condition as part of a landscaping plan. Subject to this condition it is considered that the proposal would be acceptable in terms of impact upon trees.

Contamination

9.33 Paragraphs 120 and 121 of the NPPF and the NPPG state that Local Planning Authorities should ensure that proposed development is appropriate for its location and located on sites suitable to accommodate the new use, taking into consideration ground conditions and land stability, including any former uses of the land and that any required mitigation measures are secured. The Head of Environmental Health has no objections to the proposed development provided that a condition is attached to ensure a desk study is carried out and submitted to and agreed by the Local Planning Authority prior to the commencement of development. Subject to this condition it is considered the proposal would be acceptable in terms of ground contamination and would comply with the policy provisions of the NPPF and NPPG.

Other Issues

9.34 Allocations process - Matters raised by Cabus Parish Council and objectors. The objections received have raised concerns about the allocations process for the Emerging Local Plan, and the allocation of this site as a Travelling Showpeople site in the Emerging Local Plan. It is stated by objectors that the consideration of this proposal before adopted of the Emerging Local Plan is premature. As stated earlier in this report (Section 9.2), the Emerging Local Plan is a material consideration, however as it has not been adopted and has limited weight. Therefore this application has been assessed against the Adopted Local Plan 1999 and presumption in favour of sustainable development in the NPPF, and any other material planning considerations such as the Planning Policy for Traveller Sites (PPTS), and the evidence of need for provision for travelling showpersons in the 2016 Fylde Coast Gypsy and Traveller Accommodation Assessment.

10.0 CONCLUSION

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

10.2 Objections have been received in relation to this application. These objections have been taken into account. It is however considered that these objections have been addressed either through consultation responses from statutory

consultees or are not of such weight that planning permission should be refused. County Highways has no objections to the proposal, and it is considered the development would have adequate access and be unlikely to significantly impact upon the highway network.

10.3 The NPPF supports the presumption in favour of sustainable development, and looks at the 'economic role', 'social role', and 'environmental role'. The site is located in the open countryside, outside the settlement boundary of Garstang. The application site is not currently an allocated site in the Adopted Local Plan. However due to its proximity to Garstang and its location immediately adjacent to the existing road network (the A6) it is considered that the proposal would represent sustainable development in terms of its links and easy access to the highway network and nearby facilities.

10.4 The proposal would undoubtedly change the character of the application site through the development of a greenfield site in the countryside area. Therefore there would be some adverse impact upon the environment. However, it is considered that in this case the harm to the environment would be outweighed by the social and economic benefits of the proposed development.

10.5 In terms of the social role, the proposed development would meet a specific need for sites for travelling showpeople as identified in the Blackpool, Fylde and Wyre Gypsy and Traveller Accommodation Assessment Update (GTAA) 2016, and would take up the whole need for Wyre Borough to 2031. This is the only site that has come forward with such a proposal. Therefore it is considered that the proposal would result in significant social benefits through meeting an identified need for travelling showpeople in Wyre Borough.

10.6 In terms of the economic role, the proposal could bring economic investment into Garstang by bringing inhabitants to a location with good links to an existing main rural settlement and this would support local facilities in Garstang.

10.7 It is considered there are no significant adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and no specific policies in the NPPF that indicate development should be restricted. It is considered that in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be approved and planning permission granted.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant planning permission, subject to conditions.

Recommendation: Permit

Conditions: -

1. The development 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 19th December 2017 including the following plans/documents:

- Site Location Plan received 19th December 2017
- Proposed Redevelopment of Site plan dated 2nd March 2018 (and received 2nd March 2018) and associated Site Plan Key
- Proposed Repair/Storage Building received 19th December 2017
- Site Location Plan for Sections A-A and B-B received 30th January 2018
- Existing and Proposed Sections A-A and B-B received 30th January 2018

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. Building work shall not commence on the amenity building, or repair/storage building hereby approved until details of the materials to be used in the construction of the external surfaces of these buildings (including the external walls, roof, and any 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 SP14 of the Adopted Wyre Borough Local Plan (July 1999). The details are required prior to the commencement of the development because they were not submitted with the application.

4. No part of the development shall be commenced until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

Reason: In order to ensure that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

5. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 4 has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.

Reason: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy.

6. The private parking for the pitches and manoeuvring areas shall be marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.

Reason: To allow for the effective use of the parking areas.

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

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

8. Prior to the commencement of development a Traffic Management Plan (TMA) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The TMA shall include and specify the provisions to be made for the following:-

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Routes to be used by vehicles carrying plant and materials to and from the site;
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reason: To protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

9. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

10. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards 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.

The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

11. 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. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

12. No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In order to ensure that nesting birds are not unacceptably affected, in accordance with the National Planning Policy Framework.

13. Notwithstanding the submitted plans, 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 species and size of any tree planting, number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

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

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

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

development in the interests of the visual amenity of the area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

14. Works for the service, maintenance, repair and testing of vehicles, fairground rides and equipment shall not take place outside the times between 0800 hours and 1800 hours on Mondays to Fridays inclusive.

Reason: To minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

Notes: -

1. Environment Agency Informative: Only clean surface water from roofs and paved areas should be discharged to any watercourse or surface water.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas should be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Oil interceptor efficiency is enhanced by connecting any roof water in to the surface water system downstream of the interceptor. However, if the unit is sized accordingly, taking the area of roof drainage into account, then roof water may pass via the interceptor.

Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to the oil storage regulations. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund.

The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

We advise that polluting materials and chemicals are stored in an area with sealed drainage.

We recommend the applicant/agent refers to the following pollution prevention guidance which is available on the GOV.UK website at <https://www.gov.uk/guidance/pollution-prevention-for-businesses>. This guidance covers the issues referred to above.

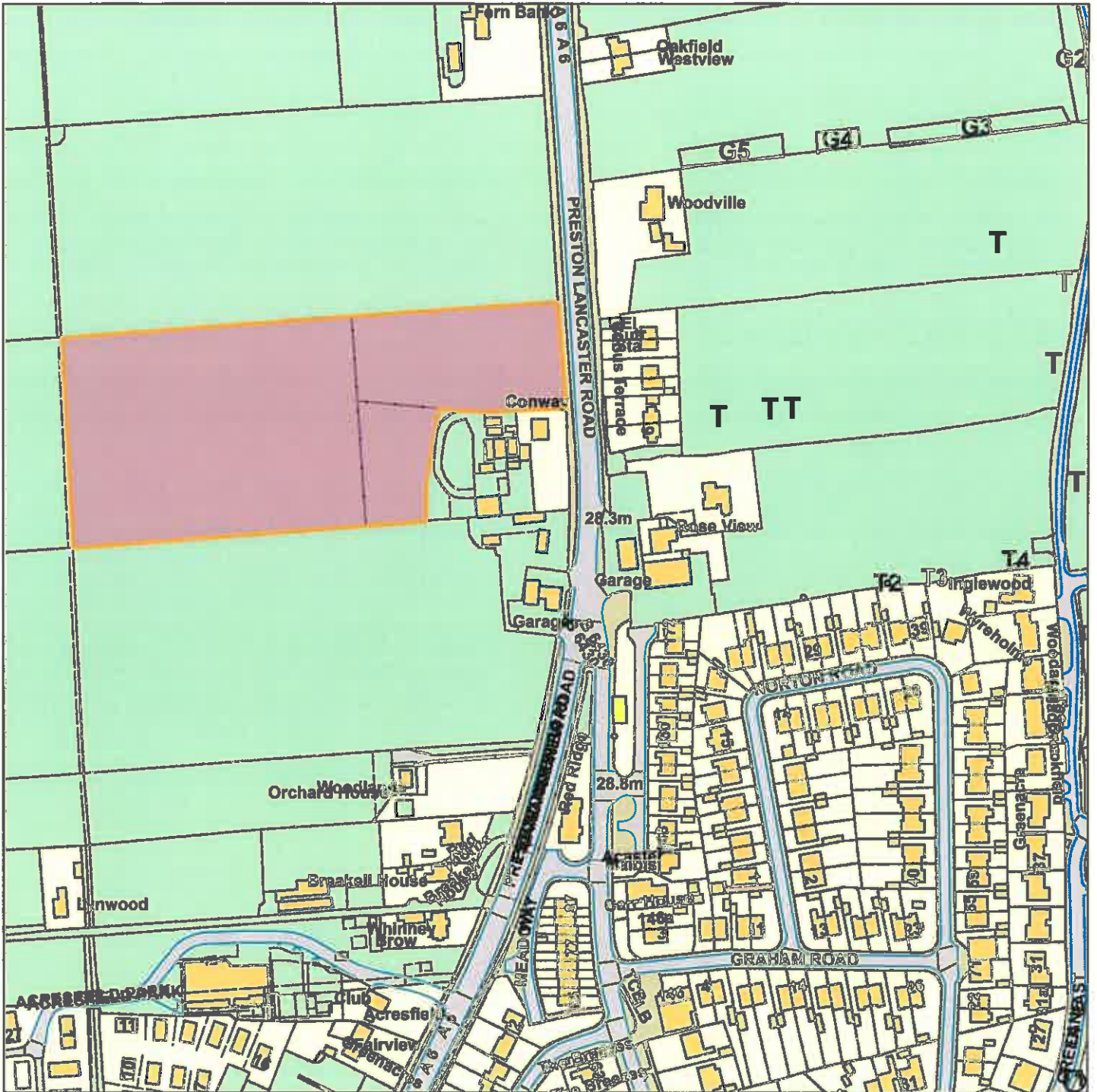
2. United Utilities Informative: According to United Utilities records there is an easement which is affected by the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easement dated 16/07/1959 under United Utilities Ref: F2144/F1916 and is 15 feet in width has restrictive covenants that must be adhered to. It is the responsibility of the developer to obtain a copy of the document, available from United Utilities Legal Services or Land Registry and to comply with the provisions stated within the document. Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24hr access. Water Comments: United Utilities water mains will need

extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991. The level of cover to the water mains and sewers must not be compromised either during or after construction. A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains or public sewers.

General Comments: It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offer a fully supported mapping service and we recommend the applicant contact their Property Searches Team on Property.Searches@uuplc.co.uk to obtain maps of the site.

Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

arm/rg/pla/cr/18/0205nc5 report 3



Scale : 1:2762

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 3
Date	18 April 2018
SLA Number	100018720

Committee Report**Date: 02.05.2018**

Item Number	04
Application Number	18/00037/FUL
Proposal	Erection of building to form 7 apartments (following demolition of existing dwelling)
Location	Acresfield 9 Garstang Bypass Road Garstang Preston Lancashire PR3 1PH
Applicant	Mr M Ward
Correspondence Address	c/o Craven Design Partnership Mr V Craven Ribble Court 1 Mead Way Shuttleworth Mead Business Park Padiham Burnley BB12 7NG
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Miss Lucy Embery****1.0 INTRODUCTION**

1.1 This application is at Planning Committee at the request of Councillor Lady Atkins.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is located within the countryside area as defined by the Policies Map of the Adopted Wyre Borough Local Plan. The site comprises an existing brick built detached residential property with garden to the east (front) and a yard area to the west (rear).

2.2 To the south of the site are existing semi-detached residential properties and further south, is the Crofters Hotel. To the west is the existing Acresfield Health Club and Spa. Immediately to the north is a grassed area forming part of the curtilage of the Spa, and beyond that area, is the residential property of Whinney Brow. The A6 Lancaster New Road (Garstang Bypass Road) is to the east with the settlement of Garstang on the opposite side of it.

3.0 THE PROPOSAL

3.1 The application proposes the erection of a new building to provide 7no apartments following the demolition of the existing empty dwelling. The proposed building would be located over the footprint of the existing building but at a larger scale. It would be set back 22.5m from the pavement to the A6 and would face south-east, with a rear elevation facing north-west. The building would be rectangular in form with a pitched roof. A gable feature is proposed to the front elevation.

3.2 The proposed building would measure 17.050m in width as viewed from the A6, 12.430m in depth, 5m to eaves height, and 8.954m in height to the main roof ridge. The footprint would measure 211.93 sq.m.

3.3 The proposed building would have three floors of accommodation, with three units at ground floor, three units at first floor, and one unit at second floor. All of the units would have two bedrooms, except for unit 1 which would contain one bedroom.

3.4 Mobility access is proposed through the east doorway of the building. An internal ground floor parking area for mobility scooters is proposed within the entrance hall. A platform mobility lift is also proposed which would serve all levels of accommodation.

3.5 It is proposed that the building would be constructed of natural ashlar coursed stone walling at the lower section of the walls, natural tumbled coursed stone walling above, and natural blue slate roofing. Windows and door frames are proposed in dark grey aluminium.

3.6 Sixteen parking spaces are proposed to serve the apartments; twelve to the front of the building (including 1 no. mobility space), and four spaces to the rear. A bin storage area is also proposed to the rear of the building.

4.0 RELEVANT PLANNING HISTORY

4.1 13/00036/FULMAJ - Alterations to design and external appearance of previously approved recreational / amenity building (approved under application 07/01280). Permitted.

4.2 07/01280/FULMAJ - Resubmission of planning application 06/01296/FULMAJ for change of use of land for the erection of 43 warden assisted residential park homes, together with associated recreational/amenity building and woodland recreation area. Permitted.

4.3 06/01296/FULMAJ - Change of use of land for the erection of 43 no. residential park homes with associated building for recreational use and a woodland recreation area. Application withdrawn.

4.4 96/00026 - Removal of condition 2 on planning permission 02/81/1426 to allow conversion of garage to living accommodation and erection of first floor extension above. Permitted.

4.5 84/00873 - Renewal of outline permission for the erection of a detached dwelling. Permitted.

4.6 81/01439 - Change of use of garage to veterinary surgery. Refused.

5.0 PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1.1 The NPPF was published by the Department of Communities and Local Government on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The ministerial

forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision". Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.1.2 Twelve core principles are identified. These include supporting sustainable economic development to meet local need; securing high quality design and a good standard of amenity; recognising the different roles and characters of different areas; accounting for flood risk; conserving and enhancing the natural environment; encouraging the effective use of land and mixed use developments; actively managing patterns of growth to maximise use of sustainable transport modes; and delivering sufficient community and culture facilities and services to meet local needs.

The most relevant sections of the NPPF to the determination of this application are considered to be:

- Section 1 - Delivering sustainable development
- Section 4 - Promoting sustainable transport
- Section 6 - Delivering a wide choice of high quality homes
- Section 7 - Requiring good design

5.2 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.2.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be given to relevant policies according to their degree of consistency with the NPPF.

5.2.2 The following policies are considered to be of relevance to the determination of this application:-

- SP5: Definition Of Main Rural Settlements
- SP13: Development in the Countryside
- SP14: Standards of Design and Amenity
- ENV13: Development and Flood Risk
- ENV15: Surface Water Run-Off

5.3 EMERGING LOCAL PLAN

5.3.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The minor amendments deal with clarification matters or errors raised at the public consultation and they do not alter the substance of the 'Publication' draft Wyre Local Plan. The 'Submission' stage is an advanced stage in the local plan process. It confirms the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. This stage is a further advancement in the local plan process. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document' As the draft Local Plan has now advanced to 'submission' the weight to be given in the planning balance has increased depending on the particular circumstances of the case.

5.3.2 The following policies contained within the draft Local Plan are of most relevance:

- SP1: Development Strategy
- SP2: Sustainable Development
- SP4: Countryside Areas
- CDMP2: Flood Risk and Surface Water Management
- CDMP3: Design
- HP1: Housing Land Supply
- HP2: Housing Mix

5.3.3 The draft Local Plan is prepared on the basis of the completed housing evidence. This includes the Strategic Housing Market Assessment (including the 2017 Addendum 3) which confirms that the figure of 479 dwellings remains a robust and appropriate objectively assessed need (OAN) figure. However the local plan sets an annual housing requirement of 411 dwellings for the period 2011 to 2031. The evidence supporting the Local Plan shows that the full OAN cannot be delivered. The 'Publication' draft Wyre Local Plan indicates that Wyre can only deliver 8,224 dwellings due to various constraints. It is considered that the identified annual housing requirement represents a robust and sound figure for the local plan within the context of constraints in the borough.

5.4 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

5.4.1 The following Supplementary Planning Guidance (SPG) is considered to be of relevance to the determination of this application:-

- SPG2 - Trees and Development
- SPG4 - Spacing Guidance for New Housing Layouts

5.5 FYLDE COAST STRATEGIC HOUSING MARKET ASSESSMENT (2014) AND ADDENDUMS 2 AND 3

5.5.1 This document was produced for the Fylde Coast Authorities (Wyre, Fylde and Blackpool) to provide evidence as to how many dwellings of different tenures may be needed over the next 15 years and beyond. The report presents an understanding of the sub-regional housing market and identifies a need for new housing across the Fylde Coast. The 2014 Fylde Coast SHMA and Addendums 1, 2, and now 3, represent the most up-to-date assessment of Objectively Assessed Need (OAN) for Wyre. Addendum 3 completed in 2017 takes account of the latest data available (household projections and updated economic growth projections) to inform each stage of the methodology for calculating the OAN. The SHMA Addendum 3 indicates that Wyre's OAN lies with a minimum of 457 dwellings per annum, and an upper limit of 479 dwellings per annum from 2011 - 2031. It recommends that the OAN figure should be at the upper end of the range. The Council has accepted 479 dwellings per annum as the OAN figure for the Local Plan which has recently been submitted.

6.0 CONSULTATION RESPONSES

6.1 CABUS PARISH COUNCIL

6.1.1 Concerns raised with regards to the following;

- Amount of hard landscape in a rural area which leads to concerns over the creation of excessive run-off water, the proposed car park will add to the run-off and if approved, should have conditions attached to use sustainable urban drainage system or grasscrete equivalent to maintain rural feel and improve drainage
- The lack of green space available to the potential residents
- Out of keeping with local area - there are no other buildings of this type in this area and the scale and character of the building are at odds with the surroundings, special effort should be made to screen the car park with trees and hedges.
- Location and size - the new build is twice the size of the original which would result in a large building to be squeezed into a small space and sandwiched between a busy A road and a gym development.
- Excessive road noise for proposed residents and increased noise/air and light pollution for existing residents
- Strain on existing infrastructure - including additional traffic on A6
- Possible contamination of the site from chemicals used when it was in agricultural use, including asbestos.

6.2 LANCASHIRE COUNTY COUNCIL HIGHWAYS

6.2.1 LCC Highways does not have any objections regarding the proposed and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The A6 Barton to Garstang Sustainable Transport Strategy was developed by LCC to facilitate development by promoting the use of sustainable transport modes and encouraging a modal shift. It also is focused on promoting safer and healthier travel. To accommodate the additional traffic movements that would arise as a result of development capacity improvements would also be required.

6.2.2 To make the development acceptable LCC consider that the developer contribute towards the A6 Barton to Garstang Sustainable Transport Strategy for upgrading the 2 bus stops south of the proposed development to Quality Bus Stop standards. These will be through a Section 278 agreement. This will include a raised boarding area, road markings and associated signs.

6.2.3 Conditions are also suggested requiring a scheme for the construction of off-site highway works, and that no part of the development should be occupied until the scheme for off-site highway works has been constructed and completed. An informative is also suggested to advise the applicant that a Legal Agreement would be required with the County Council.

6.3 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.3.1 No objections subject to a condition requiring no removal of hedgerows, trees or shrubs during the main bird breeding season 1st March to 31st July, and a condition requiring the precautionary mitigation measures in the submitted bat survey to be required by condition.

6.4 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LAND CONTAMINATION)

6.4.1 No objections subject to a condition requiring a desk study to be carried out prior to commencement of development and further works if shown to be necessary.

6.5 UNITED UTILITIES

6.5.1 No objections in principle subject to a condition that the development is carried out in accordance with the principles set out in the submitted Foul and Surface Water Drainage Design Drawing C/0799-01 Rev - Dated 01/09/2017.

7.0 REPRESENTATIONS

7.1 One letter of objection has been received. The issues raised can be summarised as follows;

- The proposal would block light into the conservatory and garden of Fairview.
- The building would be high and in close proximity to the bordering fence resulting in loss of privacy to Fairview.
- The living areas in the apartments would overlook the private front and rear gardens of Fairview.
- The proposal would result in noise during the proposed building works which would impact upon the quality of life of the neighbouring residents as is already experienced from the health club.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 The applicant has been contacted in relation to the design and layout of the scheme. The applicant has submitted amended plans to remove the stone quoins from the building and to amend the parking layout to the front of the building. The amendments are considered to be acceptable.

9.0 ISSUES

9.1 The main issues to consider in this application are as follows:

- Principle of Development
- Housing provision
- Impact of development on character/appearance of the area
- Impact on residential amenity
- Impact on the local highway network and safety
- Flooding & Drainage
- Ecology
- Contamination

Principle of development

9.2 Saved local plan policy SP13 seeks to prevent new dwellings within the countryside area subject to specific exceptions including that a proposal would be for essential requirements for agriculture or forestry, would fulfil a housing need in accordance with saved policy H15 of the Adopted Local Plan, the refurbishment of a listed building, the conversion of a rural building, or development of a single infill plot. In this case none of these exception apply to this development proposal.

9.3 With regard to the countryside the NPPF says at paragraph 17 that one of the core principles of planning involves "recognising the intrinsic character and beauty of the Countryside and supporting thriving rural communities within it." At paragraph 55 the NPPF says that isolated new homes in the countryside should be avoided unless there are special circumstances, none of which apply in this case.

9.4 NPPF paragraph 49 says that where a Council cannot demonstrate a five year supply of deliverable housing sites policies relating to the supply of housing must be considered out of date in accordance with of the NPPF. Accordingly, as required by paragraph 14 of the NPPF, housing applications must be considered in the context of the presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against NPPF policies taken as a whole or specific policies in the NPPF indicate development should be restricted.

9.5 The application site is not considered to be in an isolated location being on the edge of the existing settlement of Garstang. The site is also currently development as it contains an existing residential property that would be demolished to make way for the proposal. The proposed apartments would be served by the same facilities as existing residential properties immediately adjacent to the proposal, the existing residential property to be demolished, and those within the settlement of Garstang without the need for the creation of any major new infrastructure or substantial change to the appearance and character of the settlement. The site is currently accessed off a short tarmac access road off the A6 which also serves existing residential property. This together with the proposed position of the new building to contain apartments between the existing built form, and over the footprint of existing dwelling, would result in acceptable development in the open countryside but immediately adjacent to the existing settlement. Notwithstanding this consideration should still be given as to whether the benefits of the proposed scheme would outweigh the conflict with Policy SP13. The presumption in favour of sustainable development applies unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against NPPF policies taken as a whole or specific policies in the NPPF indicate development should be restricted. These environmental considerations are assessed below in this report.

Housing Provision

9.6 The Council does not currently have a 5 year supply of deliverable housing land. The relevant policies for the supply of housing are therefore considered to be out of date. Proposals for housing are therefore currently considered against Paragraph 14 of the Framework.

9.7 Given that the Council cannot demonstrate a five year supply of deliverable housing land and the housing policies of the development plan are therefore considered to be out-of-date, this means that planning permission should be granted for this proposal unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or there are specific policies in the Framework that indicate that permission should be refused.

Impact of development on character/appearance of the area

9.8 The existing dwelling is a detached brick built property which is currently uninhabited. The existing building is not of any special design or historic merit and it is therefore considered that its loss would be acceptable. The existing building also has a run-down appearance. On approach from the south the existing building is not widely visible in the street scene due to existing tree screening. However it is more widely visible from the north but set back some distance from the highway.

9.9 The proposal would see the erection of a new building of a larger scale than the existing dwelling that would be demolished. It would extend 2m north of the footprint of the existing dwelling, and 5.6m further south. In terms of the height the proposal is described in the submission as a two storey building with accommodation in the roof space. Therefore it would contain three levels of accommodation. The roof ridge of the building would be no higher than the existing dwelling that would be replaced, and its eaves height would be lower. The building would be lower in height than the adjacent semi-detached dwellings to the south and the larger building of the Crofters Hotel. The building would also be similar in width when viewed from the A6 to the existing semi-detached properties adjacent. Therefore in terms of scale it is considered the building would not appear excessive in height or massing when viewed in proximity to existing properties to the south.

9.10 The proposed building would be taller and wider than the existing bungalow of Whinney Brow to the north of it. However due to the separation distance from this property and as the proposal would be set back further away from the A6 than the bungalow it is considered the proposal would not appear dominant in scale in comparison to property of Whinney Brow.

9.11 The proposed building would be accommodated on the plot although it would be hard up the edge of the northerly access road leading to the Acresfield Health Club and Spa, and the south-eastern corner would be hard up to the southern boundary of the site. There would however, still be sufficient room for parking, amenity space and bin storage to serve the apartments. The proposed layout would alter the appearance of the front of the site through the removal of the large area of grassed lawn and shrubbery at the front of the building, and the introduction of hardstanding to create twelve parking spaces. The site would therefore have a harder appearance at the front of the building. However, it is considered that this would not be such a detrimental impact as the application proposes the retention of the existing boundary hedges, and to provide further planting in the form of shrubbery and trees inside the eastern boundary of the site which is nearest to the A6. The application states that the parking areas would be constructed of block paving however full details have not been provided with the application. It is suggested that to ensure a soft edge to the site is maintained, and to ensure the treatment of the parking areas is appropriate to the character of the area, a landscaping condition should be attached to require details of both hard and soft landscaping to be agreed should the application be approved.

9.12 The application proposes that the new building would be constructed of natural ashlar coursed stone walling at the lower section of the walls, natural tumbled coursed stone walling above, and natural blue slate roofing. The application was originally submitted with stone quoins to the corners of the front projecting gable. It was considered that the stone quoins were not an appropriate feature on a building with an otherwise modern design. The applicant has submitted amended plans which remove the stone quoins, and it is considered the amendments are acceptable. The amended proposal would result in a modern stone building, with a clean and crisp

appearance. The stone wall material would result in a building with a clean and crisp appearance. It would appear different to the material used in the constructed of adjacent dwellings, however the properties on the western side of this stretch of the A6 are mixed in character and appearance, and the existing health club and spa building to the rear of the application site is constructed with stone walls. The proposed roofing material would be similar to the existing roofing materials on buildings in the surrounding area and is considered acceptable.

9.13 The design, siting, scale and appearance of the proposed building is considered to be acceptable and therefore the proposal would comply with Policy SP14 of the Adopted Local Plan 1999 and the NPPF.

Impact on residential Amenity

9.14 The nearest residential property to the north of the proposal is Whinney Brow. This property is 31m north-east of the proposal and it is considered the proposal would not result in overlooking, overbearing, or loss of light to this property.

9.15 The existing semi-detached dwellings of Fairview and Greenacres are to the south of the proposal, with Fairview being the nearest to the proposed building. A letter of objection has been received from the occupants of this property raising concerns that the proposal would block light into the conservatory and garden of Fairview, that the proximity of the building would result in loss of privacy, and that the living areas in the apartments would overlook the private front and rear gardens of Fairview.

9.16 The proposed apartment building would be sited to the side of Fairview and separated at ground floor level by an existing hedge. There would be a 2.4m separation distance between the side elevations of Fairview and the proposed apartment building. There are no windows on the side elevation of Fairview, however it does have a conservatory to the rear. No windows are proposed on the south west elevation of the proposed building facing Fairview, and the windows that are proposed would be in the other three elevations and face away from Fairview. The proposed building is also orientated south-east to north-west meaning that the proposed dormer windows on these elevations would face away from the conservatory and rear garden area of Fairview. The proposed windows on the south-east elevation at first and second floor level would look out towards the proposed front parking area, the A6 and beyond. Therefore it is considered that the proposal would not result in unacceptable adverse overlooking or loss of privacy to the occupants of Fairview, both within the neighbouring dwelling or amenity spaces.

9.17 BRE standards indicate that impact on skylight, daylight (natural light) and sunlight should be taken into account when assessing proposals for new development. Where land levels are the same between existing and proposed development which would directly face each other, a distance of 10m is required to prevent overshadowing. In this case the proposed development would not directly face existing residential properties. Existing and proposed properties would be sited side to side and therefore there is no 10m separation requirement.

9.18 The proposed building would project slightly further north-west (i.e., at the rear) than the existing building line of Fairview. However this would be marginally so. The proposed building would also be to the north of Fairview. The sunlight would move from the east in the evening, to the south around midday, and round to the west in the mornings. Due to its siting north of Fairview the proposed building would not block or interfere with sunlight throughout the course of the day and therefore it is

considered the proposal would have a negligible impact upon the amount of light already gained to the conservatory and rear windows of Fairview. Further to this, the Extending Your Home SPD sets out design principles, which although not strictly relevant to this proposal, can still be used as a guide to ensure development would not adversely impact upon the amenity of occupants of existing dwellings. This documents set out that it is considered good design practice to ensure that where there would be a development greater than a single storey height and that would project beyond the rear wall of the neighbouring property, the development should not project more than 1.5m beyond the neighbours main rear wall (i.e., the main two storey element not including conservatories or outbuildings). In this case the proposed building would not project more than 1.5 metres further westwards than the main rear wall of Fairview and therefore it is considered that the proposal would follow basic design principles and would not result in significant overbearing or loss of light to the neighbouring dwelling or conservatory.

Impact on Highway / Parking

9.19 The NPPF sets out that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

9.20 At present there is an existing access road to the northern side of the application site which leads off the A6 to the Acresfield Club and Health Spa, and to an area of hardstanding at the back of the existing dwelling. The proposed parking and bin storage area to the rear of the proposed building would be served by the same access. However the application also proposes a new access off the existing access road to serve a proposed parking and turning area at the front of the property.

9.21 LCC Highway has not raised any objections to the proposal in terms of access, amount of parking, or level of traffic that would be generated by the proposal, and considers that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. However, notwithstanding this, County Highways considers that an upgrade to existing bus stops is required by S278 Agreement. Discussions have taken place with County Highways to discuss whether the proposed condition requiring a S278 to improve the bus stops, is necessary for the proposed development to be acceptable. County Highways considers that due to the increase in the number of units on the site from 1 to 7no. units, and to promote the use of sustainable transport for the occupants of the development, the requirement for upgrades to the existing bus stop is necessary, as the proposal does not provide for parking for both occupants and visitors on site, and to ensure occupants and visitors are not reliant on the private car. County Highways considers that the upgrades to the bus stop on a busy commuter route with bus links to Lancaster and Preston would promote sustainable transport. Therefore for these reasons the suggested condition would be attached to any permission should the application be granted. Subject to this condition it is considered the proposal would comply with the NPPF.

Flood Risk

9.22 Paragraph 100 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. It also states that Local Planning Authorities should ensure flood risk is not increased elsewhere.

9.23 The proposal is located within Flood Zone 1 on the Environment Agency's floor risk mapping service and therefore has the lowest probability of flooding. Therefore there is no requirement for the applicant to demonstrate accordance with the sequential or exceptions tests with regard to flood risk. It is considered that the proposal is acceptable in terms of flood risk and would not be at risk of fluvial flooding, nor would it exacerbate the flood risk to surrounding development.

Drainage

9.24 The application proposes that both foul and surface water would be drained to the mains system. The submitted drainage strategy has been reviewed by United Utilities who have no objections to the proposal in principle subject to a condition that the proposal is carried out in conformity with the submitted drainage strategy. Subject to this condition it is considered that the proposal would be acceptable in terms of foul and surface water drainage and would comply with Policies ENV13 and ENV15 of the Adopted Local Plan, and the NPPF.

Trees and Ecology

9.25 The proposal would require the demolition of the existing dwelling. The applicant has submitted a bat survey along with the application and this survey found no evidence of bats roosting in the building at the time of survey and considered there to be only a low potential for the alteration or loss of occasional, unconfirmed roost sites for bats at the site and that there is a possibility of a low level of opportunistic use at some times of the year. GMEU have raised no objections to proposals and have not disputed the findings of the bat survey, but consider that the precautionary measures set out in the survey should be required by condition. A condition is also recommended that the timing of any works to remove any trees, hedgerows, or shrubbery take place outside of the main bird breeding season 1st March and 31st July. The application does not propose the removal of any existing boundary hedgerows but works would take place in close proximity to the southern hedgerow, and the proposal would also involve the removal of some shrubbery and turf within the existing front garden area. Therefore it is considered the suggested condition would be reasonable and necessary should the application be approved. Subject to these conditions it is considered the proposal would not result in harm to protected species and would comply with the principles of the NPPF.

9.26 There are no existing Tree Preservation Orders on the application site, and the proposal would not require the removal of any trees of special importance. The applicant has submitted an Arboricultural Method Statement which identifies the existing hedgerows to the east and south boundaries of the site are Category A hedgerows and recommends that these should be retained. As mentioned above the application proposes the retention of these hedgerows. Details of the type and location of protective metal fencing that would be used during construction have been provided within the appendices to this document, and can be controlled by a condition requiring the development to take place in accordance with the submitted statement. Subject to this condition it is considered the proposal would not cause harm to any Category A hedgerows, and would comply with the requirements of the Trees and Development SPG, and the NPPF.

Contamination

9.27 The NPPF states that where a site is affected by contamination, responsibility for securing a safe development rests with the developer/ landowner. The National Planning Policy Guidance (NPPG) also states that local authorities should use conditions to secure the adequate remediation of contaminated land. Adequate information should be submitted by the applicant to show that the site is suitable for its new use.

9.28 Environmental Health have no objections to the application subject to conditions requiring a desk study to be carried out prior to commencement of development and further works if shown to be necessary. Subject to this condition it is considered the proposal would be acceptable in terms of ground conditions and would comply with the provisions of the NPPF.

Other Issues

9.29 Waste Management - The National Planning Policy for Waste seeks to ensure that new development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities, for example by ensuring there is discrete provision for bins to facilitate a high quality, comprehensive and frequent collection service. The applicant has submitted a Design and Access Statement which details that waste management and recycling would be the same as that of the adjacent dwellings. It is intended that waste would be collected by the Council, and stored at the rear of the site in the designated bin storage area. It is considered that the proposed apartments would be provided with adequate waste storage and collection and the proposal would therefore accord with the National Policy for Waste.

9.30 Affordable Housing - There are no policies in the existing or emerging Local Plan that require the provision of affordable housing for a scheme of 7 units.

9.31 Noise - The end use of the proposal is not considered a use that would generate a high level of noise for existing residents. There is naturally some disruption created by all new development during a construction period, however this will be temporary and as such this is not sufficient a reason to refuse an application.

10.0 CONCLUSION

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

10.2 Objections have been received in relation to this application. These objections have been taken into account, however it is considered that these objections have been addressed either through consultation responses from statutory consultees or are not of such weight that planning permission should be refused. County Highways has no objections to the proposal, subject to conditions, and considers the development would be unlikely to result in significantly impact upon highway capacity, highway safety or amenity.

10.3 The NPPF supports the presumption in favour of sustainable development, and looks at the 'economic role', 'social role', and 'environmental role'. The application site is not an allocated housing site, nor is it within an existing settlement. However due to its close proximity to the main settlement of Garstang, and its location immediately adjacent to the A6 existing road network, it is considered that the proposal would represent sustainable development in terms of its links and easy access to the highway network and facilities.

10.4 In terms of the economic role, the proposed development would provide economic investment and employment in Garstang through the delivery of additional housing. It would also bring inhabitants to a location with good links to an existing settlements and this would support local facilities. The scheme would also provide a new homes bonus.

10.5 In terms of the environmental role the proposal would have a very limited impact upon the environment, as it would replace an existing property with a larger building but on a similar siting. The location has also been judged to be sustainable.

10.6 The proposal would also provide some social benefit by providing a net increase of 6no additional housing units, however this would still go towards providing additional housing when the Council does not have a five year land supply of deliverable housing sites. Therefore for it is considered that in this case the economic and social benefits would outweigh the limited environmental harm caused.

10.7 It is considered there are no significant adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and no specific policies in the NPPF that indicate development should be restricted. It is considered that in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be approved.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions.

Recommendation: Permit

Conditions: -

1. The development 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 16th January 2018 including the following plans/documents:

- Site Location Plan
- 129.4.03 Hardworks Layout
- 129.4.02 Softworks Layout
- 1452/501A Site Layout and Roof Plan (received by the Local Planning Authority on 23rd March 2018)
- 1452/500G Floor Plans and Elevations (received by the Local Planning Authority on 5th April 2018).

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. Building work shall not commence on the building hereby approved until full details of the materials to be used in the construction of the external surfaces of the building (including the external walls, roof, and windows) have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). The details are required prior to the commencement of the development because they were not submitted with the application.

4. 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: This information is required prior to commencement as the development is for a sensitive end use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

5. No part of the development hereby approved shall commence until a scheme for the construction of the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority. The offsite highway works shall consist of the upgrading of the existing bus stops to Quality Bus Stop standards.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

6. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 5 has been constructed and completed in accordance with the scheme details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/notes.

7. No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In order to ensure that nesting birds are not unacceptably affected, in accordance with the National Planning Policy Framework.

8. The development hereby approved shall be implemented in full accordance with the Bat Survey submitted with the planning application [Bat Survey at Acresfield, Garstang, by Envirotech, report reference 4108] including all the mitigation measures set out in Section 9 of that report.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 and section 11 of the National Planning Policy Framework (March 2012).

9. The hard and soft landscaping works as shown on plans 129.4.03 Hardworks Layout and 129.4.02 Softworks Layout, shall be carried out in accordance with the approved details prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

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

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

10. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing C/0799-01, Rev - Dated 01/09/2017 which was prepared by Hamilton Technical Services. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 5 l/s. The development shall be completed in accordance with the approved details.

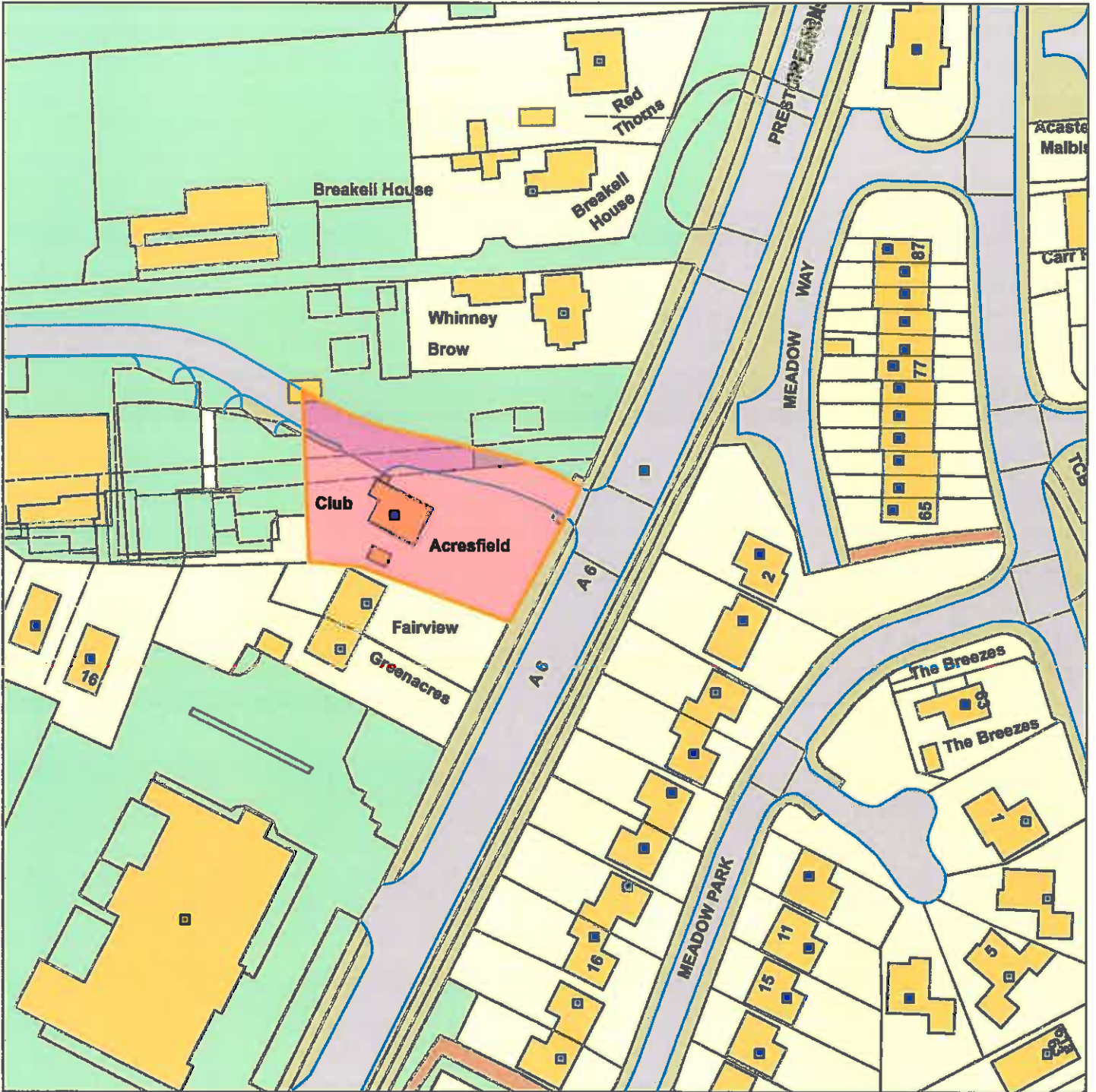
Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with the National Planning Policy Framework.

Notes: -

1. County Highways Informative: The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, in the first instance, to ascertain the details of such an agreement and the information to be provided.

arm/rg/pla/cr/18/0205nc5 report 4

Acresfield 9 Garstang Bypass Road Garstang



Scale : 1:1036

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 4
Date	18 April 2018
SLA Number	100018720

Committee Report**Date: 02.05.2018**

Item Number	05
Application Number	17/00980/OUT
Proposal	Outline application for the erection of one detached dwelling with access, appearance, layout and scale applied for (with landscaping as a reserved matter) - Resubmission of app: 17/00533/OUT
Location	Land At Occupation Lane South Of Grange Lane Stalmine Lancashire
Applicant	Mrs Hallam
Correspondence Address	c/o M L Planning Ltd 5 Bobbin Mill Cottages Stubbins Lane Claughton On Brock Preston PR3 0PL
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Holly Levy****1.0 INTRODUCTION**

1.1 The application is being considered by the Planning Committee at the request of Councillor Bowen.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The site which forms the subject of this application relates to a triangular parcel of land located on the western side of Occupation Lane at the junction with Wood View Lane and Grange Lane in the rural settlement of Stalmine. The site is approximately 0.5 hectares in area and comprises and is characterised as a mature and well established wooded orchard with an area to the west which is more open in character. Access to the site is gained via Occupation Lane where there is a small gated entrance within the tree cover.

2.2 The site is allocated within the Local Plan proposals map as being within the 'Countryside Area' immediately abutting the settlement boundary. The majority of the trees within the site are covered by a group TPO Order number 8 of 2013 (Woodland 1). At the southern end of Occupation Lane is a PROW (FP 2-22 12) which progresses North West and itself is lined by mature trees. To the west of the site abutting the western boundary are a number of outbuildings. The surrounding area is mixed in character, to the north and east are residential dwellings and to the south and west is open agricultural/grazing land.

3.0 THE PROPOSAL

3.1 The application seeks outline consent for residential development of one detached dwelling with access, appearance, layout and scale applied for (with landscaping as a reserved matter).

3.2 The application is a re-submission of application 17/00533/OUT which was withdrawn by the applicant to address issues raised by officers.

3.3 The application has been submitted with a site layout plan that shows the access is to be gained via the western side of Occupation Lane at the point of the existing access. The entrance is to measure approximately 4m in width. The site plan demonstrates one 2 storey detached dwelling to be located to the south of the site. The elevation plans show the dwelling would measure approximately 6.2m to the ridge and 3.9m to the eaves. The dwelling would measure 10.7 m in depth and 9.9m in width. Trees on the site have been cleared as agreed with the local authority's Tree Officer and the adjacent Woodland to the site which benefits from as Tree Preservation Order (TPO) is to remain in its entirety. Occupation Lane is proposed to have its width increased from 3m to 5m.

4.0 RELEVANT PLANNING HISTORY

4.1 17/00533/OUT - Outline application for the erection of one detached dwelling with access, appearance, layout and scale applied for (with landscaping as a reserved matter) - Withdrawn.

4.2 16/00581/OUT - Outline application for residential development of up to four dwellings with access and layout applied for (resubmission of 16/00087/OUT) - Refused (15.09.16)

4.3 16/00087/OUT - Outline application for residential development with all matters reserved - Withdrawn

5.0 PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1.1 The National Planning Policy Framework (NPPF) was published by the Department of Communities and Local Government (DCLG) on the 27th March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The NPPF sets out the requirements for the planning system to the extent that it is relevant, proportionate and necessary to do so.

5.1.2 The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision". There are three dimensions to sustainable development, including (paragraph 7):

"an economic role - contributing to building a strong responsive and competitive economy by ensuring that sufficient land of the right type is available at the right time and in the right places to support growth"

"a social role - supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, by creating a high quality built environment with accessible local services"

"an environmental role - contributing to protecting and enhancing our natural, built and historic environment and as part of this helping to improve bio-diversity"

5.1.3 To achieve sustainable development, economic, social and environmental gains should be sought jointly.

Paragraph 12 of the NPPF states that, "This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

5.1.4 Paragraph 14 of the NPPF states, "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Specific to decision-taking, the NPPF states that this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 1. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 2. Specific policies in the Framework indicate development should be restricted."

Section 6 relates to the delivery of a wide choice of high quality homes. This section, particularly paragraph 47, expects Local Planning Authorities to identify a five year supply of housing land to meeting objectively assessed need.

5.1.5 Paragraph 187 of the NPPF states that, "Local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area". Paragraph 197 of the NPPF states that "in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development."

5.2 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.2.1 The following policies are considered to be of relevance to the determination of this application. The weight to be afforded to these policies is discussed within subsequent sections of this report:-

- Policy SP13 - Development in the Countryside
- Policy SP14 - Standards of Design and Amenity

- Policy ENV7 - Trees on Development Sites
- Policy ENV13 - Development and Flood Risk
- Policy ENV15 - Surface Water Run-Off

5.2.2 The following Supplementary Planning Guidance documents are considered to be of relevance to the determination of this application:-

Supplementary Planning Guidance 2 - Trees and Development

Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

5.3 EMERGING LOCAL PLAN

5.3.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The minor amendments deal with clarification matters or errors raised at the public consultation and they do not alter the substance of the 'Publication' draft Wyre Local Plan. The 'Submission' stage is an advanced stage in the local plan process. It confirms the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. This stage is a further advancement in the local plan process. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document' As the draft Local Plan has now advanced to 'submission' the weight to be given in the planning balance has increased depending on the particular circumstances of the case.

5.3.2 The following policies contained within the draft Local Plan are of most relevance:

- Policy CS1 - Spatial Strategy for Wyre: Distribution of Development
- Policy CS2 - Spatial Strategy for Wyre: Settlement and Centre Hierarchy
- Policy CS13 - Sustainable Development
- Policy CS14 - Quality of Design

5.3.3 The draft Local Plan is prepared on the basis of the completed housing evidence. This includes the Strategic Housing Market Assessment (including the 2017 Addendum 3) which confirms that the figure of 479 dwellings remains a robust and appropriate objectively assessed need (OAN) figure. However the local plan sets an annual housing requirement of 411 dwellings for the period 2011 to 2031. The evidence supporting the Local Plan shows that the full OAN cannot be delivered. The 'Publication' draft Wyre Local Plan indicates that Wyre can only deliver 8,224 dwellings due to various constraints. It is considered that the identified annual housing requirement represents a robust and sound figure for the local plan within the context of constraints in the borough.

6.0 CONSULTATION RESPONSES

6.1 STALMINE PARISH COUNCIL

6.1.1 Objects to the proposal on the following grounds

- Access to the site is via an unlit track that leads to a public footpath, there are no passing points or pavements. The development should not prejudice

neighbouring properties access rights or have an adverse impact on the local highway network which is considered would occur during the construction period.

- Previous application on Grange Lane have been refused.
- This lane frequently floods and current drainage systems cannot cope with existing levels of water during heavy rainfall. The proposed development would have an adverse risk of flooding.
- The proposed development would put additional strain on the surface and foul water drainage systems which has potential for cross contamination should the sewers fails.
- The proposed development would have an impact on a variety of species of wildlife and has potential to be a major disruption during breeding season.
- It is considered that the design is not in keeping with the neighbouring properties. A faux cottage style would seriously damage the visual amenity of the area.
- The proposal would overall have a detrimental impact on the residential amenity of the occupiers of the neighbouring properties for the reasons given above in conflict with Protocol 1, Article 1 of the Human Rights Act.

6.2 ENVIRONMENT AGENCY: No observations to make. Local guidance should be applied.

6.3 LANCASHIRE COUNTY COUNCIL (HIGHWAYS): Raises no objections to the proposal subject to conditions.

6.4 GMEU

6.4.1 Raises no objection to the proposed development but advises that the measures proposed in section 7.2 of the Environtech ecological appraisal (March 2017) for the avoidance of harm to amphibians should be required to be implements in full. Additionally the retained woodland and trees should be properly protected from harm during the course of any development.

6.5 CONSERVATION OFFICER: Raises no objections to the proposed development.

6.6 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.6.1 Raises no objection subject to a condition requiring the submission and approval of full surface water drainage plans.

6.7 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION)

6.7.1 Raises no objection to the proposal and advises his comments remain unaltered from the previous application in which it had been request that a standard condition relating and requiring a Desk Study to be provided to assess potential on site contamination be added to any subsequent approval notice.

6.8 WBC PARKS AND OPEN SPACES MANAGER (TREES)

6.8.1 Raises no objection to the proposal as there is to be full retention of the TPO woodland and the inclusion of 37 heavy standard trees within two separate areas.

7.0 REPRESENTATIONS

7.1 Fifteen letters of representation have been received by the local authority in connection with this application. These representations object to the proposed development on the following grounds:

- The application makes no reference to the listed building opposite
- The access was onto the woodland that historically suggests it was part of the listed building
- Previous efforts to widen Occupation Lane has resulted in debris which caused the dykes to overflow.
- Design is not in keeping with the area.
- Increasing use of Occupation Lane by both vehicles and pedestrians would result in the increased likelihood of an incident.
- There is no point in having a permitted development area if it is not enforced.
- The existing footpath is well used.
- If this is passed more applications to add on will follow.
- It will impact on wildlife.
- There will be noise and disruption during construction.
- Loss of view from existing properties.
- Devaluation of properties.
- Increased traffic.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 None required

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Visual Impact / Design / Impact on the street scene
- Impact on residential Amenity
- Impact on Highway / Parking
- Flood Risk
- Trees

Principle of development

9.2 The application site in this instance relates to a green field site which lies immediately adjacent to the defined settlement boundary. The site is privately owned grass land area of 950 square metres and is allocated as "Countryside Area" within the Local Plan proposals map in which saved Local Plan policy SP13 applies. The general thrust of Saved Policy SP13 aims to prevent development within the open countryside, unless its development is justified by other policies within the Local Plan or where the development would be for the purposes of agriculture or forestry, uses appropriate to a rural area, that which would fulfil local housing needs, the re-use or refurbishment of listed or institutional buildings, or the conversion of rural buildings.

9.3 The proposed development in this instance does not fall into one of these exceptions and nor is it justified by other policies within the development plan. The site is not allocated for housing within any adopted development plan documents and

as such the application is therefore contrary to saved Local Plan policy SP13. However, as the Council does not have a five year housing supply, and in accordance with the NPPF, this has to be balanced against the requirement of the NPPF wherein there is a presumption in favour of sustainable development. The presumption in favour of sustainable development seeks to achieve economic, social, and environmental gains and positive improvements to the quality of the built and natural environment. In this instance the application site is located in an area where there is a presence of existing residential development, to the north and east there are a number of dwellings of individual character and age and immediately to the north is the village reading and recreational rooms. To the south and west is open countryside and grazing land which is rural in character.

9.4 Whilst the site is in close proximity to existing dwellings, this proposal seeks to introduce one detached dwelling into the undeveloped site. In establishing if the site is considered to be sustainable for the purpose of the NPPF, the economic, social and environmental impacts arising from the development are to be assessed. In this turn the location of the site and its proximity to employment opportunities, local community facilities/amenities and public transport links is fundamental to contributing to sustainable development. The site does lie within very close proximity to the village services and an array of community facilities, this includes the local convenience store the Seven Stars public house, local church along with Wyre Villa Football club and bowling green all of which are located within 0.5miles walk of the site to the east along Mill Lane. There are also good levels of access to public transport links with adequate connectivity via illuminated pedestrian footpaths. At the end of Occupation Lane there is also the PROW providing links to the wider countryside area.

9.5 Geographically the site is considered to be sustainably located and any development in this location would assist in contributing to the local economy and occupants of the dwellings would benefit from a reasonable level of social lifestyle.

9.6 Previous applications at this site have been for a greater number of residential units that were to be sited within a different part of the wider site. This application is for the provision of one detached dwelling to be sited to the south of the wider site, which resultantly allows for the complete retention of the woodland area which benefits from a Tree Preservation Order. On balance, it is considered a single dwelling would economically and socially perform sustainable roles in accordance with the NPPF and contribute to the shortfall in housing supply within the borough.

9.7 With regards to the environmental impacts arising from the development upon the character of the area and the local landscape and the impacts upon ecology, protected trees of the existing woodland area to the north of the site is to be maintained in its entirety and to additional tree planning areas are proposed . Consequently, on balance it is considered that the proposal would in this instance represent sustainable development. And the principle of a single residential unit in this location is accepted in accordance with the guidance provided within the NPPF.

Visual Impact / Design / Impact on the street scene

9.8 The natural character of Occupation Lane is very much made up by the tree cover along the boundaries of the site, albeit some clearance works have taken place at the site prior to the submission of the application. When viewed from the wider area and from across the surrounding highway network, mainly Smithy Lane and the car park of the Reading Rooms the application site dictates the rural character of the area, it provides a natural boundary to the village settlement and cross over to the

countryside area by reason of its dense woodland greenery and natural features located within. Although the site is very much amongst the urban grain of the village its independent character contributes to the visual amenity of the area. The site is adjacent to a grade II listed building, Town End Farmhouse, in open countryside beyond the edge of the area of built development within the settlement of Stalmine. An area of woodland forms part of the eastern end of the site and lines the highway at this point.

9.9 This application proposes the erection of a part single storey part two storey detached modular dwelling house to the far western end of the site, associated hardstanding to provide parking and two new tree planting areas. The existing woodland is to be maintained in its entirety. The size and scale of the proposed dwelling is considered to be comparable to the existing dwellings along Occupation Lane and within the surrounding area. The dwelling is proposed to have a modern/contemporary design, appearing angular and with modern glazing. Representations has been received in connection with this proposal that the design of the property is not in keeping with the area.

9.10 Whilst this design is in stark contrast to Town End Farmhouse, an adjacent grade II listed building there are a number of more modern dwellings in close proximity to the site to the North (e.g. the dwellings of Smithy Close). Additionally, the woodland area to the north of the site is to be maintained in its entirety and two new additional tree planting areas around the dwelling house are proposed which would provide further screening of the property from Occupation Lane and whilst maintaining, as best possible the rural characteristics of the area. The conservation officer has raised no objections with regards to the application or the proposed modern design and considered that it would have no unduly detrimental impact on the character or appearance of the adjacent listed building or its setting.

9.11 Whilst saved Policy SP13 which restricts development outside defined settlements has reduced weight because of the lack of a five year housing supply, saved Policy SP14 is consistent with the NPPF which in paragraph 17 states the importance of recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it.

9.12 Whilst the design of the single dwelling proposed is contemporary in its styling, it is not considered to have any detrimental impact on the character or setting of the adjacent listed building; its scale and massing would be comparable to existing dwellings in the area and the existing woodland is to be maintained within additional landscaping proposed. Resultantly, it is considered that the proposal would have no unduly detrimental impact on the visual amenity and rural character of the wider area and as such is considered to be in accordance with saved Policy SP14 of the Wyre Local Plan and the guidance provided by the NPPF.

Impact on residential Amenity

9.13 Due to the proposed siting of the dwelling it would be located some 40m from the nearest residential dwelling (Townend Cottage) which is a separation distance that is considered to be acceptable and in excess of the local authority's guidance with respect to separation distances provided within SPG4 (Spacing Guidance for New Housing Layouts). As the distance proposed is almost double that of the local authority's guidance it is considered that the dwelling would have no unduly detrimental impact upon the amenity of the occupiers of any of the neighbouring properties with respect to any potential overlooking/ loss of privacy issues or appearing as an overbearing development.

9.14 A neighbour representation has been received by the local planning authority which objects to the proposal on the grounds that there will be noise and disruption during construction. There is naturally some disruption created by all new development during a construction period, however this will be temporary and as such this is not sufficient a reason to refuse an application. Additionally, representation further advised that there would be a loss of view from existing properties. Whilst there is no right to views the local authority accepts that a new development within the countryside would alter the landscape. In this instance the proposed dwelling is to be two storey which is considered in keeping in terms of size and scale with existing local dwellings and new trees are to provide landscaping on site which will to some degree provide screening along Occupation Lane, this is considered to be acceptable and in keeping with the location.

9.15 Resultantly, it is considered that the proposal would be in accordance with saved Policy SP14 of the Wyre Local Plan and the guidance provided within SPG4 (Spacing Guidance for New Housing Layouts)

Impact on Highway / Parking

9.16 Lancashire County Council (LCC) highways department advise that based on the car parking recommendations in the Joint Lancashire Structure Plan the Highway Development Control Section that sufficient off road parking provision for this type and size of development has been provided so as not to cause any unduly detrimental impact to the highway. Occupation Lane is an adopted highway with a carriageway width of less than 3m. The previous application considered that due to the proposed intensification of residential use within this location it would be necessary to widen Occupation Lane on the westerly side (land within the developer's control) to enable two vehicles to pass. Additionally it was also considered that the site access would need to be modified to be utilised as a turning head and provided sufficient sight lines for the safety of all highways users. These details have been addressed within the proposed development and reviewed by LCC highways department who advised the proposed turning head to ensure accessibility for emergency vehicles, road widening of Occupation Lane to 5m and sight lines shown on ML planning drawing LF/JH/3217C are also considered to be acceptable. The new site access and associated off-site works to widen the carriageway and provide the turning head will need to be constructed under a section 278 agreement of the 1980 Highways Act.

9.17 Representation has been received by the local authority in connection with this application that objects to the proposed development on the grounds that increasing use of Occupation Lane by both vehicles and pedestrians would result in the increased likelihood of an incident. LCC highways department are satisfied with the details provided and as such have not raised any objections to the proposed new dwelling, parking arrangements at the site or the road widening and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site in accordance with saved Policy SP14 of the Wyre Local Plan.

Flood Risk

9.18 The application site is located within Flood Zone 1 and is not in an area at high risk of flooding. A number of concerns and objections have been received by neighbouring residents relating to flooding and surface water flooding in this area. The Council's Drainage Engineer has not objected to the proposal and advises that

there is no known history of flooding at the site although there is a long history of surface and foul water flooding at the entrance to Occupation Lane. In response to this any subsequent approval will be conditioned so as to require the applicant to submit full surface water drainage plans which demonstrate discharge to a watercourse for approval by the local authority.

Ecology

9.19 An ecological survey was submitted for consideration as part of the application which included a data search and desk study of the site and an area within 2km of the site to establish the presence of protected species and notable habitats; this has been assessed by the Greater Manchester Ecological Unit. Since the previous planning application was determined by the local authority there has been some site clearance including the removal of trees and shrubs which did not require consent. GMEU note that these removals are unfortunate as it has affected the overall nature conservation value of the site. However, this application represents a significant reduction in scale of the previous proposal and the areas of woodland which are considered to have significant value are to be retained. Additionally an assessment of the site for its potential to support amphibians has been considered and mitigation measures to avoid harm to the amphibians during the course of any approved development.

Consequently, GMEU have raised no objections to the development subject to any future approval of the application be conditioned so that the woodland be protected during any development works and the mitigations measures provided within the Envirotech Ecological Appraisal (March 2017) are fully implemented.

Trees

9.20 A new lawned domestic garden is proposed to be created around the new dwelling which would include the planting of 37 new heavy standard trees and shrubs within two separate areas, which is welcomed by the local authority's arboriculture officer. A number of tree and clearing works have occurred at the site prior to the submission of this application which have not required consent. This proposal is smaller in scale than of the previous application and the protected woodland area (TPO number 8 of 2013) is to be retained in its entirety. The Tree Officer has raised no objections to the proposal and it is considered that it would be in accordance with saved Policy ENV7 and SP14 of the Wyre Local Plan and the guidance provided within SPG2 (Trees and Development)

Other Issues

9.21 Contamination - Environmental Health pollution control have advised that they have no objections to the proposal

9.22 A number of matters have be raised within neighbour representations to the proposed development which object to the proposal which include the devaluation of existing properties, this is not considered to be a material planning consideration as property values are determined by external market forces, as such this cannot be considered as part of the assessment of the acceptability of the proposed development.

10.0 CONCLUSION

10.1 As the local authority does not have a five year housing supply in accordance of the NPPF, there is a presumption in favour of development and it is considered that the proposed development would constitute sustainable development as outlined within the NPPF. Resultantly it is considered that whilst contrary to Policy saved policy SP13, the proposal complies with saved Policies SP14 and ENV7 of the Wyre Local Plan and the principles of the NPPF.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions.

Recommendation: Permit

Conditions: -

1. In the case of any reserved matter, namely, landscaping, of the development, 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 24.10.17 (unless otherwise stated) including the following plans/documents:

- Design and Access Statement received 24.10.17
- Site Location Plan received 24.10.17
- Proposed Plan Dwg No. LF/JH/3217C received 24.10.17
- Envirotech Ecological Appraisal (dated 01.03.17) received 30.10.17

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 using those materials specified on the approved application form.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

4. The development hereby approved shall be implemented in full accordance with the Ecological Appraisal submitted with the planning application Envirotech Ecology Appraisal (01.03.17) including all the mitigation measures set out in that report.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 and section 11 of the National Planning Policy Framework (March 2012).

5. Prior to the commencement of development a scheme for the construction of the site access and the off-site works of highway improvement namely, the widening of the carriageway and construction of a turning head, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The site access and off-site works of highway improvement shall be constructed and completed in accordance with the approved scheme details.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). 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.

6. For the avoidance of doubt the level of the new driveway shall be constructed 0.150m above the carriageway channel line of Occupation Lane.

Reason: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

7. The visibility splays shown on plan reference LF/JH/3217C shall be provided prior to first occupation of the development and shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

Reason: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

8. Throughout the construction period (including demolition and/or site clearance), facilities by which means the wheels of vehicles may be cleaned before leaving the development site shall be provided and shall be retained.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials which could create a potential hazard to road users in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

9. Prior to any works commencing on site a Traffic Management Plan for the construction works shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the Management Plan shall include the following details:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plan materials used in the construction of the development;
- storage of such plant materials;
- wheel washing facilities;
- periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify when trips of this nature should not be made)
- routes to be used by vehicles carrying plant and materials to and from the site;
- measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reason: In order to ensure that the integrity of the local highway network is maintained in the interests of road safety in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

10. The development hereby approved shall not be first occupied or brought into use until the parking and turning areas shown on the approved plan LF/JH/3217C has been laid out, surfaced and drained. The parking and turning areas shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate off road parking is provided to serve the development in the interests of highway safety and in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

11. Prior to the commencement of development a scheme for the construction of the site access and the off-site works of highway improvement namely, the widening of the carriageway and turning headworks, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The site access and off-site works of highway improvement shall be constructed and completed in accordance with the approved scheme details.

No part of the approved development shall be occupied until a scheme for the construction of the site access and off-site highways works have been completed in accordance with the details approved by the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). 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.

12. Prior to the commencement of development, a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, 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 the National Planning Practice Guidance and the Non-Statutory Technical

Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national guidance / standards, 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 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 and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with Policy ENV15 of the Adopted Wyre Borough Local Plan (July 1999) 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.

13. 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.

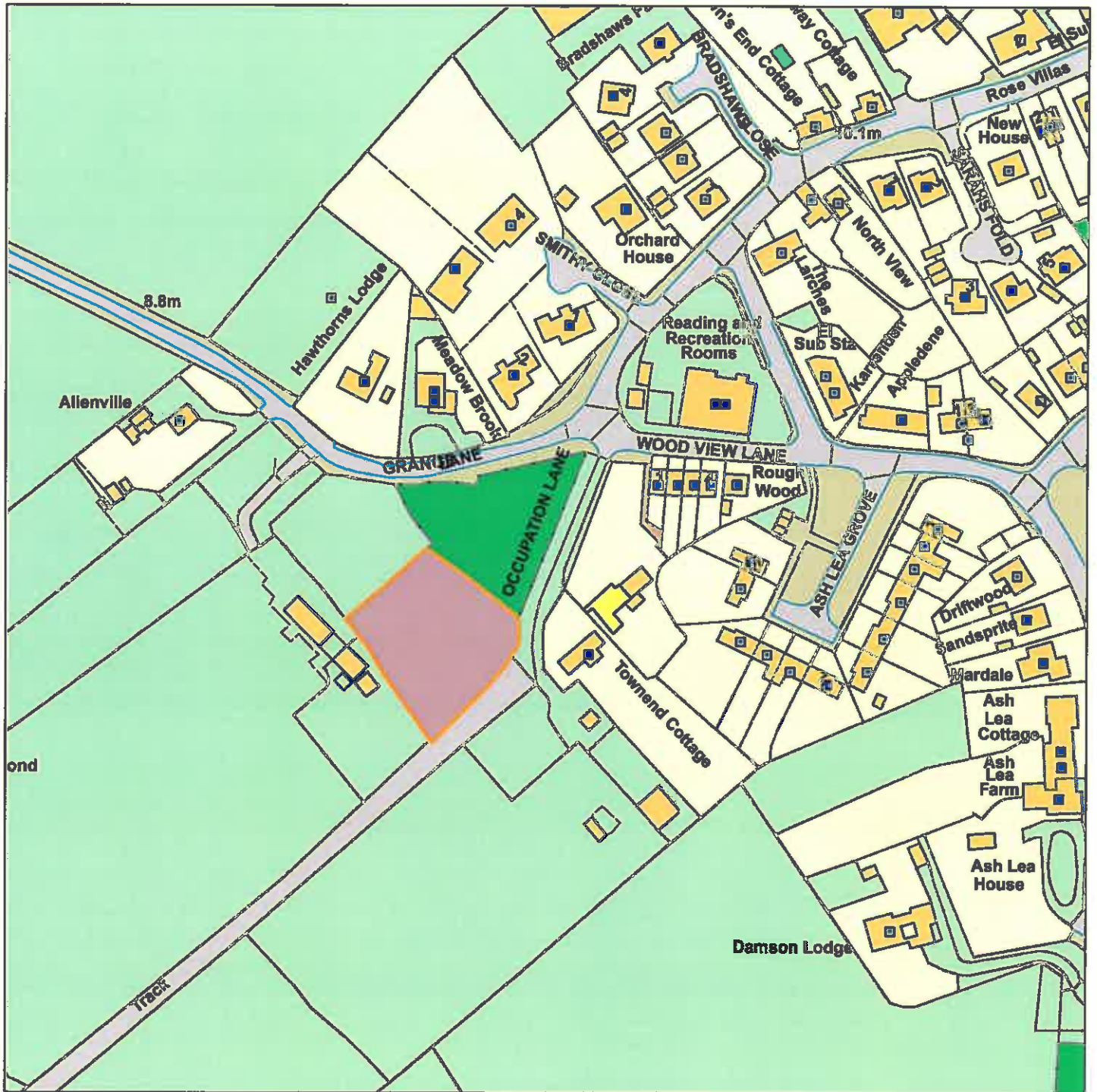
The measures contained within the approved Arboricultural Impact Assessment, Method Statement and Tree Protection Plan with respect to those trees shown as being retained shall be implemented in accordance with the approved plans and particulars before any equipment, machinery or materials are brought 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 saved policies SP14 and ENV7 of the Adopted Wyre Borough Local Plan (July 1999). The details are required to be approved prior to commencement of development to ensure timely tree protection measures are in

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Land at Occupational Lane South of Grange Lane Stalmine



Scale : 1:1726

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Department	Planning Department
Comments	Item 5
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