



Planning Committee Agenda

Wyre Borough Council
Date of Publication: 25 September 2018
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Democratic Services Officer
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**Planning Committee meeting on Wednesday, 3 October 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 5 September 2018 (already circulated by email).

4. Appeals

(Pages 1 - 6)

Schedule of Appeals lodged and decided between 15 August 2018 – 15 September 2018, attached.

5. Planning Applications

(Pages 7 - 76)

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

Reports of the Head of Planning Services on planning applications to be determined at this meeting:-

**Item 1, Application No: 17/00267/OUTMAJ -
Selbys Pig Farm, Little Tongues Lane, Preesall, Lancashire, FY6
OPD**

Outline application for the erection of 10 dwellings with access from Little Tongues Lane / Bourbles Lane and layout applied for (all other matters reserved).

**Item 2, 18/00008/FUL -
Morrisons Supermarket Car Park, Amounderness Way, Thornton
Cleveleys, Lancashire, FY5 3TS**

Erection of two-storey restaurant with associated drive thru (Class A3/A5), car parking, landscaping and associated works, installation of outdoor seating area and two customer order displays. 3m high acoustic fence to boundaries. 6 CCTV cameras on building.

**Item 3, 18/00010/ADV -
Morrisons Supermarket Car Park, Amounderness Way, Thornton
Cleveleys, Lancashire, FY5 3TS**

Advertisement consent for 4 internally illuminated fascia signs.

**Item 4, 18/00011/ADV –
Morrisons Supermarket Car Park, Amounderness Way, Thornton
Cleveleys, Lancashire, FY5 3TS**

Advertisement consent for one 8m high internally illuminated totem sign

**Item 5, 18/000123/ADV -
Morrisons Supermarket Car Park, Amounderness Way, Thornton
Cleveleys, Lancashire, FY5 3TS**

Advertisement consent for 1 height restrictor (internally illuminated), 7 free-standing signs (internally illuminated), 1 directional sign (non-illuminated) and 14 dot signs (non-illuminated).

PLEASE NOTE:

Transport for the members will leave the Civic Centre for the One Site Visit at 11.30am.

APPEALS LODGED AND DECIDED

Appeals Lodged between –15 July – 15 August 2018

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
18/00244/FUL	31 Broadway Fleetwood Lancashire FY7 7DQ	Proposed single storey side extension.	Delegated	Written Representations	22 August 2018

Appeals Decided between – 15 July – 15 August 2018

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
18/00267/FUL	119 West Drive Thornton Cleveleys Lancashire FY5 2JE	Proposed side conservatory	Delegated	Dismissed	05 September 2018

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Appeal Decision

Site visit made on 13 August 2018

by **G J Fort BA PGDip LLM MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 September 2018

Appeal Ref: APP/U2370/D/18/3201777
119 West Drive, Thornton Cleveleys, FY5 2JE

- 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 Mr Nuttall against the decision of Wyre Borough Council.
 - The application Ref 18/00267/FUL, dated 13 March 2018, was refused by notice dated 2 May 2018.
 - The development proposed is a conservatory to the side of a semi-detached bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Ministry of Housing Communities and Local Government issued the new National Planning Policy Framework (the Framework) on 24 July 2018, which replaced the version relevant at the date of the Council's decision on the application that led to this appeal. The Framework establishes¹ that it is a material consideration in planning decisions from the day of its publication. Accordingly, I sought comments from the parties on the bearing of the Framework on the current case. I therefore consider that no prejudice would occur to any interests as a result of me taking the Framework into account in an assessment of the planning merits of the case.

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the host dwelling and its surroundings.

Reasons

4. Situated in a prominent position at the corner of a cross roads, the appeal property is a semi-detached bungalow the hipped roof, brick-facing, and balance and regularity of the street-facing elevations of which impart an uncomplicated appearance. With its front and flank walls set back from the roads behind pleasantly landscaped gardens, the appeal property is part of a streetscene of an intrinsically suburban character. Whilst I saw two-storey dwellings in the wider surroundings of the appeal property, bungalows are predominant within its immediate environs.

¹ At paragraphs 2 and 212

5. The proposed development would introduce a conservatory which would extend along the full depth of the appeal property's flank wall. It would feature a glazed hipped roof off set from its centre, with a feature labelled on the plan as a 'box gutter' at the junction of the proposed development and the appeal property. Its elevations would include brick-facing, with extensive glazing on its front and side, with the rear wall lacking in structural openings. I am mindful of the appellant's comments that the design emerged following discussions with the occupants of neighbouring properties- I also note that no objections were made to the proposal at application stage and indeed some letters of support were submitted.
6. Nevertheless, due to its depth and lack of setback from the front corner of the appeal property, the proposed conservatory would lack subservience and appear as a dominant addition. Moreover, the mismatch of eaves heights and the presence of the flat box gutter element at the junction between the existing and proposed roofs would result in a cluttered complexity to this visually prominent part of the building at variance with the appeal property's simple appearance.
7. The proposed development's discordant effects in this regard would be exacerbated by the glazed roof's off-centre placement in the context of its front elevation and the resultant imbalanced appearance this would impart. The proposed development would therefore read as an incongruous addition to the property and neither the use of matching materials in its facing nor the employment of a reputable local contractor in its construction would overcome this incongruity. Moreover, due to the appeal property's prominent siting the conservatory would read as a visually jarring element of the streetscene.
8. I note that the appellant does not wish to introduce additional screening in the garden in the interests of highway safety close to the junction, but considers that over time recently planted ferns would serve to screen the proposed development. However, whilst the planting may obscure some limited views of the proposed development, it could take some time for the plants to become established, and moreover, the proposed development would still be visible within the streetscene once the ferns have matured. Consequently, these considerations do not override my main concerns.
9. The appellant has drawn my attention to other developments in the wider surroundings of the appeal site. I saw that the bungalow at the corner of West Drive and Amounderness Way is of a contemporary character; however, it has a similar scale and plot size to the bungalows to its side, and thus assimilates with its immediate streetscene in these regards. The single-storey side extension referenced on Stockdove Way relates to a two-storey property, and thus does not share the visually jarring roof relationship or the dominant character of the proposed development in this case. Moreover, each proposal needs to be considered on its own planning merits. Consequently, neither of these developments serves as a precedent for the proposed conservatory in this case due to the clearly more discordant effects it would have.
10. Accordingly, taking these considerations together leads me to the conclusion on this main issue that the proposed development would cause harm to the character and appearance of its host dwelling and its surroundings. For these reasons it would conflict with Policies SP14 and H4 of Wyre's Local Plan (adopted July 1999); the Framework; and the Blackpool, Fylde and Wyre

Extending your Home Supplementary Planning Document (adopted November 2007). Taken together, and amongst other things, the policies and guidance seek high standards of design in extensions that are sympathetic to local character including the surrounding built environment and appropriate and proportionate in scale and character to their original dwellings.

Other Matters

11. The host dwelling's garden is well-cared for, and I note references to others in the area that the appellant considers to be unkempt. However, it has not been demonstrated that these matters relate to the planning merits of the current proposal.
12. I note that siting a conservatory at the rear of the host dwelling could lead to a reduction in garden space, and that the proposed development would not have the same level of effect in these regards. Moreover, the amount of off-street parking would not be reduced as a result of the proposal. The proposed development could avoid harmful effects to the occupants of neighbouring properties in terms of overlooking and outlook. Nevertheless, these matters merely evidence a lack of harmful effects in these terms rather than positive benefits of the appeal scheme and thus have only a neutral effect on the overall planning balance.
13. For these reasons, none of these other matters alter my conclusions in respect of the main issue given above, or outweighs the proposed conservatory's conflicts with the development plan.

Conclusion

14. No material considerations have been advanced in this case to justify a decision other than in accordance with the development plan, with which, in terms of the above-cited policies the proposed conservatory would clearly conflict. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR

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Committee Report**Date: 03.10.2018****Item Number 01****Application Number 17/00267/OUTMAJ****Proposal Outline application for the erection of 10 dwellings with access from Tongues Lane / Bourbles Lane and layout applied for (all other matters reserved)****Location Selbys Pig Farm Little Tongues Lane Preesall Poulton-Le-Fylde Lancashire FY6 0PD****Applicant Messrs Gornall & Dewhurst****Correspondence Address c/o M L Planning Ltd
5 Bobbin Mill Cottages Stubbins Lane Claughton On Brock Preston L1 0PL****Recommendation Refuse****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Karl Glover****1.0 INTRODUCTION AND ASSESMENT (UPDATED FROM ORIGINAL REPORT FOR 6th JUNE 2018 COMMITTEE)**

1.1 This application is before the Committee for a second time. It was initially presented to the Committee on the 6th June 2018. At that meeting the Committee resolved to grant outline planning permission subject to conditions, with the planning permission being issued after the tree issue at the site entrance being resolved, and the completion of a S106 legal agreement to secure appropriate contributions towards local education and affordable housing provision. The full report can be viewed below this update report.

1.2 The S106 agreement for this application has not yet been completed and so planning permission has yet to be formally granted. The applicant has only recently provided details of their appointed solicitors and heads of terms to undertake the S106 agreement. When the application was presented to the 6th June 2018 Planning Committee the Council was unable to demonstrate a five year housing land supply and therefore paragraph 14 (presumption in favour of sustainable development) of the National Planning Policy Framework (NPPF) was engaged. Since then, the Emerging Local Plan has reached a more advanced stage and the revised NPPF has been published, resulting in a material change in circumstance in terms of the Council's housing land supply position. As applications must be determined on the basis of material considerations at the time of the decision, Members are required to reconsider this application having regard to the changed circumstances.

1.3 In terms of the Emerging Local Plan, since the June Planning Committee, the Inspector has issued a Post Hearing Advice note in July which provides a clear direction on key issues arising from the examination and further main modifications that are required to make the Plan sound. The Council published its initial response to the Inspector's note on

the 30th July 2018, which sets out how it will be making the necessary amendments required by the Inspector. Subsequently, the proposed Main Modifications (MM) to the 'Publication' draft Wyre Local Plan were considered by Full Council on 6th September and approved for public consultation for six weeks, commencing on the 12th September.

1.4 Although the draft Local Plan as proposed to be modified does not have the full weight of an adopted Local Plan, it has reached an advanced post hearing stage in the local plan process and is supported by a comprehensive and robust evidence base. Development plan policies contained within the draft Local Plan as proposed to be amended in response to the Inspector's Post Hearing Advice will therefore be given increased weight in determining planning applications depending on the particular circumstances of the case and the extent of any unresolved issues.

1.5 In making the necessary amendments as required by the Inspector in his Post Hearing Advice note, the local planning authority has determined that a Local Plan housing requirement of 9,285 dwellings or 464 dwellings per annum would be a robust and deliverable figure within the context of constraints in the borough. Against this figure, the 5 year land supply including 20% buffer, is calculated as 5.19 years. This reflects the most up-to-date housing supply position based on the 31 March 2018 figures. Significant weight should be attributed to this position which demonstrates a 5 year land supply and as such the relevant policies for determining planning applications (in both the Adopted Local Plan and the Emerging Local Plan) are not considered to be out of date with respect to restricting land supply. Therefore it is the Council's view that the tilted balance in favour of sustainable development (as set out in paragraph 11 of the revised NPPF) is no longer triggered in the determination of this application.

1.6 Alongside this, the revised 2018 NPPF is a significant material consideration which should also be taken into account for the purposes of decision taking. Paragraph 73 requires a five year supply of specific deliverable housing sites to be identified against a local authority's local housing need where its strategic policies are more than five years old. As the adopted policies are those set out in the Wyre Borough Local Plan, which is more than 5 years old, paragraph 73 requires that the local housing need should be used as the basis for the calculation.

1.7 Calculating this local housing need can be done using the standard method in national planning guidance and so it is possible to calculate the annual minimum figure ahead of the Government publishing these figures in November. Wyre Council has instructed Turley Associates to calculate this figure. For Wyre, the new housing need figure based on the standard methodology calculation is 317 dwellings per annum (dpa). This figure should be used for decision making purposes until the Wyre Local Plan is adopted.

1.8 In light of the 2018 NPPF (paragraph 73) requirement for this local housing need to be used as the basis for the five year land supply calculation where strategic policies are more than five years old (as is the case at Wyre BC), this figure of 317 dpa should be used until the Emerging Local Plan figure of 464 dpa is adopted. Wyre is currently in the process of updating its land supply calculation against this latest figure. This calculation will apply the 2018 NPPF definition of deliverability in identifying sites within the 5 year supply. Initial work undertaken suggests that the draft calculation is 9 years land supply.

1.9 Against the Emerging Local Plan housing requirement and the new local housing need figure for Wyre, the Council is able to demonstrate a five year land supply. Full weight can therefore be given to the saved local plan policies as the starting point for decision making. The application site is located within the countryside area as defined by both the emerging and adopted local plan. Saved Policy SP13 of the Wyre Borough Local Plan seeks to prevent development within the countryside in order to protect its intrinsic open and rural

character. Certain exceptions are listed but none would apply to the development proposed. Policy SP4 of the Emerging Local Plan sets out that within Countryside areas planning permission will only be granted for certain types of development. Again, in this instance, none of these apply to the development proposed in this application.

1.10 Whilst sustainability is a material consideration, it is not considered that the tilted balance in favour of sustainable development is now applicable. Any social and economic benefits should be given considerably less weight now that the Council can demonstrate a five year housing supply. In terms of environmental impact, whilst the site does comprise of run-down and derelict buildings and some weight can be given to the fact that the development would tidy up the site, these existing buildings are mainly agricultural in nature and so accepted in a rural setting. It is considered that introducing an urbanising form of development of the scale and form proposed in this rural location would result in environmental and visual harm, contrary to the saved and emerging local plan policies. Furthermore, whilst the site is not considered to be isolated, it is not within or adjoining a settlement boundary where accessibility and connectivity levels could be said to be good.

1.11 Accordingly, for the reason set out above and specifically that the Council can now demonstrate a 5+ years housing supply, it is now considered that the application fails to comply with Saved Policies SP13 and SP14 of the Adopted Local Plan and Policies SP1, SP2 and SP4 of the Emerging Wyre Local Plan and the provisions of the NPPF in particular Sections 5 and 15.

2.0 RECOMMENDATION

2.1 That the application is refused for the following reason:

2.2 The application site is located in an area of open countryside outside of the identified settlement boundary of Preesall in both the adopted Wyre Borough Local Plan and emerging Wyre Local Plan. The proposed development by reason of its scale, density and domestic built form would introduce residential development to the locality which would result in an unacceptable and unnecessary encroachment/projection into the Countryside Area, to the detriment of its character and appearance. As a consequence, the proposal would be contrary to saved Policies SP13 and SP14 of the Adopted Wyre Borough Local Plan, Policies SP1, SP2, and SP4 of the Emerging Local Plan and the provisions of the NPPF in particular Sections 5 and 15.

ORIGINAL REPORT FOR THE 6TH JUNE 2018 COMMITTEE

1.0 INTRODUCTION

1.1 This application is before Members at the request of Councillor Orme. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The site which forms the subject of this application relates to a former agricultural enterprise known as Selbys Pig farm which is located on the eastern side of Little Tongues Lane in Preesall. The site comprises of an array of rundown dilapidated and overgrown agricultural structures including former pig pens and shelters. Currently one of the buildings is used for an indoor archery range (permitted in 2014). The surrounding area is mixed in character, to the north, west and south are residential dwellings and to the east beyond the site is open countryside area. Mature trees are sporadically located along the northern and

eastern boundary and there is pond located immediately to the north east. The site benefits from an established access onto Little Tongues Lane. The site is allocated within the Local Plan proposals map as being within the Countryside Area just outside of the settlement boundary of Preesall and is also located within Flood Zone 3. Little Tongues Lane is also a designated PROW and Bridle Way (FP20 and BW21).

3.0 THE PROPOSAL

3.1 The application seeks outline planning permission for the erection of 10 residential dwellings with access from Little Tongues Lane/Bourbles Lane and layout applied for (appearance, scale, and landscaping are matters reserved) following the demolition of existing agricultural structures. The existing access from Little Tongues Lane is proposed to be utilised to serve one detached dwelling which will sit on a similar building line to the adjacent property 'The Bungalow'. A new access is also to be taken from the corner of Little Tongues Lane and Bourbles Lane into the site to the north where the remaining 9 units are laid out in a court yard arrangement around a central island.

3.2 The layout proposed demonstrates that to the north and east a terrace row of 3 units are proposed, to the south is a pair of semi-detached houses and a detached dwelling is proposed to the west (along with the detached unit accessed from Little Tongues Lane). Each of the dwellings are shown to have rear gardens and off street parking by way of detached garages and driveways. The proposed access junction on the corner of Bourbles Lane and Little Tongues Lane is shown to measure 20m narrowing to 5m for the access road which leads into the site.

3.3 The application has been submitted with indicative elevation and floor plans. The design of the dwellings are (2 storey) rural and traditional in character comprising of a mixture of stone and red brick, decorative stone quoins and openings which reflect that of barn conversions with stone heads and cills with small pitched roof porches and wall/gable dormers. The dwellings are shown to measure approximately 7m in height. The plans also show illustrative garage designs (single and double).

3.4 The application is accompanied by the following supporting documents

- Design and Access Statement
- Ecological Survey / Assessment (Revised)
- Flood Risk (and Sequential Test) Assessment

4.0 RELEVANT PLANNING HISTORY

4.1 The site has the following relevant planning history:

4.2 11/00315/LAWE - Lawful Development Certificate for existing dwelling occupied by person not employed in agriculture - Application Withdrawn (The Bungalow)

4.3 11/00476/LAWE - Lawful Development Certificate for existing dwelling occupied by person not employed in agriculture (resub. 11/00315/LAWE) - Lawful (The Bungalow)

4.4 11/00708/FUL - Creation of fishing lake - Application Permitted

4.5 11/00708/DIS - Discharge of condition 3 of planning permission 11/00708/FUL

4.6 11/00724/FUL - Replacement dwelling - Application Permitted

- 4.7 13/00903/FUL - Erection of detached dwelling - Application Refused
- 4.8 14/00538/FUL - Change of use from an agricultural building to an indoor archery range - Permitted
- 4.9 17/00202/FUL - Erection of an indoor archery range with associated parking (Use Class D2) - Permitted

5.0 PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1.1 Section 1 - Delivering sustainable development 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". The following sections are relevant to this application:

5.1.2 Section 4 - Promoting Sustainable Transport

Encouragement should be given to solutions which support reductions in greenhouse gasses and reduce congestion. Support should be given to facilitate the use of sustainable modes of development. Plans and decisions should take account of whether safe and suitable access to the site can be achieved and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.1.3 Section 6 - Delivering a wide choice of high quality homes

Local Authorities should boost significantly the supply of housing and provide five years' worth of housing with an additional 5%. Housing applications should be considered in the context of the presumption in favour of sustainable development and deliver a wide choice of high quality homes and plan for a mixed housing base. In rural areas housing should be located where it will enhance or maintain the vitality of rural communities. In the countryside isolated dwellings should be avoided unless there are special circumstances.

5.1.4 Section 7 - Requiring Good Design

Good design is a key aspect of sustainable development. High quality and inclusive design for all development is needed. Development away from areas at highest risk, but where development is necessary, making it safe without flood risk elsewhere. Sequential and exception tests should be used.

5.1.5 Section 10 - Meeting the challenges of Climate Change and Enhancing the Natural Environment

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 flood risk elsewhere. Sequential and exception tests should be used.

5.1.6 Section 11 - Conserving and Enhancing the Natural Environment

The planning system should contribute to and enhance the natural and local environment. There is encouragement for the effective use of land by re-using land that has previously been developed (Brownfield land) provided it is not of high environmental value.

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. 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:

- SP8 - Definition of small rural settlements
- SP13 - Development in the countryside
- SP14 - Standards of design and amenity
- ENV7 - Trees on development sites
- ENV13 - Development and flood risk
- ENV15 - Surface water run-off
- CIS6 - Securing adequate servicing and infrastructure
- TREC12 - Public rights of way

5.3 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

5.3.1 The following Supplementary Planning Guidance is considered to be of relevance to the determination of this application:-

- Supplementary Planning Guidance 2 - Development and Trees
- Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

5.4 EMERGING LOCAL PLAN

5.4.1 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.

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

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP4 - Countryside Areas
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility and Transport
- HP3 - Affordable Housing

5.4.3 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 PREESALL TOWN COUNCIL

6.1.1 Object on the grounds that the development is an incursion into the countryside as it is outside of the settlement boundary. The access is poor with no footpaths, un-adopted roads and is generally unsustainable.

6.2 LANCASHIRE COUNTY COUNCIL (LOCAL HIGHWAY AUTHORITY)

6.2.1 No objections in principle subject to the delivery of the required sight lines and pedestrian footway. LCC Highways are of the opinion that the impact of the proposed 10 dwellings should have a negligible impact on highway capacity and highway safety in the immediate vicinity of the site.

6.3 LANCASHIRE COUNTY COUNCIL (EDUCATION)

6.3.1 A contribution towards Education provision is required by reason of £47,474.56 towards secondary education (x 2 Places). St Aidans C of E High School is the named school. There is no requirement for the provision of primary education contributions. This is based upon a reassessment at the time of compiling the report (27th April 2018).

6.4 LANCASHIRE COUNTY COUNCIL (PUBLIC RIGHTS OF WAY)

6.4.1 No objections subject to the full widths of the Public Rights of Way being available for safe use by the public at all times. The short length between the site entrance and Little Tongues Lane is not maintained at the public expense as a vehicular right of way. LCC do not accept responsibility for the repair and upkeep of this section of the bridle way as a vehicular access. This responsibility should rest with the landowner or those with private vehicular access rights and the surface must be suitable for equestrians.

6.5 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.5.1 Objection due to an inadequate Flood Risk Assessment being submitted. Following re consultation on 30th April 2018 there has been no response received at the time of compiling this report. Any response received will be reported on a committee update sheet.

6.6 ENVIRONMENT AGENCY

6.6.1 Initially objected as the submitted FRA was not considered to be acceptable. Following the submission of the revised FRA the objection was withdrawn subject to a condition requiring the development to be undertaken in accordance with the revised FRA and the mitigation measures set out within. The EA are satisfied that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.

6.7 UNITED UTILITIES

6.7.1 No objections subject to conditions requiring drainage details to be submitted

6.8 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.8.1 No objections, however a revised Bat survey was requested due to the age of the assessment submitted with the application. Following the submission of the revised survey it has been confirmed that there are no objections subject to a condition relating to the protection of nesting birds and biodiversity enhancements.

6.9 WBC HEAD OF ENGINEERS (DRAINAGE)

6.9.1 No objections subject to full detailed drainage plans to be submitted

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

6.10.1 No objections subject to a condition relating to a contaminated land desk study to be submitted

6.11 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY
(NOISE)

6.11.1 No objections - It is not anticipated that there will be any adverse environmental impact from noise on the proposed development and I do not anticipate that the proposed development will have an adverse noise impact on the surrounding countryside.

6.12 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY
(ODOUR)

6.12.1 No objections

6.13 WBC PARKS AND OPEN SPACES MANAGER (TREE OFFICER)

6.13.1 No objections - Note that the design would require the removal of approx. 11 Nos of over-mature poplar trees. Close inspection of the said trees indicated an overall low retention value. (Numerous large broken limbs noted, soil level raise considerably adjacent to the trees stems). No objections as the said trees are not desirable to retain however it would be necessary to secure a detailed landscape plan incorporating a schedule and specifications relating to new tree planting on the site to compliment new build.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there have been 4 letters of objection received and 1 letter of support for the proposal. The primary reasons for objections are:

- Highways concerns
- Danger to pedestrians, horse riders and lawful vehicles
- Bourbles Lane is private and should not be used for construction traffic
- The proposed entrance is directly at a spot where water supply is connected
- The positioning of the entrance is dangerous
- Issues regarding Ownership and legal rights of access

7.2 The reasons set out in support of the development are:

- The development would greatly improve and enhance the site and the surrounding area.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Ongoing discussions have been had with the agent with regards to objections and observations received from consultees including a number of amended Flood Risk Assessments and revisions/clarification to the Flood Risk Sequential Test. A revised existing site plan, levels plan and Finished Floor Levels plan has also been requested. An extension of time has also been received until the 7/6/2018.

9.0 ISSUES

9.1 The main key issues in the determination of this application are as follows:

- Principle of Development and compliance with Planning Policy
- Design and Impact on the Character and Appearance of the Surrounding Area
- Impact on upon Residential Amenity
- Impact on Highway / Parking
- Flood Risk and Drainage
- Ecological Matters
- Impact upon Trees
- Contamination

Principle of Development and compliance with Planning Policy

9.2 The application site is allocated within the existing Local Plan proposals map as 'Countryside Area'. In turn the provisions of Saved Policy SP13 applies. Saved Policy SP13 sets out that unless otherwise justified by the policies within the local plan, development in areas designated as countryside on the proposals map will not be permitted subject to the following exceptions:

- A) The essential requirements of agriculture or forestry, suitable forms of tourism and related activities
- B) Fulfilling a local housing need
- C) The re-use or refurbishment of listed buildings or institutional buildings
- D) The conversion of rural buildings
- E) The development of a single infill plot within an established frontage of not less than five dwellings

9.3 In this instance the provision of 10 dwellings as proposed within this application fails to satisfy any of the criteria above nor is it justified by other policies within the development plan. Whilst Policy SP13 is a saved policy and was adopted some time ago recent appeal decisions have determined that it is considered to be broadly consistent with, and reflects the objective of Paragraph 55 of The National Planning Policy Framework which seeks to avoid new isolated homes in the countryside unless the development is deemed to be sustainable development or accords with a number of identified special circumstances (none of which apply here).

9.4 As set out in 5.4.1 the new Wyre Local Plan is at an advanced stage in the local plan process. Whilst it may be justifiable to refuse planning permission on grounds of prematurity where a development plan is being prepared, the NPPG sets out that arguments that an application is premature are unlikely to justify a refusal other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Such circumstances are likely to be limited to situations where both the development proposal is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about scale, location or phasing of new development that are central to an emerging Local Plan; and the emerging plan is at an advanced stage. However the development of 10 units in this instance is not seen to be a substantial development and therefore it is not considered that a refusal on the grounds of prematurity can be justified here. Notwithstanding this, appropriate weight is to be attributed to the relevant policies of the new Wyre Local Plan. In this instance SP1, SP2 and SP4 seek to support sustainable development whilst limiting any impacts upon the Countryside Area. Within the development hierarchy (set out in Policy SP1) Preesall is identified as a Rural Service Centre with a predicted housing growth of 19% for the plan period of 2011 to 2031.

9.5 As set out within the new Wyre Local Plan, whilst the Objectively Assessed Need (OAN) figure for Wyre is 479 dwellings per annum, due to the boroughs environmental constraints (highways capacity and flood risk) an annual figure of 411 dwellings is considered realistic to deliver. The new Wyre Local Plan is at an advanced stage however it is not formally part of the development plan for the area and until there is an indication that the 411 figure is a robust figure, the OAN figure of 479 per annum is to be used to determine the Council's five year land supply position. The Council acknowledges that against the OAN figure of 479 dwellings per annum it cannot currently demonstrate a five-year supply. In accordance with paragraph 49 of the NPPF in the event that such a supply cannot be demonstrated, relevant policies for the supply of housing should not be considered to be up-to-date and housing applications should therefore be considered in the context of the presumption in favour of sustainable development and paragraph 14 of the NPPF. The three dimensions to sustainable development are as set out paragraph 7 of the NPPF and seek to achieve economic, social, and environmental gains and positive improvements to the quality of the built and natural environment. These are not to be undertaken in isolation because they are mutually dependant. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

9.6 Paragraph 55 of the NPPF promotes sustainable development in rural areas, stating that housing should be located where it will enhance or maintain the vitality of rural communities or, where there are groups of smaller settlements, that development in one village may support services in a village nearby. The application site is located approximately 1 mile north of St Aidan's C of E High school and the lane itself is a designated Public Right of Way and there is a bus stop at the junction with Little Tongues Lane and Sandy Lane. Within Preesall there are a variety of public services and conveniences including churches, primary and secondary schools, shops, public houses and recreational facilities. Although on the periphery (approx. 300 metres) of the settlement boundary the application site lies within a well-defined grouping of residential properties located along Little Tongues Lane with a reasonable level of pedestrian connectivity (street lighting although no defined footpaths) to the wider areas of the settlement and indeed the services available in the adjoining villages. It therefore cannot be said to be an isolated site. It is considered that the additional 10 dwellings would provide modest benefits to the village's existing economy and support the local businesses within the area. Furthermore the site is in close proximity to schools, public transport links and recreational facilities, resulting in valuable social gains for any potential future occupiers of the properties. The application site comprises of an array of former rundown and dilapidated agricultural structures, including one which is used for an indoor

archery range, as such the site can primarily be considered as previously developed land. When viewed from Little Tongues Lane, Bourbles Lane and even across the landscape from Tongues Lane to the east the site in its current form does appear as run down and is clearly visually unmaintained with the Landscape. It is considered that the new dwellings and associated landscaping will utilise an existing site which would enhance the appearance of the area by reason of its redevelopment.

9.7 The provision of 10 new open market dwellings in this location would provide a contribution to the shortfall of housing land supply across the borough and would constitute sustainable development providing economic, social and environmental benefits which all weigh in favour of the proposal. Whilst the principle is considered to be acceptable for the reasons set out above, this has to be balanced against other material planning considerations which make up the overall planning balance. This includes highway safety, flood risk, visual impacts and other matters contained and set out below within this report.

Design and Impact on the Character and Appearance of the Surrounding Area

9.8 In assessing the impacts arising from the proposal, taking into consideration the existing built environment as described above it is necessary to apply the provisions set out within Saved Policies SP13 and SP14 of the Local Plan. Policy SP14 seeks to ensure that development proposals are compatible with adjacent existing land uses and acceptable in the local landscape in terms of its scale, mass, style, siting and use of materials. Amongst other criteria the policy goes on to state that any development proposals should respect and accommodate existing important features of the site such as preserved trees, biological and heritage features. As part of this application layout is a matter applied for to enable a more detailed assessment of the visual impacts and any harm which may arise. In the location of the dwellings 2 significantly large buildings are to be demolished along with the ruins of the former piggeries. The agent has confirmed that all of the existing agricultural structures (including the indoor archery building) are to be removed and demolished as part of this application, although some buildings fall outside the confines of the red edge as shown on the submitted location and site plans. Whilst consent has been approved for a new indoor archery range to the east of the application site under application 17/00202/FUL, this proposal would not compromise that development from being delivered and nor would the archery development result in any impacts upon this proposed housing scheme.

9.9 In terms of visual impacts, there will be a change in nature of the built form from agricultural structures to residential dwellings giving the site a more domestic and urbanised character. However, whilst views of the dwellings will be experienced from most of the surrounding public vantage points the layout has been designed in a way which reflects that of a barn conversion/court yard complex with the dwellings designed around a central island and access road (with the exception of the 1 unit which is to be accessed directly from Little Tongues Lane to the west). This design approach will reduce the visual impacts and allow it to sit and integrate with the rural character of the area similar to other barn conversions within close proximity, most notably to the east (Tongues Farm Barns). The pattern of development along Little Tongues Lane does vary. Along the western side the dwellings are equally spaced in a uniform pattern with limited rear gardens, however on the eastern side the siting of properties and structures is very much more sporadic with tandem development and extensive rear gardens with large outbuildings projecting into the landscape. In this instance the proposed dwelling to the east/front of the site will share a similar building line as the adjacent dwellings, New Rochelle and The Bungalow whilst the remaining development will be contained within the extent of the existing built development within the site and will project not too much further into the landscape than that of the neighbouring properties. It is considered that the redevelopment of the site with residential dwellings in the layout provided will not appear as an incongruous addition to the landscape or have any significant harm upon the character of the area.

9.10 It is acknowledged that at this stage only access and layout has been applied for so the appearance and scale of the dwellings as shown on the plans is for illustrative purpose only. However these plans do assist in assessing the impacts of the development and can be used as an indicative guideline in assessing the bulk and massing in comparison to the existing structures on site. Overall each of the dwellings are not shown to exceed 7.3m in height, the applicant has provided plans which also annotate the Finished Floor Levels required to accommodate the mitigation measures set out within the Flood Risk Assessment. The site at present is relatively flat at approximately 5.84m AOD. To accommodate the required increase in level as part of the mitigation measures set out within the Flood Risk Assessment a 0.6m high increase across the site is required. Notwithstanding this increase in level the overall scale of the development will not have a significant impact upon the character of the area or result in excessively tall structures. In comparison, the buildings which are currently on site are of a similar scale and although they are slightly lower to the ridge than the proposed dwellings, cumulatively they are much wider and as a group dominate the majority of the site and landscape. There will be more visual breaks and gaps in the development as part of this proposal. Landscaping (to be dealt with as a Reserved Matter) can be introduced within the site and along the boundaries to provide screening and soften the proposed development. A number of large mature Poplar Trees which are located along the northern boundary are to be removed to accommodate the proposal, these trees can be mitigated against by appropriate landscaping and tree planting.

9.11 In terms of design and layout the proposal has been assessed in accordance with the spacing guidance set out within SPG4. The interface distances stipulated and set out within the guidance is generally complied with across the site and there is adequate off street parking for at least 2 vehicles per dwelling. Internally each of the dwellings are seen to provide good levels of accommodation and the detached garages meet the internal requirements (6m x 3m for single and 6m x 6m for double). Externally the dwellings are shown to be constructed from a mixture of materials including stone and red brick, however all materials are to be assessed and secured at the Reserved Matters stage when appearance has been applied for. Overall the proposed scheme is seen to comply with Saved Policies SP13, SP14 and SPG4
Impact on upon Residential Amenity

9.12 Residential amenity can only be assessed in full once appearance has been applied for at reserved matters stage, however as layout is a matter for determination it is still possible to make an initial assessment. To the north west of the application site is a property known as the Bungalow which was associated with the former farming enterprise. Originally this property was once an agricultural workers dwelling but has since been granted a lawful development certificate under application (11/00315/LAWE) to enable it to be occupied by a person not employed in agriculture. This dwelling will not be affected by the proposed development. The nearest unit which is accessed from Little Tongues Lane is approximately 13m away to the south with a front to side relationship. This distance is sufficient to ensure that the dwelling could be designed so there will be no overlooking, loss of privacy or overbearing impacts and would comply with the guidance set out within SPG4.

9.13 Along the northern boundary the dwellings will back on to an area of land associated with Springfield which has a large outbuilding adjacent to and set off the southern boundary. The 3 dwellings along the northern boundary will be set off by approximately 7.5m. Whilst design guidance seeks rear gardens of 10.5m in this instance as the land is not domestic and there is a domestic outbuilding immediately adjacent, this boundary off set is considered to be acceptable and would not result in any adverse impacts upon the amenity of the occupants of Springfield.

9.14 To the south and west of the proposed development is a detached bungalow known as New Rochelle which fronts on to Little Tongues Lane. It is considered that there will be no adverse impacts upon this dwelling in terms of overlooking or loss of privacy as the interface distances also comply with the guidance set out in SPG4. It is also considered that the removal of the existing farm buildings and the derelict structures would be a planning gain as these buildings albeit run down could be occupied and used in the future for agricultural purpose where impacts arising from odour and noise could have some adverse impacts upon this dwelling. Whilst the impacts upon neighbouring amenity are accepted based on the site layout plan, the full impacts can only be fully assessed at reserved matters stage when appearance, including the location of windows etc are fully established. Whilst the new archery range has been permitted the activities are fully contained within a new building and there will be approximately 70m separation from the new dwellings which is seen to be sufficient as to not have any impacts arising from noise or disturbance on the occupiers of the new dwellings.

Impact on Highway / Parking

9.15 Concerns have been raised by both neighbours and the Town Council as to the impacts upon highway safety. Little Tongues Lane is partly adopted to the south but then progresses in to a private lane with no adoption and is characterised as a relatively narrow track of 5m in width. It is also a public right of way (PROW FP 2-3-20) and at the point of joining Bourbles Lane it is also a designated bridal way (BW 2-3-BW21). Observations have been received from residents regarding the ownership and rights of access along the lane, however this would be a private and legal matter which falls outside the realms of the planning system. Lancashire County Highways have advised that the proposed 10 dwellings would have a negligible impact on highway capacity in the immediate vicinity of the site. The Highways Officer requested an additional plan demonstrating that visibility splays of 2.4 x 25m in each direction can be achieved from the main access point onto Little Tongues Lane and Bourbles Lane. This has been provided and is demonstrated on the site and within land which is fully within the applicant's ownership. Lancashire County Highways have advised that the proposed 10 dwellings would have a negligible impact on highway capacity in the immediate vicinity of the site and would therefore have no impact on the highways evidence submitted in support of the Local Plan which identifies a finite housing capacity figure for Over Wyre based on highway constraints. For this reason the development would not require a reduction in housing numbers from any of the allocated sites identified for Over Wyre.

9.16 To mitigate against the development and additional pedestrian footfalls the dwellings will create a new 2m wide pedestrian footpath is to be provided to the south of the proposed new access along the western side of Little Tongues Lane (from the northern boundary of number 9 Little Tongues Lane to the southern boundary of Ivy Dean) as part of highway improvements. This can be secured and conditioned accordingly along with other reasonable conditions recommended by the Highways Officer. As set out within Paragraph 9.9 the parking provisions provided are considered to be acceptable. Whilst concerns raised by residents and the Parish Council are acknowledged, the NPPF states that developments can only be refused where highway impacts are considered to be severe. With no objection from Lancashire County Highways to the proposal subject to conditions and S278 works there is no reason to conclude that the development would be unacceptable on highway grounds.

Flood Risk and Drainage

9.17 The majority of the application site is located within Flood Zone 3 which is defined as having a high probability of flooding in the National Planning Practice Guidance (NPPG). Given the location of the proposed scheme, a Sequential Test is required to assess whether more appropriate locations for the proposed development exist which are in areas which are at lower risk of flooding. The need and importance of the Sequential Test is set out in NPPF

Paragraph 101, which states that "The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development with a lower probability of flooding". The NPPG is clear in Paragraph 33 that for individual planning applications where there has been no previous sequential testing via the local development plan that a Sequential Test will be required. If it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should then be applied. For this to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall.

9.18 It is for the Local Planning Authority to determine whether or not the proposals satisfy the Sequential Test as defined in paragraph 101 of the NPPF and, where necessary, the requirements of the Exception Test as set out in paragraph 102. As part of this application and accompanying the submitted FRA the applicant has provided a detailed Sequential and Exceptions Test. The methodology used in the Sequential Test is in general accordance with the Council's 2015 Flood Risk Sequential Test: Advice for Applicants guidance. The geographical search area is borough-wide; the range of alternative sites considered include those within the +/- 5 dwellings or 10% threshold based on both no. of units (10 dwellings) and site area (0.40 to 0.49ha) (+/-10%); and the sources investigated include sites allocated in the current Local Plan and Fleetwood-Thornton AAP, and those identified in the latest Housing and Employment Land Monitoring Reports and 2017 Strategic Housing Land Availability Assessment (SHLAA), as well as approaching local agents and undertaking online land/property searches. A number of potentially alternative sites are discounted because they do not fall in a lower flood risk area, or because they are not considered "reasonably available" using the criteria outlined in the Council's guidance. In assessing the ST Officers requested more information and more justification on a number of the sites including sites granted consent since the application was submitted. Also a more robust Exceptions test (Part 1) was requested and a response from an additional agent to confirm there was no site available. This additional information was provided and following its assessment it was concluded to represent a robust assessment which demonstrates there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding and therefore the application is considered to pass the Sequential Test.

9.19 The Exception Test submitted (Section 5 of ST) outlines the sustainability benefits to the community including the emphasis placed by the NPPF as to the economic, social and environmental benefits of meeting housing needs across a Borough which should be afforded significant weight in any planning decision. Local level benefits to help support the vitality and viability of the rural community at Preesall and rural services such as bus routes and local schools along with short-term construction jobs, are also outlined (although it is considered only limited weight should be given to the latter) along with the redevelopment of a rundown and visual eyesore of a site. These benefits are considered to outweigh any flood risk harm subject to a satisfactory site-specific Flood Risk Assessment (FRA) being provided. It is the role of the Environment Agency to consider whether or not the proposals satisfy the requirements of this part of the Exception Test and paragraph 101 of the NPPF. They have advised that based on the submitted (Revised) FRA that the applicant has demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce the flood risk overall. This is subject to a number of recommendations e.g. finished floor levels being set no lower 6.44m AOD and are no lower than 600mm above the external ground level. The Environment Agency (EA) is satisfied with this FRA and conditions will be required to secure implementation of the recommendations.

9.20 The submitted FRA also sets out an indicative surface water drainage plan and an identified strategy for discharging of foul waters. Surface water discharge is shown to be discharged to the existing watercourse via a ditch located along the southern boundary and connects to the Wheel Foot Water course approximately 400m to the north of the site. The surface water will be connected to the system via an attenuation system located under the central island and connected at a restricted run off rate. Foul water is to be connected to a piped system via an onsite pumping station and discharged in to the combined public sewer within Sandy Lane. The Council's Drainage Engineer has raised no objections to the proposal in principle subject to full details being submitted. The proposed drainage of surface water is seen to comply with the principles of Sustainable Urban Drainage Systems (SUDS) and would satisfy the provisions set out within the NPPF and the NPPG. The connection of the foul waters to the existing system raises no concerns and an appropriate drainage scheme can be secured via condition.

Ecological Matters

9.21 Within the site there are a number of dilapidated and run down structures. The application has been submitted with an ecological appraisal which has been assessed by Greater Manchester Ecological Unit to determine any possible harm the development may have on protected species or ecological impacts within the locality. Given the age of the submitted survey a revised bat survey was requested. The Ecologist has advised that the proposed development is unlikely to have any significant ecological impacts however conditions relating to the protection of nesting birds and biodiversity enhancements has been recommended.

Impact upon Trees

9.22 To accommodate the proposal 11 large over-mature poplar trees have been identified for removal along the northern boundary. The Tree Officer has advised that upon close inspection these trees are considered to be of low retention value as they have a number of large broken limbs and soil levels have been raised considerably adjacent to the trees. New tree planting secured by way of condition as part of the biodiversity enhancements requested by GMEU / at reserved matters stage could mitigate against the loss of these trees to an acceptable standard.

Contamination

9.23 The application site is a former agricultural enterprise where there is potential for onsite and ground contamination as a result of this use. The Council's Environmental Protection team has requested that a desk study be secured through condition in respect of land contamination. Should this study reveal any likely contamination, a scheme of investigation must then be agreed along with any mitigation measures required. Subject to the imposition of this condition, no unacceptable impacts on human health or the environment arising from land contamination are anticipated.

Other Matters

Public Right of Way/Bridal Way

9.24 To the west of the site Little Tongues Lane is a designated Public Right of Way (FP20) and to the south Bourbles Lane is also a Bridal Way (BW21). As part of the application the PROW Officer at Lancashire County Council has been consulted and has raised no objection to the proposal subject to the prowl and bridal way being available for safe use by the public at all times. As part of this application there is no proposed works which would require a stopping up or diversion of either the prowl or bridal way with the only impacts being the additional vehicular movements at the junction to the south of the site. It is

not considered that the development will have any material impacts in this respect above and beyond that which could or would have arisen by agricultural vehicles associated with the farm. An advice note is recommended to be attached to bring it to the attention of the applicant that no materials or stopping up of the PROW shall take place without the consent from the PROW Officer.

Obligations/ Contributions

Affordable Housing

9.25 There are no saved policies relating to affordable housing in new housing developments in the adopted Local Plan. For the purpose of assessing Affordable Housing provision Policy HP3 is considered to be appropriate to use as the calculations set out within are founded upon the latest evidence based Viability Study. Policy HP3 sets out that residential development of 10 or more units will be required to contribute towards meeting the identified need for affordable housing. The policy sets out that on a brownfield site in Preesall 10% affordable housing would be required. This 10% provision would equate to 1 affordable housing unit.

9.26 Whilst normal practice for the Council is to require an onsite provision, in this instance due to limited Registered Provider financial capacity and the management issues that a Registered Provider would experience with 1 affordable dwelling on the development site, it would be more reasonable and appropriate to seek an off-site equivalent commuted sum amount based on a 2 bed dwelling which in this case would total £60,390 This financial contribution is agreed by the applicant and is to be secured via a Section 106 Legal Agreement.

Education Contributions

9.27 To ensure the proposal secures the necessary infrastructure to mitigate the impacts of the development Lancashire County Council Education have been consulted. Based on the 2017 School census and resulting projections and taking into account all the approved applications LCC will not be seeking a contribution for primary school places however 2 secondary school places (towards increased provision at St Aidans C of E High school) equating to a financial contribution of £47,474.56 is to be provided. It has been agreed by the applicant that the contribution is acceptable and it is agreed that this would be secured via a Section 106 agreement.

10.0 CONCLUSION

10.1 The NPPF places significant weight on the delivery of housing (paragraph 14, 47 and 49). The principle of residential development on this site has been fully considered and balanced against the lack of five year housing land supply and whether or not the development would constitute sustainable development. Despite the site being located approximately 300m from the settlement boundary it is located within a grouping of dwellings in close proximity to the existing infrastructure and community facilities within Preesall where there is a reasonable level of pedestrian connectivity and so the site cannot be said to be isolated. In this turn the proposal will assist in supporting the local economy and provide social benefits to any future occupants. The redevelopment of the site and the removal of the existing rundown and dilapidated structures will provide visual and environmental gains to the character of the locality albeit it will make the site more domestic and urbanised in character with the introduction of 10 dwellings. The development would not have a severe impact on the safe and efficient operation of the highway/PROW and would be served by an acceptable access arrangement, provided off-site highway works are secured by condition.

10.2 The proposal does demonstrate that the site can sufficiently accommodate 10 dwellings without causing significant adverse effects on neighbouring residential amenity and that the development can be designed to ensure there is no risk to flooding on or off site. The scheme also provides opportunities for biodiversity enhancement through the proposed landscaping proposals which would be secured by condition. The applicant also agrees to the provision of education and affordable housing contributions to mitigate the impacts of the development on such infrastructure. In addition the proposal will make a positive contribution to the supply of market and affordable housing at a time when the borough currently has an undersupply. Overall and on balance, the proposed development is considered to represent a sustainable development compliant with the National Planning Policy and the saved Policies of the Wyre Borough Local Plan.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

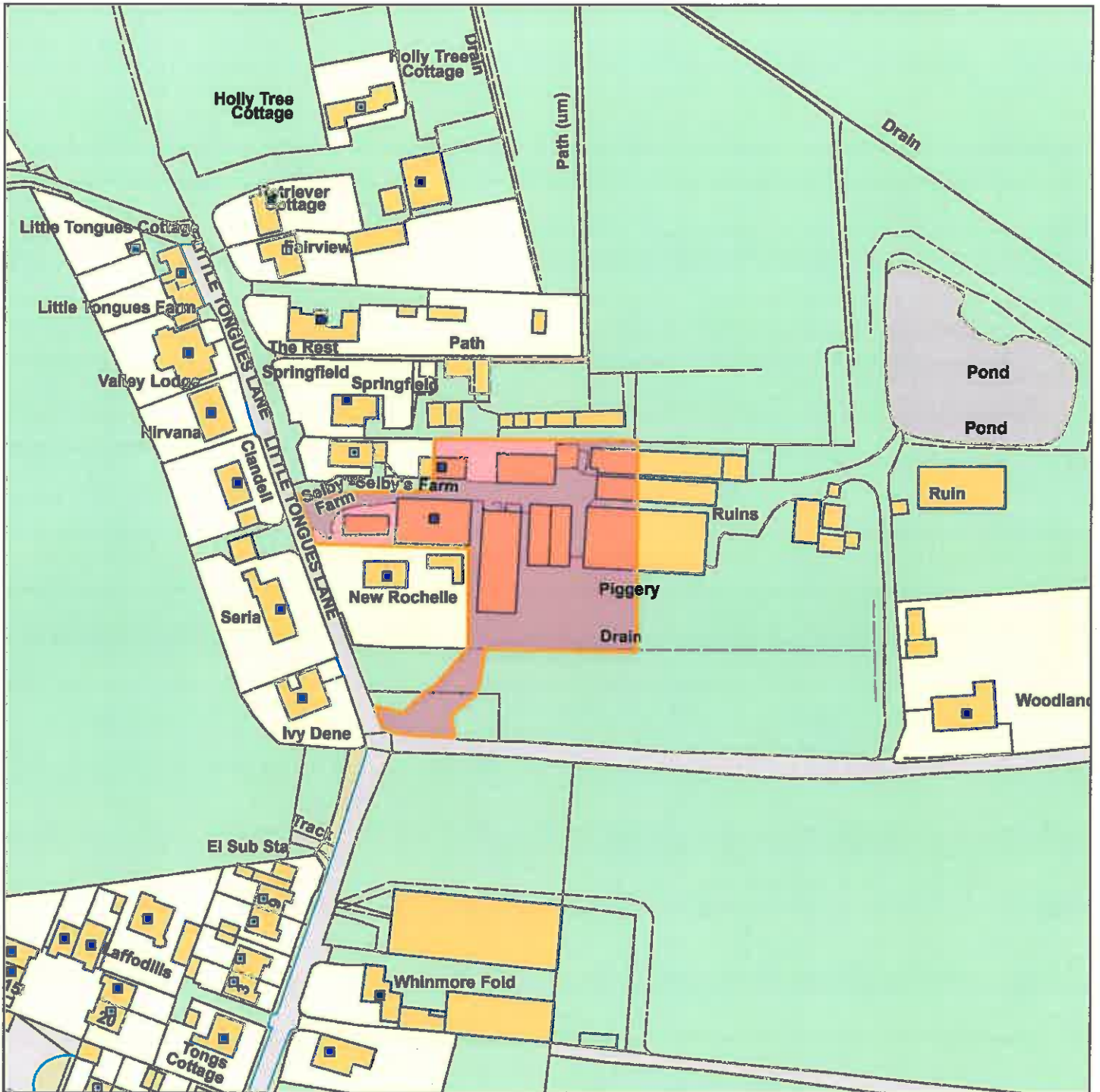
11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

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

12.0 RECOMMENDATION

12.1 That the outline application be approved subject to conditions and a S106 legal agreement to secure appropriate financial contributions towards local education and affordable housing provision. That the Head of Planning Services be authorised to issue the decision on the satisfactory completion of the s106 agreement.

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Organisation	Wyre Council
Department	Planning Department
Comments	17/00267/OUTMAJ - Item 1
Date	19 September 2018
SLA Number	100018720

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Committee Report**Date: 03.10.2018**

Item Number	02
Application Number	18/00008/FUL
Proposal	Erection of two-storey restaurant with associated drive thru (Class A3/A5), car parking, landscaping and associated works, installation of outdoor seating area and two customer order displays. 3m high acoustic fence to boundaries. 6 CCTV cameras on building.
Location	Morrisons Supermarket Car Park Amounderness Way Thornton Cleveleys Lancashire FY5 3TS
Applicant	McDonalds Restaurant Ltd And WM Morrison Supermarkets PLC
Correspondence Address	c/o Planware Ltd Mr Matthew Carpenter The Granary 37 Walnut Tree Lane Sudbury Suffolk CO10 1BD
Recommendation	Permit

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

1.1 This application is brought to Committee at the request of Councillor Alan Vincent. A site visit is proposed to allow Members to see the site context including relationship with neighbouring properties.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site incorporates part of the car park and access of the adjacent Morrisons supermarket. The site is in Flood Zones 2 and 3. It is in the urban area, but is outside the Town Centre of Cleveleys. It is not allocated for any particular use under the Adopted Local Plan or the Emerging Local Plan. It is accessed via a junction off the roundabout on Amounderness Way (A585). The site area is 0.17ha.

2.2 Outside of the site boundaries, there is a petrol station to the east, a supermarket and its carpark to the south and residential properties to the north and west. There are some trees and vegetation to the north and west boundaries.

3.0 THE PROPOSAL

3.1 This application is for the erection of a two-storey building on part of the existing Morrisons' carpark to be used as a restaurant(A3/A5) with associated 'drive thru', car parking, landscaping and associated works. The access would be that used for the existing Morrisons supermarket.

3.2 The restaurant would be sited in the centre of the site with the 'drive thru' around the sides and rear of the building. The car parking would be to the front of the building. This would comprise 11 car parking spaces, two of which would be disabled spaces. There would also be two waiting bays at the end of the drive thru. 3 cycle stands would be provided to the front of the building. Two customer order displays are proposed on the 'drive thru' at the western side, to a maximum height of 2.1m. The building itself would measure 25.4m by 12.6m, with a maximum roof height of 8.7m. Its total gross internal area would be 501 sq.m. A flat roof single-storey part is proposed on the western side, for the freezer and chiller. The main entrance to the restaurant would be on the southern side facing towards Morrisons' car park. The materials proposed are natural stone corner shield, cladding to the main elevations in 'wooden décor' Italian Walnut, vertical 'timber effect' aluminium corner shields, aluminium to the roofline and low level finishes in dark grey engineering brick. There would be glazing in the north, south and eastern elevations. No glazing is proposed in the western side.

3.3 The plans have been revised to remove an outdoor children's play area and replace this with an outdoor seating area to the front of the building, which would also extend around the eastern side of the building. A storage 'corral' is proposed on the western side of the building. This would have a maximum height of 2.6m. A bin store is proposed to the western front side also. Outdoor lighting is proposed on 6m high columns around the site, and on 1.8m high posts around the outdoor seating area. A 3m high acoustic fence is proposed to the north and west boundaries of the site, to the front of existing vegetation. 6 CCTV cameras are proposed to be sited around the building on the external elevations.

4.0 RELEVANT PLANNING HISTORY

4.1 Other applications relating to this development currently being considered include:

App. No: 18/00012/ADV - Advertisement consent for 1 height restrictor (internally illuminated), 7 free-standing signs (internally illuminated), 1 directional sign (non-illuminated) and 14 dot signs (non-illuminated).

App.No: 18/00011/ADV - Advertisement consent for one 8m high internally illuminated totem sign

App. No: 18/00010/ADV - Advertisement consent for 4 internally illuminated fascia signs

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 1999 (SAVED POLICIES)

5.1.1 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 Emerging Local Plan and the National Planning Policy Framework (NPPF).

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

- SP14 Standards of Design and amenity

- ENV13 Development and flood risk

5.2 EMERGING WYRE LOCAL PLAN

5.2.1 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 Inspector appointed to carry out the examination held a series of hearing sessions in May into the Local Plan, which included consideration of proposed modifications submitted by the Council prior to and during the hearing sessions. The Inspector issued a Post Hearing Advice note to the Council in July which provides a clear direction on key issues arising from the examination and further main modifications that are required to make the Wyre Local Plan sound. The Council published its initial response to the Inspector's note on the 30th July 2018, which sets out how it will be making the necessary amendments required by the Inspector. The proposed Main Modifications (MM) to the 'Publication' draft Wyre Local Plan were considered by Full Council on 6th September and approved for public consultation for six weeks, commencing on the 12th September. Although the draft Local Plan as proposed to be modified does not have the full weight of an adopted Local Plan, it has reached an advanced post hearing stage in the local plan process and is supported by a comprehensive and robust evidence base. Development plan policies contained within the draft Local Plan as proposed to be amended in response to the Inspector's Post Hearing Advice will therefore be given increased weight in determining planning applications depending on the particular circumstances of the case and the extent of any unresolved issues.

5.2.2 Where policies in the new Wyre Local Plan are consistent with the 2012 NPPF, then the (revised) NPPF published in 2018 allows for increased weight to be given to them. Those development plan policies with no unresolved issues will be given significant weight. Alongside these, the policies in the 2018 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

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

- SP2 Sustainable development
- SP8 Health and well-being
- CDMP1 Environmental protection
- CDMP2 Flood risk and surface water management
- CDMP3 Design
- CDMP4 Environmental assets
- CDMP6 Accessibility and transport
- EP5 Main town centre uses

OTHER MATERIAL CONSIDERATIONS

5.3 NATIONAL PLANNING POLICY FRAMEWORK

5.3.1 The new National Planning Policy Framework (NPPF) was published by the Government on the 24th July 2018. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). For decision-taking, this means:

approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless :

- i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal; or
- ii) 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.

5.3.2 The following sections/policies set out within the NPPF are relevant to the determination of this application:

- Section 6. Building a strong, competitive economy
- Section 7. Ensuring the vitality of town centres
- Section 8. Promoting healthy and safe communities
- Section 9. Promoting sustainable transport
- Section 11. Making effective use of land
- Section 12. Achieving well-designed places
- Section 14. Meeting the challenge of climate change, flooding and coastal change
- Section 15. Conserving and enhancing the natural environment

5.4 NATIONAL PLANNING PRACTICE GUIDANCE

5.4.1 Sections on ensuring the vitality of town centres and flood risk and coastal change are relevant.

5.5 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.5.1 None relevant

6.0 CONSULTATION RESPONSES

6.1 BLACKPOOL COUNCIL - no comments received

6.2 GREATER MANCHESTER ECOLOGY UNIT (GMEU) - no objections but require a condition restricting tree works during the nesting bird season.

6.3 HIGHWAYS ENGLAND - initially required further work to be undertaken by the applicants to enable Highways England to take a final view on this application. A further response based on additional information submitted (an updated Transport Assessment (TA) revision A dated May 2018) recommends that conditions should be attached to any planning permission that may be granted. Satisfied that the assessment methodology is acceptable. Of the view that the proposals would not result in there being a severe impact upon the operation of the Strategic Road Network. Highways England has concerns regarding the safety of the revised proposals in terms of the revised kerbline between the Morrisons store exit arm and Victoria Road West. Therefore, unable to give agreement in principle to drawing ref 3385-08. Their view is that alterations to the layout of the junction are better delivered as part of an envisaged future Highways England or Lancashire County Council scheme to improve the Thornton / Victoria Road junction as a whole. Highways

England does not however have any objection in principle to the applicants offer to improve pedestrian and cycle crossing facilities at the junction contained within the previous drawing reference 3385-07 within the original TA. Require conditions for a scheme for non-motorised user crossing improvements and its implementation, and a travel plan.

6.4 LCC (LEAD LOCAL FLOOD AUTHORITY) - standing advice should have been applied, should not have been consulted. The revised Flood risk Assessment (FRA) suggests that there may be an historical culvert under the proposed site and that further investigations are to be carried out to prove if this is the case or not. If it is proved that a watercourse does exist then under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority to build a culvert or structure (such as a weir) or carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not. For the avoidance of doubt, once planning permission has been obtained it does not mean that land drainage consent will be given.

6.5 LCC (HIGHWAYS) - no objections to original or revised plans. LCC have no objections with regards to the parking provision and the internal road layout proposed within the site. The evidence and plans supplied show that the parking will not be at capacity. With regards to the manoeuvres within the site, the swept path and plans LCC Highways have no concerns. The proposed extension to the footway on Victoria Road West into a shared footway is supported. The LCC adopted highway plan is attached to show the scheme can be delivered within the highway. It should be noted there is a culvert adjacent the footway on Victoria Road West and the structure is maintained by Amey Mouchel. The site should be inspected to check that the 3m width for the shared footway/cycleway can be achieved without interfering with this structure. Extra barriers around the culvert maybe required as the verge is being almost removed to accommodate the shared footway/cycleway. Request further changes on Victoria Road West so that the existing pedestrian refuge is extended to accommodate cyclists with enhanced signs and footway details. This could be constructed with a suitable legal agreement in conjunction with the cycleway works on the Highways England maintained highway. It is requested that the proposed cycle scheme receives a safety audit and LCC Highways would like to be involved with this audit. The existing hedge will require pruning to reduce the encroachment into the proposed shared footway/cycleway.

6.6 ENVIRONMENT AGENCY - original response - object until a satisfactory FRA has been submitted. The proposal is 'less vulnerable' development. In accordance with the NPPF paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF.

Revised response - Satisfied that the revised FRA demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. As such, withdraw their objection. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and/or the mitigation measures identified will require the submission of a revised FRA as part of an amended planning application. General advice given to the local planning authority to formally consider the emergency planning and

rescue implications of new development in making their decision and to the applicant on flood proofing and flood warning scheme.

6.7 UNITED UTILITIES - no objection but require conditions about foul and surface water. UU 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.

6.8 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY) - no objections. Requested conditions about noise mitigation measures and a specification of the acoustic fencing, hours for deliveries, trading hours, staff parking, outside seating areas, delivery vehicles and metal roll cages. Also a construction management plan should be conditioned. Details of external artificial lighting should be agreed. An odour management plan is required as a condition. Further comments received based on revised plans/information. No objections in terms of noise, provided mitigation measures in the noise assessment are implemented. Requires a condition about the exact specification of the acoustic fence. Plus conditions previously requested. Based on acoustic barrier information submitted no objections and require the barrier is installed. No objections about pest control or waste. Further response dated 13.9.18 requests an air quality assessment.

6.9 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION) - standard condition to be added.

6.10 SERVICE DIRECTOR - PEOPLE AND PLACES (PARKS AND OPEN SPACES) - no comments to add

6.11 SERVICE DIRECTOR - PEOPLE AND PLACES (TREES) - no objection. No replacement tree planting is necessary. Requested a tree protection plan to protect the retained shelter belt.

6.12 WBC HEAD OF ENGINEERING SERVICES - original response - refuse; additional information required. A FRA is required. Site is located over a historic section of Royles Brook watercourse which appears to have been culverted. An 8m easement would be required for the culvert if this still exists. Applicant must confirm that the watercourse no longer exists or has been rerouted. Watercourse should be investigated as means of disposal of surface water. Further response - despite submission of FRA upholds objection on basis of watercourse beneath site and inadequate surface water drainage. Requires confirmation from CCTV survey on whether or not the Royles Brook watercourse has been rerouted. Further response (03/09/18) - additional information (flood risk report) has a number of errors. Riparian Ownership - report states there are no water features within or adjacent to the site. The site has a historical route for Royles Brook watercourse - no evidence has been provided to confirm whether or not this has been rerouted. Flood storage areas - report states that there are no FSA within 500m of the site - there are two FSA close to the site - one next to Morrisons petrol station (approx. 50m from site), the second on Swan Drive (approx. 300m from site). Historical Flooding - report states no flooding within 500m of site. This is incorrect, there has been repeated flooding to properties to the south-east and north-east of the site, including flooding to highways and internal flooding of residential properties. The most recent flooding was 22 November 2017 (after date of report). Also applicant has yet to provide results from CCTV survey to confirm whether or not section of Royles Brook watercourse through the site has been diverted (FRA 2.10). This must be provided prior to any approval.

Final response (14/09/18) confirms no objection in principle. Site inspection did not confirm whether or not the section of Royles Brook watercourse through the site has been diverted. Applicant has yet to provide results from CCTV survey to conclusively prove this. Prior to any construction works, Applicant must undertake works (e.g. CCTV survey or trial excavations) to prove that watercourse does not run underneath proposed building, or must propose plans to build over or reroute it.

7.0 REPRESENTATIONS

7.1 201 public letters of objection received, points raised:

- light pollution
- confusion about the opening hours
- traffic/highway safety
- smells
- inadequate drainage, localised flooding
- will there still be a footpath from Victoria Road West?
- parking issues and congestion
- lack of need for another eating place/takeaway
- noise: traffic, customer, deliveries, children's play area
- anti-social behaviour
- car fumes/pollution/air quality
- loss of privacy
- at the side of the footpath to Victoria Road West is a body of water. If the path is to be used more there is a need for more secure fencing around this. There are warning notices but these are often ignored around water.
- doesn't encourage health eating/obesity
- litter: vermin and insects and seagulls
- fire risk
- excessive development/overdevelopment of area
- impact on wildlife. Should consult Natural England.
- impact on light to houses
- devalue properties
- visual amenity
- Norcross would be better or the defunct petrol station at Norbreck, or Jubilee Gardens
- the Environment Noise Assessment shows a photograph of the location of the microphone used, the caption below the photograph states: "on the ground in the middle of the site, as shown in the photograph below". Whereas the microphone is clearly located in the bushes at the very corner of the site. Questions this methodology.
- Questions methodology of car parking survey
- Signage out of character and overbearing
- adverse impact on local businesses
- loss of trees
- didn't get a letter (18 Knights Close)
- pedestrian access to store would be compromised
- fumes impact on children's play area/safety of play area
- issue with type of employment
- don't want double yellow lines adding to Victoria Road West
- should apply Town Centre Sequential Test/impacts on Town Centre
- neighbouring property lower than site
- asked for 4m high fence
- parking issues on Rowland Lane

7.2 144 public comment letters of support received, points raised:

- job creation
- more people will come to Cleveleys
- give kids an affordable option
- socio-economic benefits
- easier to get to than Blackpool or Fleetwood/convenience
- good to see a play area
- less distance to travel to McDonalds. Save on petrol and less pollution.
- place for young people to gather in a safe environment.
- would reduce traffic flow around the Fleetwood McDonalds

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Revised transport assessment, footway improvement plan and travel plan 10/9/18

8.2 Provided acoustic barrier specification 24/8/18

8.3 Revised flood risk assessment and flood risk sequential test 21/8/18

8.4 Detailed bin store materials and revised town centre sequential test 17/8/18

8.5 Provided barrier plan 1/8/18

8.6 Revised plans to remove play area and include 3m high acoustic fence.
Revised noise assessment 18/6/18

8.7 Revised retail sequential test and flood risk sequential test 1/6/18

8.8 Revised transport assessment 10/5/18

8.9 Revised flood risk assessment 3/4/18

8.10 Submitted flood risk sequential test 30/3/18

8.11 Revised travel plan and transport assessment 7/3/18

9.0 ISSUES

9.1 The main issues in this application are as follows:

- principle of development
- visual impact
- impact on neighbouring amenity
- highway safety and parking
- flood risk and drainage

Principle of development:

9.2 The site is an existing supermarket carpark in the urban area of Cleveleys but outside of the Town Centre. The site is not allocated or designated for any particular purpose under the current Local Plan or the Emerging Local Plan.

Comments have been raised from neighbours that there is no need for another eating place, however need and competition in the market are not matters that can be taken into account. Paragraph 80 of the NPPF requires planning decisions to help businesses to invest, expand and adapt. The site is considered to be in an accessible location being in the urban area near existing development and houses, and accessed off a main trunk road. There is a bus-stop on Victoria Road West approximately 135m away, and therefore the site has access to public transport within walking distance of the site. The existing pedestrian route from Victoria Road West would remain open. Notwithstanding that the format for the development includes a specific service for car borne visitors, the site would be accessible via cycle, and cycle stands are proposed to be provided. This is therefore considered to be a reasonably sustainable location, in accordance with the NPPF. A condition could be used to ensure the provision of the cycle stands prior to first use. Being in the curtilage of a supermarket, it is considered that this land would meet the definition of previously developed land (brownfield). Paragraph 118 of the NPPF encourages the use of brownfield land. As this land is a carpark it is not considered to be of high environmental value. Therefore, its development would be in line with this section of the NPPF.

9.3 The NPPF also aims to protect Town Centres by applying a Sequential Test to planning applications for main town centre uses, which includes restaurants and drive through restaurants. Paragraph 86 states that these uses should be located in Town Centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. Policy EP5 of the Emerging Local Plan is in accordance with this requiring a Sequential Test for main town centre uses outside defined centres. The application site is an out of centre location therefore a Sequential Test has been submitted. This states that McDonalds require in the region of 0.3ha of available space. The application site is 0.17ha in size but would share part of the existing Morrisons' carpark. It is agreed by the Council that any alternative site would have to be able to accommodate the restaurant and drive through, as this is the development proposed. The Sequential Test originally considered 3 sites in Cleveleys. This has been revised based on catchment area details provided to assess a wider area and greater number of sites. Professional advice has been obtained by the Council from specialist retail consultants on the submitted Sequential Test. This advised on a number of sites that should be Sequentially Tested additional to those originally considered by the applicant and that the Town Centre of Poulton-le-Fylde and the district centre at Bispham should be assessed. These have been assessed by the applicant in a revised Sequential Test. Also, the applicant has dismissed the Tesco store on Victoria Road West in Cleveleys that may become available within a reasonable period, as 'the supermarket is approximately 0.1ha and is therefore too small to accommodate the proposal, which requires an approximately 0.3ha site. As the building forms part of a large retail frontage it would be unable to accommodate the drive-thru element of the proposal. It is detailed throughout the sequential test that this element of the scheme is integral to the scheme and cannot be segregated. As such, the Tesco site is unsuitable for the proposed development as it could not accommodate a drive-thru lane'. It is considered that the developer has fully explored opportunities to utilise suitable Town Centre or edge of centre sites but none are presently available, and therefore the proposal passes this Sequential Test.

9.4 A Town Centre impact assessment would not be required as the floor area of the development would be less than 2500sq.m, which is the threshold as set out in paragraph 89 of the NPPF and the Emerging Local Plan for leisure proposals.

9.5 Balancing the above factors, including the gain of making effective use of brownfield land, that the land is not allocated for any particular use under the Adopted and Emerging Local Plans, the site's accessibility and that the application has passed the Town Centre Sequential test, demonstrating that there are not suitable sites for the development in or closer to Town Centres, the proposal is considered to be acceptable in principle. The specific use could be conditioned to prevent a change to a different use class.

Visual Impact:

9.6 The site is an existing car park of a supermarket in an urban area. The main supermarket building is to the south, there is a petrol forecourt to the east and residential dwellings that are two-storeys high to the north and west. In this location it is considered that the development would be viewed with other built form and would not stand out as isolated or obtrusive. At a maximum height of 8.7m, the height and scale of the building would be in keeping with the surrounding development. The materials proposed are stone, cladding to the main elevations in 'wooden décor' Italian Walnut, aluminium and low level finishes in dark grey engineering brick. There would be glazing in the north, south and eastern elevations. The overall design of the building would be coherent and the materials would be modern and of a variety to add visual interest. A condition could be added that the materials be used as shown on the plans. Adjacent to a petrol forecourt and supermarket, it is not considered that this development would be out of keeping or visually harmful. The site would not appear overdeveloped with plenty of space around the building and from nearby properties. Part of the building would be visible when looking down the residential street of Osbourne Avenue in an easterly direction, however, being set at the end of the road and with an approximate gap of 22m from the main building, it is considered that the development would be viewed separately from the street so as not to be harmful to its existing character.

9.7 Externally, a 'drive thru' is proposed along with parking, and outdoor seating areas. It is considered that these features would be in keeping with the appearance of the building and would not stand out in the wider area as obtrusive or visually harmful. Most of the outdoor areas would be paved over as is the existing carpark, with small areas of turf and low level shrubs. The outdoor seating area would be enclosed with 1.1m high fencing with 1.8m high lamps. This would be visually acceptable. 3m high acoustic fencing is proposed to the north and western boundaries and 0.45m high post and rail fencing to the western boundary. These would be visually acceptable, however, the details of the materials for this can be controlled through a condition. Customer order displays are proposed to the western side of the building. These would be a maximum of 2.1m high. They would be of an appropriate scale and in keeping with the rest of the development. A bin store is proposed to the front of the building at the western side. This would be 2.6m high, enclosed with panel cladding and dark grey gates to one side. This would be of an appropriate scale and appearance. This would be in wooden decor cladding, which would be visually appropriate. 6m high lighting columns are proposed around the site. It is not considered that these would be visually unacceptable in this location and at this scale, however, a condition would be required for their detail to be agreed also for amenity reasons (discussed below). A barrier is proposed along the access into the supermarket and proposal. This would be visually appropriate in this setting, next to the entrance to a supermarket and adjacent to a petrol forecourt. CCTV cameras are proposed on the building. These would be visually appropriate being small-scale secondary features.

9.8 The existing and proposed land levels are shown on a plan. The site would slope up towards the building from around 5.0m AOD to 5.48m AOD. It is currently relatively level at around 5.0m AOD. The proposal would not result in significant level changes over the existing situation and would not be visually harmful. A condition could be used to ensure the levels stated on the application are implemented.

Impact on the neighbouring amenity:

- noise/disturbance/odour

9.9 There are residential properties adjacent to the site. Neighbour objections have been received raising concerns of odour, noise, car fumes, litter and anti-social behaviour. There is already activity on the site with it being a supermarket car park. Cars are at present coming and going to and from this area on a frequent basis. The restaurant/takeaway use would be open from 6am to 11pm everyday as set out on the planning application form. The outdoor children's area originally proposed has been removed and replaced with an outdoor seating area. The council's environmental health officers have been consulted on the application and have no objections provided that conditions are included about noise mitigation measures and a specification of the acoustic fencing, hours for deliveries (7am-7pm), trading hours (6am-11pm), staff parking, location and screening of outside seating areas, delivery vehicles and use of metal roll cages (7am-11pm). Also a construction management plan should be conditioned. The required noise mitigation measures would include the use of silencers on extraction, a 3m high acoustic fence to northern and western boundaries and customer order displays with volume control. It is considered that through the use of these conditions there would not be unacceptable noise and disturbance to neighbouring properties. Notwithstanding the lighting details provided, environmental health require details of all external artificial lighting to be agreed through a condition to ensure that this meets required standards and prevents unacceptable glare into neighbouring properties. An odour management plan is required through a condition, which would prevent unacceptable odour to neighbouring properties. The conditions requested by environmental protection are considered to be appropriate, except the one concerning the outdoor seating area as these details are provided, therefore require no further condition. A delivery management plan can be conditioned to control the delivery vehicles. As the acoustic barrier details have been provided and are considered appropriate by environmental protection, this can be conditioned to be installed prior to the first use of the development. With these conditions attached to any planning permission granted, it is not considered that the proposal would have an unacceptable impact on neighbouring amenity through noise, disturbance, light or odour. Neighbour comments have been received on anti-social behaviour and litter. A person's behaviour in this way cannot be controlled through the planning system; this would be the responsibility of the site operator and any individuals involved. Matters on health are discussed below. Comments have been received that the proposal would attract vermin and seagulls. Environmental health state there will be sufficient receptacles on site for the disposal of waste generated on site. These will include external bins for the outside eating area and lidded bins for waste generated from the kitchens. The bin store provision can be conditioned. Comments have been received from neighbours about the impact on air quality from the cars using the site, in particular the 'drive-thru'. The site is already used for car parking, however a 'drive thru' would have the potential for more standing traffic. Environmental health have recently requested that an air quality assessment be submitted with the application. This has been requested from the applicant and is awaited. The results will be reported to members on a committee update sheet.

Overlooking

9.10 No windows are proposed in the western side of the building, with this side facing residential dwellings. The windows in the south would face the existing supermarket carpark and the windows in the east would face the petrol forecourt, which would not cause unacceptable overlooking. The proposed first-floor glazing in the rear (north) of the building would be over 20m to the boundary with the residential properties to this side and over 30m to the main windows of the houses. These separation distances are considered to be sufficient to prevent unacceptable overlooking. Some screening would also be provided by the existing vegetation to the boundaries. The users of the drive thru and outdoor areas would be screened from neighbouring properties by a 3m high acoustic fence, which would prevent overlooking. This will be conditioned to be provided.

Light

9.11 A two-storey building is proposed with a maximum height of 8.7m, with land level increases of around 0.5m to part of the site. With the separation distances mentioned above, it is not considered that there would be an unacceptable impact on light to neighbours or that the proposed building would be overbearing to the neighbours to the north. To the western side, the nearest neighbour would be around 25m away from the main building and 20m away from the outdoor coral. With secondary side windows facing the site, this would be adequate separation for the building not to have an unacceptable impact on these neighbours in terms of light or overbearing. The outlook from the windows of the neighbouring houses would change, with a currently relatively open area being built on, however, with the spacing to be provided, it is not considered that looking at a building would have an unacceptable impact on the amenity of the occupiers. As an example, many residential developments have properties closer to each other than this proposal would be from the houses. The proposed 3m high fence would be adequate distance from the main windows of neighbouring properties to not be overbearing to them.

Highway Safety and Parking:

9.12 The site would be accessed via the existing access to Morrisons from Amounderness Way. It would be on part of the existing Morrisons' car park and there would be an overall loss in the number of parking spaces. Neighbour objections have been received on impacts on highway safety, parking and traffic generation. A Travel Plan and Transport Assessment have been submitted with the application. LCC Highways have been consulted on the application and have no objection. They state that they 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. They have no objections to the loss of parking and the proposed layout. They support the footway extension to a shared 3m wide footway on Victoria Road West subject to appropriate protection of an adjacent culvert if required. They also request that the existing pedestrian refuge is extended to accommodate cyclists with enhanced signs and footway details. This has been shown on a revised plan and full details can be secured by condition. An informative can be added about the culvert and carrying out these works under a S278 agreement. It is also considered to be appropriate by the planning officer to require the parking shown to be laid out and cycle stands to be in place prior to first use of the development through a planning condition. As Amounderness Way (A585) is a trunk road, Highways England have been consulted on the application. Their initial response requested further information, which has been submitted and Highways England were reconsulted. They are satisfied that the proposals would not result in a severe impact upon the operation of the Strategic

Road Network. They require conditions about the provision of a scheme for non-motorised user crossing improvements and its implementation, and a travel plan. No request for financial contributions towards the improvement of the highway network has been made from either LCC Highways or Highways England. With conditions and based on the professional advice obtained, it is not considered that the proposal would have an unacceptable impact on highway safety or traffic generation. Neighbour comments have been received that they do not want double yellow lines adding to Victoria Road West. This would be a matter for Lancashire County Council Highways.

Flood Risk and drainage:

9.13 The site falls within Flood Zones 2 and 3. The Environment Agency have no objections to the revised Flood Risk Assessment and require that this be implemented. A condition could be added to ensure this. The Flood Risk Assessment states the finished floor levels would be set at 5.5m AOD, around 400mm above existing ground levels. It also states the existing ground levels vary between 4.9m AOD and 5.3m AOD. A topographical survey has been provided showing existing and proposed ground levels and the proposed finished floor levels. The levels would have to be raised to slope up to the building. The land would not be raised higher than the land surrounding the site, so there would not be an unacceptable impact on surface water flows. The council's drainage engineer has raised that there are two flood storage areas close to the site - one next to Morrisons petrol station (approx. 50m from site), the second on Swan Drive (approx. 300m from site). The Environment Agency have no concerns about these, as they are not Environment Agency owned or operated. Also, they state that they understand that recent flooding was not from tidal or fluvial sources. Informatives could be added about flood proofing and The Environment Agency flood warning scheme.

9.14 A Sequential Test for flooding is required in accordance with the NPPF because the development is in Flood Zones 2 and 3, and consideration should be given to providing the development in a lower risk flood zone. In paragraph 158 of the NPPF it states 'development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'. The site is not allocated for development under the Emerging Local Plan, therefore has not been sequentially tested under the Strategic Flood Risk Assessment, and a Sequential Test should therefore be carried out by the applicant. The Council's Flood Risk Sequential Test guidance note (which is a material planning consideration) lists sources of evidence for comparator sites. Also, it states 'applicants will normally be required to consult professional property agents with demonstrable knowledge and understanding of the local land and property market in Wyre. It is recommended that a minimum of three agents who individually or collectively cover the agreed area of search are used'. The Council considers that the geographical area for the flood risk Sequential Test should be in line with the Town Centre Sequential Test (detailed under the principle section above), as this is the catchment area for the proposal. A revised Flood Risk Sequential Test has been submitted. This has looked at sites in the area of search for the Town Centre Sequential Test. Sites have been considered from a variety of sources, including 3 property agents. No sites suitable for the development at a lower risk of flooding have been found. Within the Morrisons' Carpark itself there are no suitable areas for the development at a lower risk of flooding. The proposal is therefore considered to pass the Flood Risk Sequential Test.

9.15 The Exceptions Test does not need to be applied in this case as the proposal is for less vulnerable development. This is in accordance with the NPPF.

9.16 On the application form it is stated that foul and surface water would go into the mains. The submitted FRA details further drainage proposals. The Council's drainage engineer has been consulted on the application. Following a site inspection by the drainage engineer, earlier objections have been removed subject to the applicant further investigating a watercourse understood to run across the site before commencement of development. However, LCC Flood comment that 'consent from the Lead Local Flood Authority (LLFA) is needed to build a culvert or structure (such as a weir) or carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not. For the avoidance of doubt, once planning permission has been obtained it does not mean that land drainage consent will be given.' Therefore, separate consent would be required if there is found to be a watercourse on the site which would be affected by the development. A condition is therefore not considered to be necessary or reasonable, as this would be dealt with through other legislation, including requiring consent from the LLFA. An informative on this can be added. United Utilities have no objections, but require conditions about surface and foul water details. It is considered that there can be a suitable drainage solution for the site, which can be secured by condition.

Other Issues:

9.17 Some trees would be required to be removed to the site boundaries as shown on the existing site plan. None of the trees are protected by Tree Preservation Orders. The Council's tree officer has been consulted on the application and has no objections nor requires any replacement tree planting. It has been recommended that a tree protection plan is submitted to ensure the retained trees are protected. This could be conditioned. On this basis it is not considered that there would be loss or harm to trees of significance. It is not considered that the tree removal would have an unacceptable landscape impact.

9.18 Environmental health have requested a condition about gas protection measures so as to protect the environment and human health. This would be suitable.

9.19 The site is an existing car park to a supermarket and is in itself not considered to have features of biodiversity importance being an area of hardstanding where cars park. There are trees and vegetation outside the boundaries of the site. Some trees would have to be removed, which the Council's tree officer has no objections to. Other trees would be retained to these areas outside the site. As a precaution a condition could be added that trees and vegetation are not removed during the bird nesting season, so as to protect nesting birds. An informative could be added about protected species as a precaution. This would suitably address the matter of biodiversity and is based on advice from GMEU.

9.20 Comments from neighbours have been raised about the health impacts of the proposal. Section 8 of the NPPF covers healthy and safe communities. This includes promoting social interaction, which the proposal would do, and aiming for places that are safe and accessible. The site is considered to have a suitable layout so as to be open to the public and create a place that is not of a design that would support crime and disorder, including being well lit with openly visible outdoor areas. Also proposed is external CCTV. The site would be able to be accessed via walking and cycling. Lancashire County Council have published a 'Hot Food Takeaways and Spatial Planning Public Health Advisory Note' which covers how local planning authorities could help to tackle the increasing health issues of excess weight and

obesity within Lancashire, through stricter control of the development of hot food takeaways. One such recommendation in this document is to have a 400m restriction zone on fast food outlets surrounding secondary schools. There are two schools near to the application site (as the crow flies) but they are both further away than 400m walking distance. Furthermore the document does not identify that Wyre has a specific problem in comparison to elsewhere, including other Lancashire authorities, so whilst it is a material consideration it should be given little weight, particularly as Wyre does not have any adopted or emerging local planning policy or guidance controlling fast food outlets.

9.21 Comments have been raised from neighbours about property prices, the types of jobs to be created and energy wastage. These are not material planning considerations. Any comments relating to the proposed advertisements on/around the building have been addressed under the separate Advertisement Consent applications listed above under planning history. An informative could be added about the need for advertisement consent.

9.22 Comments have been raised from neighbours about the fire risk of the proposal being sited next to a petrol station. This is not a planning matter but may be addressed by other legislation, including Building Regulations. A neighbour has also raised that the path from Victoria Road West runs next to a body of water and requests secure fencing around this, although this is not a planning consideration.

10.0 CONCLUSION

10.1 The proposal would be for a restaurant and 'drive thru' to be sited on the existing carpark of Morrisons, Cleveleys. The land in question is not allocated for any particular purpose under the Adopted and Emerging Local Plans. The site is outside the Town Centre of Cleveleys and a Town Centre Sequential Test has been carried out and has been passed. The proposal would therefore be acceptable in principle. It has been assessed that through the use of planning conditions the proposal would be visually acceptable in this urban area and would not unacceptably harm neighbouring amenity. Advice from Lancashire County Council Highways and Highways England supports that there would not be unacceptable harm from the proposal through traffic generation, or on highway safety or parking. The site is in Flood Zones 2 and 3. The Environment Agency consider the submitted Flood Risk Assessment to be acceptable. The proposal has passed the Flood Risk Sequential Test, as it has been demonstrated that there are no suitable sites available for the development at a lower risk of flooding. Conditions can be added to ensure the installation of a suitable drainage scheme. The proposal is considered to be acceptable with regards to all other relevant material planning considerations. Subject to conditions the proposal is considered to comply with the NPPF and the relevant policies of the Adopted and Emerging Wyre Local Plans, and is acceptable.

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 16 January 2018 including the following plans/documents:

- Location plan Revision E
- Proposed site plan Revision H
- Proposed internal layout
- Proposed building elevations Revision A
- Proposed levels Drawing No: 4170778-100 Rev I1
- Landscape Plan Revision E
- Proposed bin store Revision A
- Proposed barrier plan Revision A
- Block plan Revision D
- Typical barrier and lamp post details
- Poteau Lampadaire SB99
- Ensemble Cloture
- Terrace equipment Range Euroline 3 - Mix 2015
- COD DT Order Post 1:20
- BXMW/GS/Sheffield-Stand
- Absorptive modification to Jakoustic fencing (Drawing No. J7/04177)
- Jacksons Fencing Acoustic barriers

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 premises shall be used for a restaurant with hot food takeaway and drive thru only and for no other purpose.

Reason: The use of the premises for any other purpose would require further consideration by the Local Planning Authority in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

4. The development shall be carried out using those materials specified on the approved plan(s), unless otherwise agreed in writing with the Local Planning Authority.

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

5. Prior to first use of any part of the development hereby approved, the secure cycle storage provision shown on the approved plans (Proposed Site Plan Revision H) and sheffield cycle stand specification shall be provided and thereafter maintained and retained.

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

6. Prior to the first use of the development hereby approved a 3m high (from ground level) acoustic barrier shall be erected around the boundary of the development as indicated on the approved site plan (Revision H) and based on the physical properties and acoustic specification outlined in the submitted plan (Drawing No. J7/04177) and in the Jackson Fencing: Acoustic Barriers documentation. Notwithstanding the details provided with this application, details of the external appearance of the fencing and the materials to be used, shall be submitted to and agreed in writing with the Local Planning Authority prior to its erection. The approved details shall thereafter be maintained and retained in good working order and in good repair.

Reason: In the interests of the appearance of the locality and the residential amenity of neighbours in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

7. The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved plans (proposed levels drawing No: 4170778-1100 REV I1).

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity and has a minimum risk of flooding in accordance with Policies SP14 and ENV15 of the Adopted Wyre Borough Local Plan (July 1999).

8. Prior to use of the development hereby approved, the scheme of noise mitigation measures set out in sections 6 and 7 of the supporting Noise Assessment submitted with the application [project reference 6814/puja date 15/6/18] shall be implemented. The approved noise insulation measures shall thereafter be retained.

Reason: 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.

9. There shall be no deliveries or collections of goods (including waste and recycling) to or from the development hereby permitted outside the hours of 07.00 and 19.00.

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).

10. The premises shall not be open to the public outside the hours of 06.00 and 23.00.

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).

11. Outside the hours of 06.00 and 23.00, staff using the site shall only park their vehicles in the designated parking spaces shown on the proposed site plan Revision H.

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).

12. Prior to the first occupation or use of the development hereby approved, a delivery management plan shall be submitted to and agreed in writing with the Local Planning Authority. The operation of the premises shall be carried out in full accordance with the agreed delivery management plan unless otherwise agreed in writing with the Local Planning Authority.

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).

13. No metal roll cages shall be used at the development outside of the hours of 07.00 and 23.00.

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).

14. Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include and specify the provision to be made for the following:

Procedures for maintaining good public relations, including complaint management, public consultation and liaison.

Arrangements for liaison with the Councils 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 construction of the development including any demolition works shall be carried out in accordance with the approved CMP.

Reason: Such details were not submitted with the application and need to be in place throughout the construction period in the interests of the amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

15. Prior to the installation of any external lighting associated with the development hereby approved, a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that light intrusion into the windows of any sensitive premises will not exceed 10 Lux before 23.00, and 2 Lux after 23.00 (Environmental Zone E3). The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (or any subsequent replacement guidance).

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

Reason: To safeguard residential amenity in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (1999) and paragraphs 17 and 125 of the National Planning Policy Framework.

16. The use hereby approved shall not commence until a scheme for the control of odours has been submitted to and approved in writing by the Local Planning Authority. To include technical specifications, construction and precise location/siting of the extraction vents/external flues. The approved scheme shall be implemented in full prior to first use and thereafter maintained in good working order at all times.

Reason: Such details were not submitted with the application and are necessary to minimise the risk of pollution that may cause nuisance and harm to the amenity and/or health of occupiers of nearby buildings, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

17. No part of the development hereby approved shall be open for business to the public until the full design details of a scheme to provide pedestrian and cycle crossing improvements to the A585 (T) Amounderness Way/Victoria Road roundabout junction (based upon that contained in outline within ADL Traffic Highways Drawing Reference 3385-07 Rev A dated 20/02/2018) have been submitted to and approved in writing by the local planning authority.

The details to be submitted and to be agreed shall include:

- Final design details of how the crossings improvement scheme interfaces with the existing highway alignment
- Full footway surfacing and carriageway marking details

- Full construction details, including details of any additional protection measures required to safeguard adjacent culvert structure(s)
- Confirmation of compliance with current departmental standards (as set out in the Design Manual for Roads and Bridges) and policies (or approved relaxations/departures from standards.
- An independent Stage 1 & Stage 2 Road Safety Audit carried out in accordance with current departmental standards and current advice notes.

No part of the development pursuant to this planning approval shall be open for business to the public until the approved scheme has been constructed and completed in accordance with the approved scheme details.

Reason: To protect highway safety in accordance with the NPPF and Policy SP14 of the Adopted Wyre Local Plan.

18. Prior to the construction of the development hereby approved, a Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Highways England and Lancashire County Council.

The agreed Travel Plan shall be in place and be in force from the point which the development first becomes operational for a minimum period of five years.

Reason: To protect highway safety in accordance with NPPF and Policy SP14 of the Adopted Wyre Local Plan.

19. No tree felling, tree works or works to vegetation/hedgerows shall take place during the optimum period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, has been submitted to and approved in writing by the Local Planning Authority, demonstrating that nesting / breeding birds have been shown to be absent.

Reason: To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework (March 2012).

20. Prior to the commencement of the development hereby approved 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. A nearby ordinary watercourse (Royles Brook) shall be investigated as a means of surface water disposal. 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.

21. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) [Issue 3: 15 August 2018 Ref: MD4170778/KLJ/001] and the mitigation measures detailed within the FRA.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with saved policy ENV15 of the Wyre Borough Local Plan (1999) and the National Planning Policy Framework.

22. Prior to the commencement of development, including any demolition or tree works, a Tree Protection Plan for the retained tree(s) as shown on the approved landscaping plan 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 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 place.

23. The development hereby approved shall not be first occupied or brought into use until the parking/turning area(s) shown on the approved plan [proposed site plan Revision H] has been laid out, surfaced and drained. The parking/turning area(s) 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).

24. The development shall incorporate suitable gas protection measures, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The measures shall include as a minimum: ventilation of confined spaces within the building, a ground slab of suitable construction, a low permeability gas membrane, minimum (ideally none) penetration of the ground slab by services, and passive ventilation to the underside

of the building. The development shall be carried out in accordance with the approved scheme and thereafter be maintained and retained. Alternatively, prior to the commencement of development, a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures are not required. The results shall be submitted to and approved in writing by the Local Planning Authority. Any gas monitoring programme must be carried out over a period of at least three months and include at least three readings where the atmospheric pressure is below 1000mb. Gas flow rates must also be provided.

Reason: The footprint of the proposed development is within the immediate vicinity of an area of infilled ground. The nature of the fill is unknown. Works are therefore required in the interests of public safety and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999)

25. The landscaping works shall be carried out in accordance with the approved details [landscape plan Revision E] 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.

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).

26. No part of the development shall be first used until the refuse storage provision shown on the approved plan [proposed bin store Revision A] has been provided, and the refuse storage shall thereafter be maintained and retained in accordance with the approved details.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants and neighbours, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

Notes: -

1. This permission does not relate to the display of any advertisements which may require consent under the Town and Country Planning (Control of Advertisements) Regulations 1989.

2. The site falls in Flood Zone 2/3. It is therefore recommended that flood proofing measures are considered by the applicant and incorporated into the development where appropriate.

Further details are available on the GOV.UK website:-

- Improving the flood performance of new buildings: flood resilient construction (<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>)
- Prepare your property for flooding (<https://www.gov.uk/government/publications/prepare-your-property-for-flooding>)

Further Preparing for Floods guidance is also available on the Planning Portal website at:

<http://www.planningportal.gov.uk/buildingregulations/goodpractice/preparingforfloods>

3. Advice from the Environment Agency is that the future occupants should sign up to the Environment Agency flood warning scheme. Further information can be found on the GOV.UK website at: <https://www.gov.uk/sign-up-for-flood-warnings>.

4. It is an offence to disturb, harm or kill any species specifically protected under the Wildlife and Countryside Act 1981. In the event of any such species being unexpectedly encountered before and during site clearance or development work, then work shall stop immediately until specialist advice has been sought from a suitably qualified Ecologist regarding the need for additional survey(s), a license from Natural England and/or the implementation of necessary mitigation measures.

5. Each individual unit will require a separate metered supply at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. The level of cover to the water mains and sewers must not be compromised either during or after construction. Should this planning application be approved, the applicant should contact United Utilities by telephoning 03456 723 723 or writing to Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 1DS.

6. 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 recommend the applicant contact the Property Searches Team by telephoning 0870 751 0101 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.

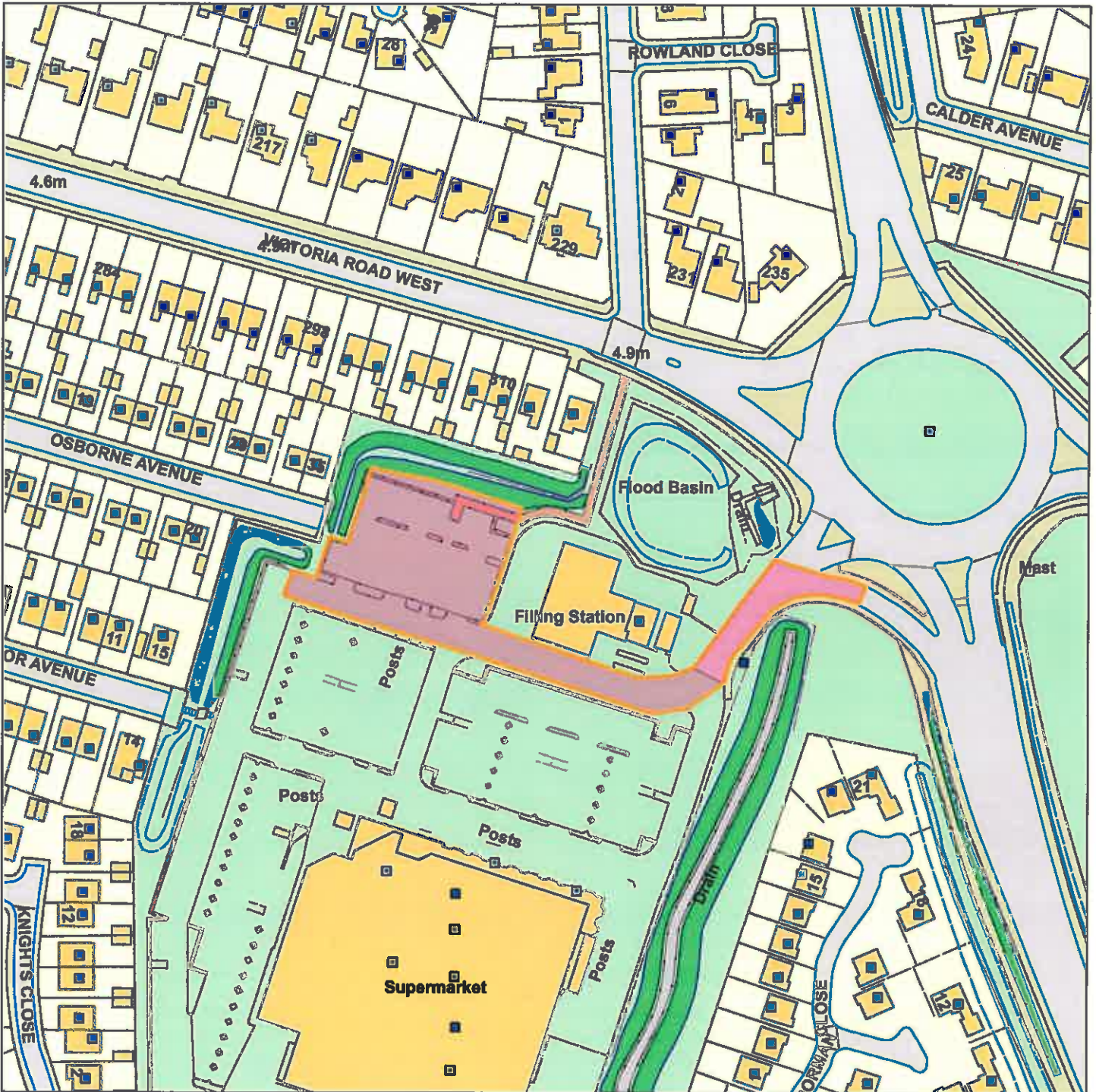
7. The site is located over a historic section of Royles Brook watercourse which appears to have been culverted. An 8m easement would be required for the culvert if this still exists. The Applicant will be required to confirm that the watercourse no longer exists or has been rerouted. If it is proved that a watercourse does exist then the applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

For the avoidance of doubt, the response from the Lead Local Flood Authority does not mean that the development can connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The response from the Lead Local Flood Authority does not grant permission to connect to the highway drainage network. Neither does it cover the suitability of any highway drainage proposal. The highway drainage proposal and the suitability for future highway adoption under Section 38 of the Highways Act 1980 is for the Local Highway Authority to comment on.

8. This grant of planning permission will require an appropriate legal agreement to be entered into with Lancashire County Council as the Local Highway Authority. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. Before any works begin Lancashire County Council should be contacted to ascertain the details of such an agreement and the information to be provided by telephoning

0300 123 6780 or writing to Lancashire Highways Services, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.



Scale : 1:1726

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Organisation	Wyre Council
Department	Planning Department
Comments	18/00008/FUL - Item 2
Date	19 September 2018
SLA Number	100018720

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Committee Report**Date: 03.10.2018**

Item Number	03
Application Number	18/00010/ADV
Proposal	Advertisement consent for 4 internally illuminated fascia signs
Location	Morrisons Supermarket Car Park Amounderness Way Thornton Cleveleys Lancashire FY5 3TS
Applicant	McDonalds Restaurant Ltd And WM Morrison Supermarkets Plc
Correspondence Address	c/o Planware Ltd Mr Matthew Carpenter The Granary 37 Walnut Tree Lane Sudbury Suffolk CO10 1BD
Recommendation	Permit

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

1.1 This application is brought to Committee at the request of Councillor Alan Vincent. A site visit is proposed to allow Members to see the site context including relationship with neighbouring properties.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site incorporates part of the carpark and access of the adjacent Morrisons supermarket. The site is in Flood Zones 2 and 3. It is in the urban area, but is outside the Town Centre of Cleveleys. It is accessed via a junction off the roundabout on Amounderness Way (A585).

2.2 Outside of the site boundaries, there is a petrol station to the east, a supermarket and its carpark to the south and residential properties to the north and west. There are some trees and vegetation to the north and west boundaries.

3.0 THE PROPOSAL

3.1 This application is for Advertisement Consent for 4 internally illuminated fascia/text signs. These would be on the building subject of pending planning application 18/00008/FUL. The details of the signs are as follows:

Sign x 1 - Arch Panel to measure 1.66m by 1.66m. Cladding panel to have painted dark green matt rectangle with yellow acrylic arch. Internally illuminated. This would be on southern elevation on the front of the building (elevation c).

Sign x 1 - Golden arch to measure 1.37m by 1.2m. Yellow acrylic golden arch to be internally illuminated. This would be on the eastern side elevation (elevation b)

Sign x 2 - Letters to measure 5.5m by 0.6m. White acrylic text mounted on the wall. Internally illuminated and on the southern and eastern elevations (elevations c and b)

Signs originally proposed on elevations A and D (north and west elevations) have been removed from the application.

4.0 RELEVANT PLANNING HISTORY

4.1 Other current applications that relate to this development include:

App. No: 18/00008/FUL - Erection of two-storey restaurant with associated drive thru (Class A3/A5), car parking, landscaping and associated works, installation of 1 outdoor seating area and two customer order displays. 3m high acoustic fence to boundaries and 6 CCTV cameras on building.

App.No: 18/00011/ADV - Advertisement consent for one 8m high internally illuminated totem sign

App. No: 18/00012/ADV - Advertisement consent for 1 height restrictor (internally illuminated), 7 free-standing signs (internally illuminated), 1 directional sign (non-illuminated) and 14 dot signs (non-illuminated)

5.0 RELEVANT PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 1999 (SAVED POLICIES)

5.1.1 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 Emerging Local Plan and the National Planning Policy Framework (NPPF).

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

SP14 Standards of design and amenity
S7 Design of signs and shopfronts

5.2 EMERGING WYRE LOCAL PLAN

5.2.1 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 Inspector appointed to carry out the examination held a series of hearing sessions in May into the Local Plan, which included consideration of proposed modifications submitted by the Council prior to and during the hearing sessions. The Inspector issued a Post Hearing Advice note to the Council in July which provides a clear direction on key issues arising from the examination and further main modifications that are required to make the Wyre Local Plan sound. The Council published its initial response to the Inspector's note on the 30th July 2018, which sets out how it will be making the necessary amendments required by the Inspector. The proposed Main Modifications (MM) to the 'Publication' draft Wyre Local Plan were considered by Full Council on 6th September and approved for public consultation for six weeks, commencing on the 12th September.

Although the draft Local Plan as proposed to be modified does not have the full weight of an adopted Local Plan, it has reached an advanced post hearing stage in the local plan process and is supported by a comprehensive and robust evidence base. Development plan policies contained within the draft Local Plan as proposed to be amended in response to the Inspector's Post Hearing Advice will therefore be given increased weight in determining planning applications depending on the particular circumstances of the case and the extent of any unresolved issues.

5.2.2 Where policies in the new Wyre Local Plan are consistent with the 2012 NPPF, then the (revised) NPPF published in 2018 allows for increased weight to be given to them. Those development plan policies with no unresolved issues will be given significant weight. Alongside these, the policies in the 2018 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

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

CDMP3 Design

EP14 Outdoor advertisements and directional signs

5.3 NATIONAL PLANNING POLICY FRAMEWORK

5.3.1 The National Planning Policy Framework (NPPF) was published by the Government on the 24th July 2018. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). For decision-taking, this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless : i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal; or ii) 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.

5.3.2 Good design is a key aspect of sustainable development. The NPPF sets out a number of planning policies concerned with achieving well-designed places including providing a high standard of amenity. Paragraph 132 notes that poorly sited and designed advertisements can cause the quality and character of places to suffer. It further notes that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

5.4 NATIONAL PLANNING PRACTICE GUIDANCE

5.4.1 Includes guidance on advertisements, design and light pollution

6.0 CONSULTATION RESPONSES

6.1 LCC (HIGHWAYS) - no objections

6.2 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY) - no objections. Requested condition about lighting standards and levels.

7.0 REPRESENTATIONS

7.1 26 letters of objection, points raised:

- lights shining into rooms of houses
- intrusion/annoyance from signs
- waste of energy
- impact on wildlife
- impact on property prices

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Revised plans to remove adverts on elevations A and D 4/7/18

9.0 ISSUES

9.1 The main issues that can be considered for advertisement consent applications in accordance with relevant legislation and the NPPF are as follows:

- Amenity
- Public Safety

Amenity

9.2 The adverts would be on the two storey building which is pending consideration under planning application 18/00008/FUL. They would be in keeping with the scale and appearance of the building, and would not over-dominate it. They would also be in keeping with the character of the area, where they would be facing into a supermarket carpark and a petrol forecourt. Both of which already have their own signs. The illumination proposed (not to exceed 600 candelas per square metres) would not be visually obtrusive in this setting. The proposed acrylic materials would be appropriate and could be conditioned to be used. A condition is also required to ensure the illumination is switched off when the building is not in use.

9.3 In terms of neighbouring amenity, revised plans shows the adverts will be placed on elevations that would not directly face neighbours. The council's environmental health officers have been consulted on the application and have no objections. Notwithstanding the illumination levels proposed, they have requested a condition be attached to any consent that the light levels do not exceed a certain amount as measured at neighbouring properties. It is considered that this be best conditioned by requiring a lighting scheme and assessment to be submitted for approval which demonstrates these levels would be achieved. With this condition it is considered that unacceptable light pollution or glare can be avoided at neighbouring properties from the advertisement.

Public Safety

9.4 The signs would be internally illuminated. Lancashire County Council Highways have been consulted on the application and have not raised any objections or requested any conditions. It is therefore not considered that there would be unacceptable impacts on highway safety and public safety.

Other matters:

9.5 Comments have been made by neighbours on other current planning/advertisement consent applications at this site. Only comments specific to

this application under consideration, can be taken into account as part of this application.

9.6 A comment has been made about impacts on wildlife. It is not clear if this relates to this application for the adverts or other applications at the site. Nonetheless, it is not considered that there would be unacceptable impacts on wildlife from these advertisements in the urban area and that would be facing into the supermarket carpark.

9.7 Comments from neighbours have been made on property prices and wasted energy. These are not material planning considerations and cannot be taken into account on this application.

10.0 CONCLUSION

10.1 The proposed signs have been assessed to be acceptable in terms of amenity and public safety, and comply with the relevant legislation, the NPPF and the relevant policies of the Adopted and Emerging Wyre Local Plan.

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 advertisement consent subject to conditions

Recommendation: Permit

Conditions: -

1. The advertisement(s) shall be displayed, except where modified by the conditions to this consent, in accordance with the Application for Advertisement Consent received by the Local Planning Authority on 2 January 2018 including the following plans/documents:

- Location plan Revision A
- Arch panels (1:20)
- Block plan (signage application 1) Revision C
- Proposed advertisement elevations Revision D

The advertisement(s) shall be retained hereafter in accordance with this detail.

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

2. The development shall be carried out using those materials specified on the approved plan(s) unless otherwise agreed in writing with the Local Planning Authority.

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

3. Notwithstanding the detail of illumination provided on the submitted application form or plans, prior to the installation of any of the signs hereby approved, a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that light intrusion into the windows of any sensitive premises will not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3). The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (or any subsequent replacement guidance).

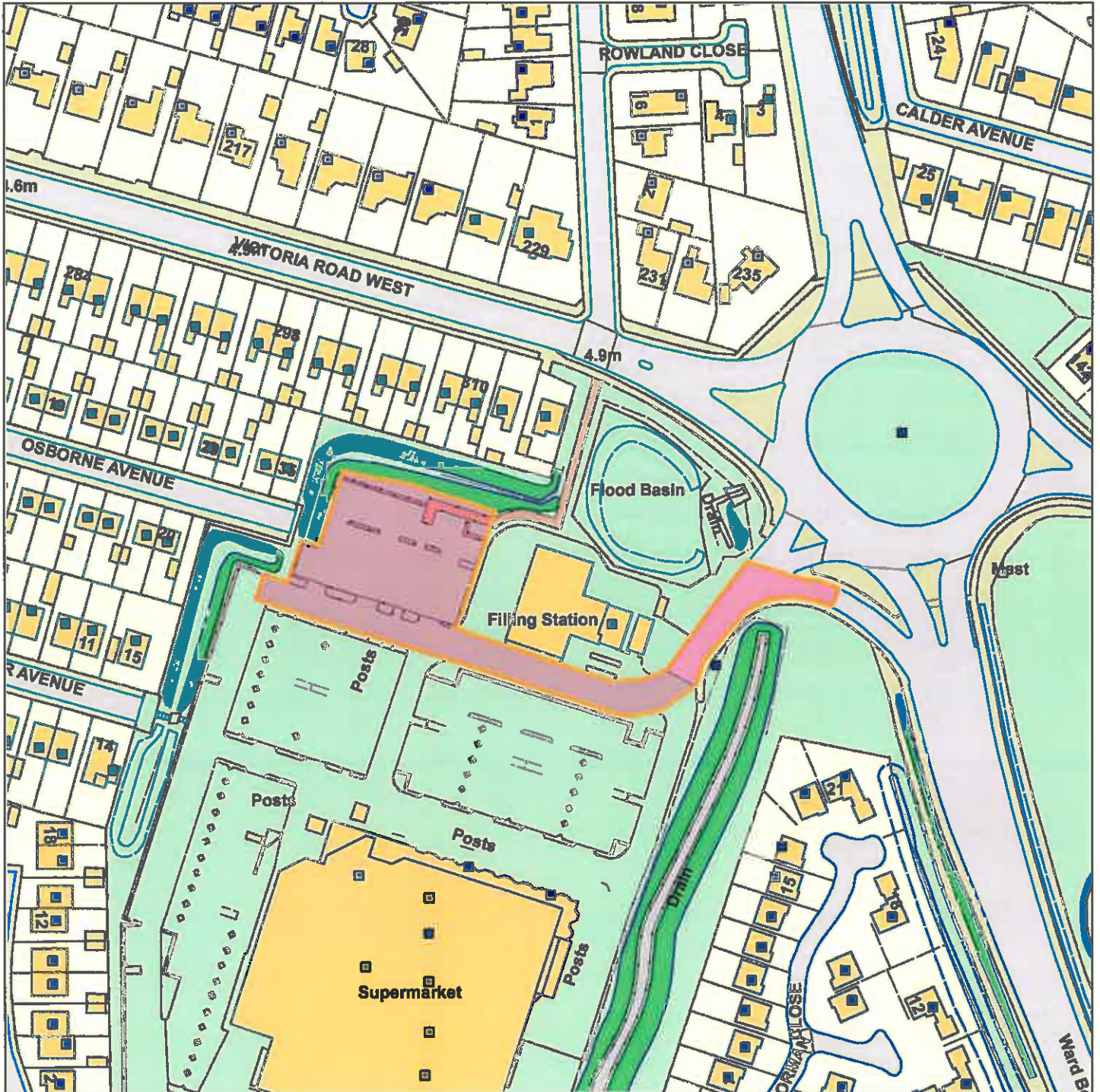
The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained and retained thereafter.

Reason: To safeguard residential amenity in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (1999), Policy CDMP3 of the Emerging Local Plan and paragraph 132 of the National Planning Policy Framework.

4. The means of illumination for all the signs hereby consented to be illuminated shall be switched off at the close of business each day and shall only be switched on during business hours.

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

Planning Committee - Morrisons Supermarket Car Park



Scale : 1:1726

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Organisation	Wyre Council
Department	Planning Department
Comments	18/00010/ADV - Item 3
Date	19 September 2018
SLA Number	100018720

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Committee Report**Date: 03.10.2018****Item Number 04****Application Number 18/00011/ADV****Proposal Advertisement consent for one 8m high internally illuminated totem sign****Location Morrisons Supermarket Car Park Amounderness Way Thornton Cleveleys Lancashire FY5 3TS****Applicant McDonalds Restaurant Ltd And WM Morrison Supermarkets Plc****Correspondence Address c/o Planware Ltd
Mr Matthew Carpenter The Granary 37 Walnut Tree Lane Sudbury
Suffolk CO10 1BD****Recommendation Permit****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Miss Lucy Lowcock****1.0 INTRODUCTION**

1.1 This application is brought to Committee at the request of Councillor Alan Vincent. A site visit is proposed to allow Members to see the site context including relationship with neighbouring properties.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site incorporates a small area of land to the western side of the access to the Morrisons supermarket, Amounderness Way, Cleveleys. The site is in Flood Zone 3. It is in the urban area, but is outside the Town Centre of Cleveleys. It is accessed via a junction off the roundabout on Amounderness Way (A585).

2.2 Outside of the site boundaries, there is a petrol station to the west, a supermarket and its carpark to the south and residential properties to the north, northwest and southeast. There is an existing internally illuminated totem sign in place, slightly south of the application site.

3.0 THE PROPOSAL

3.1 This application is for Advertisement Consent for an 8m high internally illuminated totem sign, to be sited at the western side of the entrance point to the Morrisons supermarket off the Amounderness Way roundabout. Steel frame with panels with cut out text that would be illuminated. LED digital display of fuel prices. Existing totem sign to be removed.

4.0 RELEVANT PLANNING HISTORY

4.1 Other current applications relating to this development include:

App. No: 18/00008/FUL - Erection of two-storey restaurant with associated drive thru (Class A3/A5), car parking, landscaping and associated works, installation of 1 outdoor seating area and two customer order displays. 3m high acoustic fence to boundaries and 6 CCTV cameras on building.

App. No: 18/00012/ADV - Advertisement consent for 1 height restrictor (internally illuminated), 7 free-standing signs (internally illuminated), 1 directional sign (non-illuminated) and 14 dot signs (non-illuminated).

App. No: 18/00010/ADV - Advertisement consent for 4 internally illuminated fascia signs

5.0 RELEVANT PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 1999 (SAVED POLICIES)

5.1.1 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 Emerging Local Plan and the National Planning Policy Framework (NPPF).

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

SP14 Standards of design and amenity
S7 Design of signs and shopfronts

5.2 EMERGING WYRE LOCAL PLAN

5.2.1 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 Inspector appointed to carry out the examination held a series of hearing sessions in May into the Local Plan, which included consideration of proposed modifications submitted by the Council prior to and during the hearing sessions. The Inspector issued a Post Hearing Advice note to the Council in July which provides a clear direction on key issues arising from the examination and further main modifications that are required to make the Wyre Local Plan sound. The Council published its initial response to the Inspector's note on the 30th July 2018, which sets out how it will be making the necessary amendments required by the Inspector. The proposed Main Modifications (MM) to the 'Publication' draft Wyre Local Plan were considered by Full Council on 6th September and approved for public consultation for six weeks, commencing on the 12th September. Although the draft Local Plan as proposed to be modified does not have the full weight of an adopted Local Plan, it has reached an advanced post hearing stage in the local plan process and is supported by a comprehensive and robust evidence base. Development plan policies contained within the draft Local Plan as proposed to be amended in response to the Inspector's Post Hearing Advice will therefore be given increased weight in determining planning applications depending on the particular circumstances of the case and the extent of any unresolved issues.

5.2.2 Where policies in the new Wyre Local Plan are consistent with the 2012 NPPF, then the (revised) NPPF published in 2018 allows for increased weight to be

given to them. Those development plan policies with no unresolved issues will be given significant weight. Alongside these, the policies in the 2018 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

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

- CDMP3 Design
- EP14 Outdoor advertisements and directional signs

5.3 NATIONAL PLANNING POLICY FRAMEWORK

5.3.1 The National Planning Policy Framework (NPPF) was published by the Government on the 24th July 2018. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). For decision-taking, this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless : i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal; or ii) 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.

5.3.2 Good design is a key aspect of sustainable development. The NPPF sets out a number of planning policies concerned with achieving well-designed places including providing a high standard of amenity. Paragraph 132 notes that poorly sited and designed advertisements can cause the quality and character of places to suffer. It further notes that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

5.4 NATIONAL PLANNING PRACTICE GUIDANCE

5.4.1 Includes guidance on advertisements, design and light pollution

6.0 CONSULTATION RESPONSES

6.1 HIGHWAYS ENGLAND - no objection. The proposed totem sign is not on land forming part of the A585 trunk road or would be expected to affect the safety or operation of the A585 trunk road either.

6.2 LCC (HIGHWAYS) - no objections

6.3 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY) - no objections. Requested condition about lighting standards and levels.

7.0 REPRESENTATIONS

7.1 9 letters of objection received, points raised:

- glare and light seen from houses

- significantly change the appearance of the area
- impact on wildlife
- comments about other current planning applications/advertisement consent applications at the site.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Revised plans to reduce height from 12m to 8m 7/9/18

8.2 Revised plans to match 18/00008/FUL 4/7/18

9.0 ISSUES

9.1 The main issues that can be considered for advertisement consent applications in accordance with NPPF are as follows:

- Amenity
- Public Safety

Amenity

9.2 There is already a totem sign in place at the entrance to the supermarket, which is internally illuminated. This is shown on plan to be 5.9m high. Replacing this with another totem sign would be visually acceptable in principle. The proposed sign would be sited slightly further north, which would be visually acceptable. It would be internally illuminated (not to exceed 600 candelas per square metres). This would be acceptable, with there already an illuminated sign in place, plus in this setting at the entrance to a supermarket in an urban area it is considered that it would be appropriate. The materials of the sign would be an aluminium frame in grey (RAL 6015) with individual boards. These materials are considered appropriate. The main difference in the sign over that existing would be its height. The proposed sign has been reduced in height from that originally proposed from 12m to 8m. This would be 2.1m higher than the existing sign. There is a cluster of trees to the west of the proposed sign that would be of a similar height, the proposed restaurant building would be 8.7m high and 8m is the typical height of a two-storey dwelling. With the backdrop of the existing trees and the other development in the wider area of a similar height, the height proposed for the totem sign is considered to be visually appropriate. If approved, it is recommended that a condition be added for the removal of the existing totem sign, indicated in blue on the location plan, prior to the erection of the current sign. This would prevent adverse cumulative impacts if both signs were to be in place. A condition is also required to ensure the illumination is switched off outside of the opening hours of the businesses to which the sign relates to.

9.3 In terms of neighbouring amenity, the nearest neighbour would be approximately 50m away from the sign. This would be adequate separation for the sign not to be overbearing to any neighbour. The Council's environmental protection department have been consulted on the application and have no objections. Notwithstanding the illumination levels proposed, they have requested a condition be attached to any consent that the light levels do not exceed a certain amount as measured at neighbouring properties. It is considered that this be best conditioned by requiring a lighting scheme and assessment to be submitted for approval which demonstrates these levels would be achieved. With this condition it is considered

that unacceptable light pollution or glare can be avoided at neighbouring properties from the advertisement.

Public Safety

9.4 The sign would be internally illuminated. Lancashire County Council Highways and Highways England have been consulted on the application and have not raised any objections or requested any conditions. It is therefore not considered that there would be unacceptable impacts on highway safety and public safety.

Other matters:

9.5 Comments have been made by neighbours on other current planning/advertisement consent applications at this site. Only comments specific to this application under consideration, can be taken into account as part of this application.

9.6 A comment has been made about impacts on wildlife. It is not clear if this relates to this application for the totem sign or other applications at the site. Nonetheless, it is not considered that there would be unacceptable impacts on wildlife from this advertisement in the urban area, adjacent to a main road.

10.0 CONCLUSION

10.1 The proposal is considered to be acceptable with regards to amenity and public safety, which are the matters that can be considered for advertisement consent applications. This would be compliant with the relevant legislation, the NPPF and Policies SP14 and S7 of the Adopted Wyre Local Plan and Policies CDMP3 and EP14 of the Emerging Local Plan.

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 advertisement consent subject to conditions.

Recommendation: Permit

Conditions: -

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 2 January 2018 including the following plans/documents:

- location plan (signage application 2) revision B
- Block plan (signage application 2) revision E

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

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

2. The development shall be carried out using those materials specified on the approved plan(s) unless otherwise agreed in writing with the Local Planning Authority.

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

3. Notwithstanding the levels of illumination proposed on the application form, prior to the installation of any of the signs hereby approved, a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that light intrusion into the windows of any sensitive premises will not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3). The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (or any subsequent replacement guidance).

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

Reason: To safeguard residential amenity in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (1999), Policy CDMP3 of the Emerging Local Plan and paragraph 132 of the National Planning Policy Framework.

4. Prior to the installation of the development hereby approved or within a timescale otherwise agreed in writing with the Local Planning Authority, the existing totem sign, as indicated on the location plan and existing totem information plan, shall be removed.

Reason: To protect visual amenity in accordance with NPPF and Policy SP14 of the Adopted Wyre Local Plan and Policy CDMP3 of the Emerging Local Plan.

5. The means of illumination for the sign hereby consented to be illuminated shall be switched off at the close of business each day and shall only be switched on during business hours.

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



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Organisation	Wyre Council
Department	Planning Department
Comments	18/00011/ADV - Item 4
Date	19 September 2018
SLA Number	100018720

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Committee Report**Date:03.10.2018**

Item Number	05
Application Number	18/00012/ADV
Proposal	Advertisement consent for 1 height restrictor (internally illuminated), 7 free-standing signs (internally illuminated), 1 directional sign (non-illuminated) and 14 dot signs (non-illuminated)
Location	Morrisons Supermarket Car Park Amounderness Way Thornton Cleveleys Lancashire FY5 3TS
Applicant	McDonalds Restaurant Ltd And WM Morrison Supermarkets Plc
Correspondence Address	c/o Planware Ltd Mr Matthew Carpenter The Granary First Floor 37 Walnut Tree Lane Sudbury Suffolk CO10 1BD
Recommendation	Permit

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

1.1 This application is brought to Committee at the request of Councillor Alan Vincent. A site visit is proposed to allow Members to see the site context including relationship with neighbouring properties.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site incorporates part of the carpark and access of the adjacent Morrisons supermarket. The site is in Flood Zones 2 and 3. It is in the urban area, but is outside the Town Centre of Cleveleys. It is accessed via a junction off the roundabout on Amounderness Way (A585).

2.2 Outside of the site boundaries, there is a petrol station to the east, a supermarket and its carpark to the south and residential properties to the north and west. There are some trees and vegetation to the north and west boundaries.

3.0 THE PROPOSAL

3.1 This application is for Advertisement Consent for advertisements as follows:

Sign x 1 - height restrictor gateway sign measuring 3.2m in height by 4.2m. This would be in aluminium with a timber effect. It would be internally illuminated so that the words 'drive-thru' are lit up. This would be at the entrance to the drive-thru.

Sign x 7 - freestanding signs of a maximum size of 2.64m by 1.7m. These would be constructed from aluminium and would be internally illuminated. These would be sited at the western side of the drive-thru.

Sign x 1 - directional sign measuring 0.45m by 1.25m. This would be non-illuminated and would be sited on the western side of the drive-thru. It would be a maximum height of 2.45m.

Sign x 14 - dot signs. These would be to the eastern side of the site and would comprise various instructional signs, such as no entry and give way. These would be non-illuminated. The maximum height of these would be 0.9m on posts.

4.0 RELEVANT PLANNING HISTORY

4.1 Other current applications relating to this development include:

App. No: 18/00008/FUL - Erection of two-storey restaurant with associated drive thru (Class A3/A5), car parking, landscaping and associated works, installation of 1 external seating area and two customer order displays. 3m high acoustic fence to boundaries and 6 CCTV cameras on building.

App. No: 18/00011/ADV - Advertisement consent for one 8m high internally illuminated totem sign

App. No: 18/00010/ADV - Advertisement consent for 4 internally illuminated fascia signs

5.0 RELEVANT PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 1999 (SAVED POLICIES)

5.1.1 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 Emerging Local Plan and the National Planning Policy Framework (NPPF).

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

SP14 Standards of design and amenity
S7 Design of signs and shopfronts

5.2 EMERGING WYRE LOCAL PLAN

5.2.1 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 Inspector appointed to carry out the examination held a series of hearing sessions in May into the Local Plan, which included consideration of proposed modifications submitted by the Council prior to and during the hearing sessions. The Inspector issued a Post Hearing Advice note to the Council in July which provides a clear direction on key issues arising from the examination and further main modifications that are required to make the Wyre Local Plan sound. The Council published its initial response to the Inspector's note on the 30th July 2018, which sets out how it will be making the necessary amendments required by the Inspector. The proposed Main Modifications (MM) to the 'Publication'

draft Wyre Local Plan were considered by Full Council on 6th September and approved for public consultation for six weeks, commencing on the 12th September. Although the draft Local Plan as proposed to be modified does not have the full weight of an adopted Local Plan, it has reached an advanced post hearing stage in the local plan process and is supported by a comprehensive and robust evidence base. Development plan policies contained within the draft Local Plan as proposed to be amended in response to the Inspector's Post Hearing Advice will therefore be given increased weight in determining planning applications depending on the particular circumstances of the case and the extent of any unresolved issues.

5.2.2 Where policies in the new Wyre Local Plan are consistent with the 2012 NPPF, then the (revised) NPPF published in 2018 allows for increased weight to be given to them. Those development plan policies with no unresolved issues will be given significant weight. Alongside these, the policies in the 2018 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

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

CDMP3 Design

EP14 Outdoor advertisements and directional signs

5.3 NATIONAL PLANNING POLICY FRAMEWORK

5.3.1 The National Planning Policy Framework (NPPF) was published by the Government on the 24th July 2018. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). For decision-taking, this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless : i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal; or ii) 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.

5.3.2 Good design is a key aspect of sustainable development. The NPPF sets out a number of planning policies concerned with achieving well-designed places including providing a high standard of amenity. Paragraph 132 notes that poorly sited and designed advertisements can cause the quality and character of places to suffer. It further notes that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

5.4 NATIONAL PLANNING PRACTICE GUIDANCE

5.4.1 Includes guidance on advertisements, design and light pollution

6.0 CONSULTATION RESPONSES

6.1 LCC (HIGHWAYS) - no objections

6.2 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY) - no objections. Requested condition about lighting standards and levels.

7.0 REPRESENTATIONS

- 7.1 22 letters of objection received, points raised:
- glare of light from signs into houses
 - impact on wildlife
 - comments relating to other applications at the site
 - impact on house prices

8.0 CONTACTS WITH APPLICANT/AGENT

- 8.1 Revised gateway plan to remove mention of 24 hour opening 29/3/18

9.0 ISSUES

9.1 The main issues that can be considered for advertisement consent applications in accordance with relevant legislation and the NPPF are as follows:

- Amenity
- Public Safety

Amenity

9.2 The adverts would be adjacent to the main building proposed on the site (pending consideration under planning application 18/00008/FUL). They would be in keeping with the scale and appearance of the building, and would not over-dominate it. They would also be in keeping with the character of the area, where they would be adjacent to a supermarket carpark and a petrol forecourt. Both of which already have their own signs. The illumination proposed (not to exceed 600 candelas per square metres) would not be visually obtrusive in this setting. The proposed acrylic materials would be appropriate and could be conditioned to be used. A condition is also required to ensure the illumination is switched off when the building is not in use.

9.3 In terms of neighbouring amenity, the adverts would have a maximum height of 3.2m. The council's environmental protection department have been consulted on the application and have no objections. Notwithstanding the illumination levels proposed, they have requested a condition be attached to any consent that the light levels do not exceed a certain amount as measured at neighbouring properties. It is considered that this be best conditioned by requiring a lighting scheme and assessment to be submitted for approval which demonstrates these levels would be achieved. With this condition it is considered that unacceptable light pollution or glare can be avoided at neighbouring properties from the advertisement. Additionally, it should be noted that a 3m high acoustic fence is proposed to boundaries with neighbouring properties under the application for the main building (App. No: 18/00008/FUL), which should adequately screen the proposed signs from neighbouring properties.

Public Safety

9.4 The signs would be internally illuminated. Lancashire County Council Highways have been consulted on the application and have not raised any objections or requested any conditions. It is therefore not considered that there would be unacceptable impacts on highway safety and public safety.

Other matters

9.5 Comments have been made by neighbours on other current planning/advertisement consent applications at this site. Only comments specific to this application under consideration, can be taken into account as part of this application.

9.6 A comment has been made about impacts on wildlife. It is not clear if this relates to this application for the adverts or other applications at the site. Nonetheless, it is not considered that there would be unacceptable impacts on wildlife from these advertisements in the urban area and that would be facing into the site.

9.7 Impacts on property prices are not a material planning consideration.

10.0 CONCLUSION

10.1 The proposed signs have been assessed to be acceptable in terms of amenity and public safety, they therefore comply with relevant legislation, the NPPF and the relevant policies listed in the Adopted and Emerging Wyre Local Plan.

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 advertisement consent subject to conditions

Recommendation: Permit

Conditions: -

1. The advertisement(s) shall be displayed, except where modified by the conditions to this consent, in accordance with the Application for Advertisement Consent received by the Local Planning Authority on 3 January 2018 including the following plans/documents:

- location plan Revision A
- proposed site advertisement plan Revision E
- Side by Side Any Lane Sign 1:20
- Sign A 1:4 and 1:5
- Dot Signage Accessible Parking Bay 1:5
- Dot Signage Give Way 1:5
- Dot Signage No entry 1:5
- Dot Signage Parked Order Bay 2 1:5
- Dot Signage Parked Order Bay 1 1:5
- Dot Signage Pedestrian Crossing 1:5
- Totem 4 1 Bay 1:20
- Totem 3 Presell Boards 1:20
- Gateway 1:20 (received 29/3/18)

- Hero Poster Board 1:20

The advertisement(s) shall be retained hereafter in accordance with this detail.

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

2. The development shall be carried out using those materials specified on the approved plan(s), unless otherwise agreed in writing with the Local Planning Authority.

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

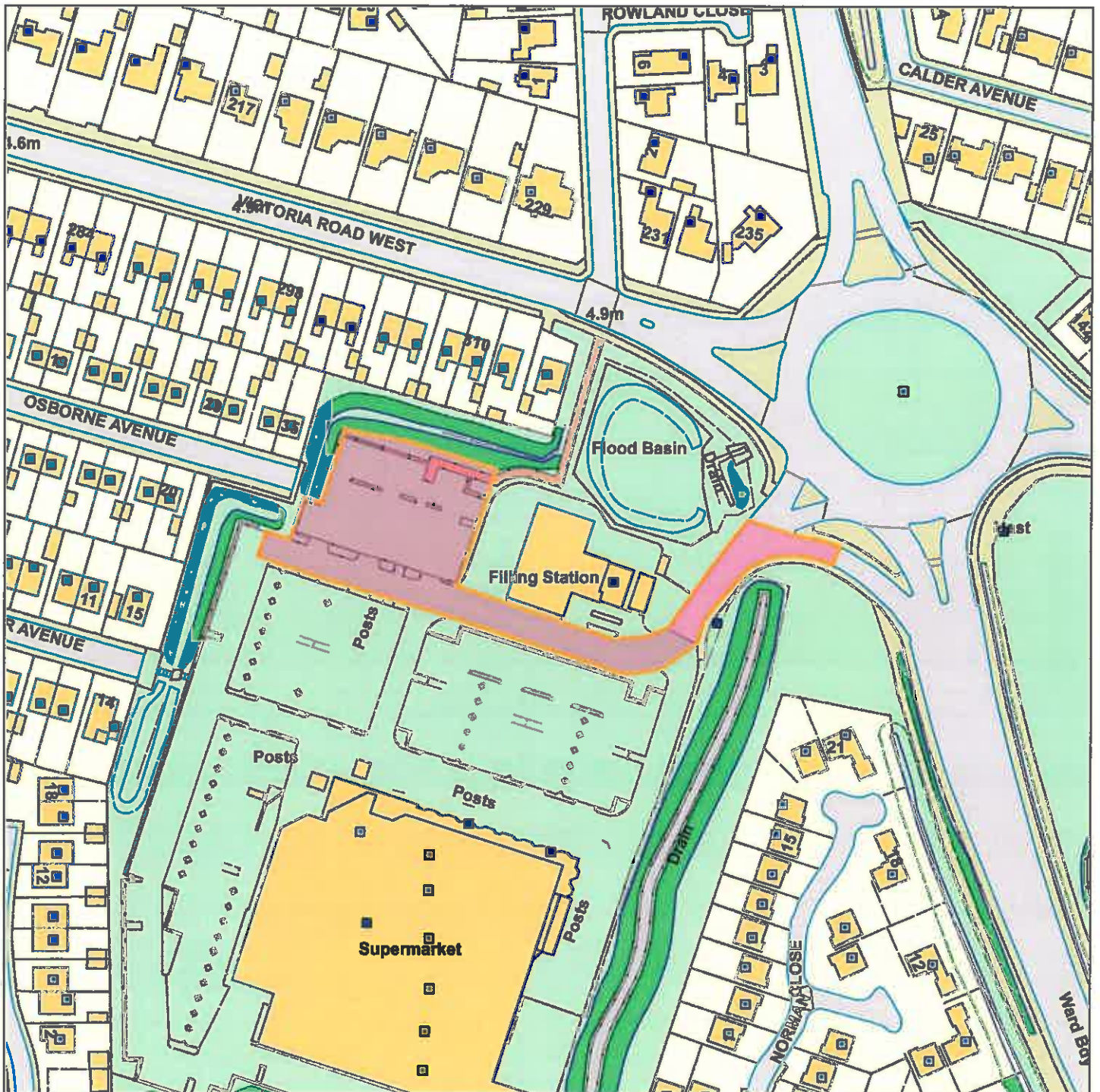
3. Notwithstanding the level of illumination stated on the application form, prior to the installation of any of the illuminated signs hereby approved, a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that light intrusion into the windows of any sensitive premises will not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3). The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (or any subsequent replacement guidance).

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

Reason: To safeguard residential amenity in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (1999), Policy CDMP3 of the Emerging Local Plan and paragraph 132 of the National Planning Policy Framework.

4. The means of illumination for the signs hereby consented to be illuminated shall be switched off at the close of business each day and shall only be switched on during business hours.

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



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Organisation	Wyre Council
Department	Planning Department
Comments	18/00012/ADV - Item 5
Date	19 September 2018
SLA Number	100018720

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