

Planning Committee Minutes

The minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday, 10 January 2024 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Planning Committee members present:

Councillors Rendell, Lady D Atkins, Amos, Catterall, Fielding, Higgs, Higginson, Livesey, Preston, Raynor, Rimmer and Belshaw

Other councillors present:

Councillors Collinson and Robinson

Officers present:

George Ratcliffe, Assistant Democratic Services Officer
Karl Glover, Development Manager
Steve Smith, Head of Planning and Regeneration
Angela Parkinson, Solicitor
Hannah Hale, Planning Officer

Six members of the public attended the meeting.

PA.47 Declarations of interest

None.

PA.48 Confirmation of minutes

The minutes of the meeting of the Planning Committee held on Wednesday 6 December 2023 were confirmed as a correct record by those who were in attendance.

PA.49 Appeals

The committee noted the Schedule of Appeals lodged and decided between 15 November 2023 and 15 December 2023. The Chair invited any Member requiring any further details or clarification on the appeal to contact the relevant case officer.

PA.50 Planning applications

PA.51 Application 1 - 1 Sarahs Fold Stalmine-with-staynall 23/00627/FUL

The application was brought before members for consideration at the request of Councillor Robinson who cited that the creation of a new driveway in front of the applicant's house would improve visibility from the main cul-de-sac junction and it would prevent cars parking on the pavement.

A site visit occurred to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

An update sheet was published on the council's website, the information only having become available after the original agenda was published. The committee considered the update sheet, which contained the officer responses to the revised National Planning Policy Framework (NPPF) and amendments to the report and reason for refusal.

The Planning Development Manager introduced the report. The application was for the construction of a new driveway and vehicular access with dropped kerb onto Smithy Lane. He highlighted that the surrounding area was residential in character.

Wyre Borough Councillor for Hambleton & Stalmine ward, Julie Robinson, spoke against the officer recommendation.

Mark Evans, acting as the applicant, spoke in favour of the application.

Councillor Fielding asked a question of the speaker.

The Head of Planning and Regeneration clarified that the members were granting permission for the driveway area and there would be no suitable conditions capable of controlling the number vehicles using it.

Councillor Rimmer highlighted that the parking space at the rear of the property was very narrow with no opportunity for off-site parking.

Councillor Catterall believed a driveway would be more suitable than parking on the road.

Councillor Higgs did not consider Smithy Lane to be very busy and dangerous to pedestrians and other road users.

Councillor Belshaw proposed the recommendation, and Councillor Higginson seconded the proposal. A vote was carried out and the motion was lost.

Following discussion, it was proposed by Councillor Rendell, to grant full planning permission in principle for the development as proposed, subject to appropriate conditions addressing time and plans and that the Head of Planning & Regeneration be authorised (i) in consultation with the Chair, to agree the details of those conditions, and (ii) to issue the planning permission subject to those detailed conditions. The reasons for the proposal were that, contrary to the officer recommendation, it was considered that:

- It did not have an unacceptable impact on highway safety; and
- The proposal complied with Local Plan Policy CDMP6 and paragraph 115 of the National Planning Policy Framework (NPPF).

The proposal was seconded by Councillor Amos and the motion was carried.

PA.52 Application 2 - Land Off Lambs Road And Raikes Road Thornton Cleveleys 22/00780/FULMAJ

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

A site visit occurred to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

An update sheet was published on the council's website, the information only having become available after the original agenda was published. The committee considered the update sheet, which contained the officer responses to the revised NPPF, additional consultee responses, additional public representations and amendment to house types and plans. The update sheet also contained a change to proposed conditions 2, 7, 11 and an additional proposed condition (condition 26) on archaeology.

The Planning Development Manager introduced the report. The application was for the proposed erection of 40 dwellings with associated landscaping, car parking and infrastructure works (Phase 3(c)). He highlighted that the application site formed part of a housing allocation (SA1/2 Lambs Road/Raikes Road) in the Wyre Local Plan 2011-2031.

Councillor Rimmer raised questions regarding Highways. The Head of Planning and Regeneration highlighted that the access was via the internal road network, therefore, the council sought the views of the most appropriate highway authority, Lancashire County Council, on this application. The Planning Development Manager confirmed that they had recently re-consulted with Lancashire County Council Highways who were satisfied that the assessments submitted with the applications were accurate. He explained that the impacts of the traffic on the Highway Network had already been considered and the mitigation measures were already in place owing to approvals for previous phases of wider masterplan site.

Councillor Higginson raised concerns over highways, flooding and infrastructure.

Councillor Raynor asked a question concerning flooding. The Planning Development Manager explained that the agent had sent more information since the agenda was published, however, Lancashire County Council still had concerns over how the surface water for highway drainage was going to be managed and maintained. He highlighted that, within conditions 13 and 14, full details of management and maintenance of all surface water and drainage systems needed to be submitted and that the conditions dealt with the

concerns raised.

Councillor Fielding raised concerns over flooding. The Head of Planning and Regeneration clarified that the application site was not within Flood Zone 2 or 3.

Councillor Rimmer asked a question regarding infrastructure. The Head of Planning and Regeneration explained that a S106 agreement was a legal agreement between the developer and appropriate infrastructure provider, however, in relation to health infrastructure and the integrated care board, the S106 agreement was with Wyre Borough Council.

Councillor Lady Atkins proposed the recommendation to approve the application to the committee, and Councillor Amos seconded the proposal. It was resolved to approve the application as per the Officers recommendation, with amendments to conditions 2, 7, 11 and an additional condition (condition 26), subject to the conditions set out below and subject to a S106 legal agreement to secure on-site affordable housing (30%) and green infrastructure and financial contributions towards health care and travel planning. The committee resolved that the Head of Planning and Regeneration be authorised to issue the decision following the satisfactory completion of the S106 agreement and subject to the following conditions:

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 02.08.2022 including the following plans/documents:

Location Plan - BH-04377-001

Location Plan - BH-04377-002

Proposed Site layout Plan - BH-04377-005 **Rev H**

Proposed Site Plan - BH-04377-006 **Rev G**

Proposed Boundary Treatment Plan - BH-04377-007 **Rev F**

Proposed Materials Plan - BH-04377-008 **Rev F**

Tree Removal Plan - BH-04377-009 **Rev F**

Tree Protection Plan - BH-04377-010 **Rev F**

Proposed Hard Landscaping Plan - BH-04377-011 **Rev G**

Proposed Open Space Plan - BH-04377-012 **Rev F**

Proposed Levels and Services Plan - BH-04377-013 **Rev F**

Topographical Survey - BH-04377-014 **Rev A**

Committee Site Plan - BH-04377-015 **Rev C**

Proposed Solar Panel Layout Plan - BH-04377-016 **Rev B**

House Types

2 Bed S Semi House Type Plan - BH-04377-A-03
3 Bed Semi House Type Plan - BH-04377-A-04
2 Bed Terrace House Type Plans -BH-04377-A-08
2 Bed Terrace House Type Elevations -BH-04377-A-09
Garage Plans - BH-GAR-001 Rev A
Buckingham House Type Plan - F220-01
Fairhaven House Type Plan - F212-01
Hampton House Type Plan - F223-01
Kempton House Type Plan - F32-01
Mere House Type Plan - F31-01
Thornton House Type Plan - F30-01
Tudor House Type Plan – F231-01R_Rev C
Tudor House Type Plan – F231-01B_Rev B

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

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

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

- the main internal spine road
- the dwellings and their respective spur roads
- all green infrastructure including children's play facility (LEAP) and landscaping
- boundary treatments outside of private curtilages
- pedestrian/cycle access link to the eastern boundary
- Provision of vehicular link to the northern boundary

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

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

4. Prior to commencement of the development, a construction phasing programme for delivery of the site accesses and all off-site works of

highway improvement (to be carried out as part of a section 278 agreement under the Highways Act 1980) namely:-

- Pedestrian and cycle link to the eastern boundary
- Vehicular and pedestrian access to the northern boundary

shall be submitted to and approved in writing by the Local Planning Authority. The site accesses and off-site highway works shall be delivered in accordance with the agreed phasing programme, unless any alternative phasing programme is subsequently submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

7. No dwelling hereby approved shall be first occupied until the parking / turning area shown on the approved Proposed Site layout Plan - **BH-04377-005 Rev H**, as relating to that dwelling has been laid out, surfaced and drained. The parking / turning areas shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles without express planning consent from the local planning authority first being obtained.

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

8. Prior to the commencement of development, including any demolition works and site clearance, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:
- (a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
 - (b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
 - (c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-

13.00 on Saturday with no working on Sunday and Bank / Public Holidays

- (d) contractors' compounds and other storage arrangements
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period
- (f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable (Construction Vehicles must not access the site via Raikes Road)
- (h) external lighting (including timing) of the site during the demolition / construction period
- (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (j) recycling / disposing of waste resulting from demolition / construction work
- (k) measures to protect watercourses against spillage incidents and pollution
- (l) how biodiversity would be protected throughout the construction period including from noise, lighting or visual disturbance
- (m) the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify appropriate mitigation measures necessary to protect and prevent pollution of these waters from sediments entering the river Wyre/Estuary

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

Reason: In order to safeguard the biodiversity of the site, protect the water environment and public drinking water supplies, and to maintain the operation and safety of the local highway network, during site preparation and construction, in accordance with Policies CDMP1, CDMP4 and CDMP6 of the Wyre Local Plan and the provisions of the NPPF.

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

which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

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

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

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

11. The approved boundary treatments (as shown on Proposed Boundary Treatment Plan - BH-04377-007 **Rev F**) shall be completed prior to first occupation of the respective dwelling(s). The approved details shall thereafter be maintained and retained in accordance with the approved details.

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

12. Prior to the commencement of development, details of the existing and proposed ground, slab and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details.

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity in accordance with Policies CDMP3 of the Wyre Local Plan (2011-31). The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

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

Drainage strategy and Flood Risk assessment submitted with the planning application

The scheme details shall include, as a minimum:

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

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

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

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

is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout

14. Prior to the commencement of development, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The development shall subsequently be completed, maintained and managed in accordance with the approved sustainable drainage management and maintenance plan.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/ body/ company/ undertaker for the sustainable drainage system in accordance with policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

15. Prior to the commencement of development a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken and submitted to and approved in writing by the Local Planning Authority. If the desk study identifies potential contamination, a detailed site investigation shall be carried out

in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site, and validation of the approved measures shall be submitted to, and approved by, the Local Planning Authority in writing on completion of the works. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

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

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

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

17. Prior to first occupation of any dwelling hereby approved, a scheme for the provision of home-owner information packs highlighting the sensitivity of Morecambe Bay (a European protected nature conservation site) to recreational disturbance shall be submitted to and agreed in writing by the Local Planning Authority. The scheme details shall include the content of the home-owner information packs which must explain the conservation value of Morecambe Bay, the potential impacts that can arise from residential development and explain the responsible behaviours that would be required from residents to avoid undue ecological impact, as well as a methodology for the distribution of the home-owner packs to future home owners including upon resale of the dwellings as far as is reasonably practicable. The approved information packs shall subsequently be made available to future home owners in line with the approved methodology.

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

18. Prior to the commencement of above ground development a scheme to demonstrate how at least 20% of the dwellings shall be of a design suitable or adaptable for older people and people with restricted

mobility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, retained and maintained thereafter in accordance with the approved details.

Reason: To meet the needs of the ageing population and people with restricted mobility in the borough in accordance with Policy HP2 of the Wyre Local Plan (2011-31) and the provisions of section 5 of the NPPF.

19. No part of the development shall be commenced until details of the refuse storage provision (including location, design and materials of construction) have been submitted to and approved in writing by the Local Planning Authority. The refuse storage area(s) shall be provided in accordance with the approved details prior to first occupation or first use of the development and shall thereafter be maintained and retained.

Reason: In the interests of the appearance of the site and locality and the residential amenity of occupants and neighbours, in accordance with Policies CDMP1 and CDMP3 of the Wyre Local Plan (2011-31). The details are required prior to the commencement of the development because they were not submitted with the application.

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

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

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

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

National Planning Policy Framework. The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development.

21. The pedestrian/cycle connection shown linking to the eastern boundary with Raikes Road as shown on the approved site layout plan shall be constructed up to the respective site boundary in surface materials that have first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved phase it falls within.

After its construction in accordance with this condition the said pedestrian/cycle connection shall thereafter be maintained and remain open and unobstructed at all times unless and until they have both been adopted by the local highway authority.

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

22. The pedestrian and vehicular connections shown linking to the northern boundary (Phase 3A) as shown on the approved site layout plan shall be constructed up to the respective site boundary in surface materials that have first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved phase it falls within. The pedestrian and vehicular connections shall thereafter be maintained and remain open and unobstructed at all times.

After their construction in accordance with this condition the said three pedestrian and vehicular connections shall thereafter be maintained and remain open and unobstructed at all times unless and until they have both been adopted by the local highway authority.

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

23. Prior to the installation of any external lighting within the development a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall demonstrate that artificial lighting will be designed so that it is not intrusive to visual amenity or illuminate potential habitat for bats (e.g. hedgerow, trees) and or/ bird breeding places. The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light

GN01:2011 and the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009 (or any subsequent replacement guidance).

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

Reason: In order to safeguard visual amenity and biodiversity and residential amenity and in the interests of public safety in accordance with Policies CDMP1, CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

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

The measures contained within the approved Arboricultural Impact Assessment, Method Statement and Tree Protection Plan with respect to those trees shown as being retained shall be implemented in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: In order to protect trees from damage or loss in the interests of the amenity of the area in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981. The details are required to be approved prior to commencement of development to ensure timely tree protection measures are in place

25. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the garage(s) hereby approved shall be retained solely for the housing of a private motor vehicle, and at no time shall any works be undertaken that would prevent it from being used for that

purpose without prior express planning permission from the Local Planning Authority.

Reason: To ensure that the on-site vehicle parking provision is maintained to avoid the standing of traffic on the adjoining highway to the detriment of the safety and free flow of traffic thereon and in the interest of the amenity of the street scene in accordance with Policies CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

26. No excavation or ground disturbance works on the application site, including any required for clearance/demolition, site preparation, compounds, services, landscaping, etc. shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological monitoring and recording works, to the standards and guidance set out by the Chartered Institute for Archaeologists as an integral part of the groundworks required for the development. This watching brief must be carried out by an appropriately qualified and experienced professional contractor and in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority and shall include a contingency plan for the unexpected discovery of significant remains. These works shall result in the compilation and deposition of a formal report on the works undertaken and the results obtained. The development shall be carried out in accordance with the agreed details.

Reason: Such a programme of archaeological work and investigation was not submitted with the application but is necessary prior to the commencement of development to ensure that any archaeological remains at the site are recorded and to ensure that there is an understanding of the significance of the heritage asset before it is lost, in accordance with policy CDMP5 of the Wyre Local Plan (2011-31) and Section 16 of the NPPF. The condition is required to be approved prior to commencement of development to ensure full details are provided, that have not been forthcoming with the application, providing a true and accurate record which would not be possible after development.

PA.53 Application 3 - Layby At Woodfold Lane Cabus 23/00941/FUL

The application was brought before members for consideration at the request of Councillor Collinson who cited concerns in relation to residential amenity and anti-social behaviour.

A site visit occurred to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

An update sheet was published on the council's website, the information only having become available after the original agenda was published. The committee considered the update sheet, which contained the officer responses to the revised NPPF.

The Planning Officer introduced the report. The application was for the proposed re-siting of a shipping container to use as short stay café. She highlighted that the application site was within the countryside as defined in the Wyre Local Plan 2011-2031.

Wyre Borough Councillor for Garstang ward, Alice Collinson, spoke in favour of the officer recommendation.

Councillor Rimmer asked a question of the speaker.

Councillor Fielding highlighted that the café might not be the cause of anti-social behaviour.

Councillor Lady Atkins and Catterall raised concerns over the location.

Councillor Higgs believed the location was effective in achieving its intended purpose.

Following discussion and a proposal by Councillor Belshaw, seconded by Councillor Raynor, it was resolved to refuse the application as per the Officers recommendation for the following reasons:

1. The application site was located in the countryside, which was protected for its open and rural character. The proposal, by way of its detached position, would lead to a detrimental impact upon the rural character of the area. The application had not demonstrated that the proposed siting of the shipping container was reasonably necessary in this location and, owing to the shipping container being relocated from a nearby layby, fails to determine that the proposal was necessary for the expansion of an existing business. The proposal would therefore represent an unjustified and unnecessary structure in this location within the countryside and was detrimental to the surrounding area. This would be contrary to Policies CDMP3, SP4 and EP8 of the Adopted Wyre Local Plan and the overarching aims and objectives of the NPPF.
2. Woodfold Lane was an unlit rural road, subject to national speed limits with no pedestrian footpath and the proposed location of the shipping container would result in customers exiting the café directly onto the carriageway. This would result in an unacceptable risk to pedestrians and also to vehicles, particularly during hours of darkness owing to there being no street lighting. As a consequence the proposal would result in a detrimental impact to highway safety and was contrary to Policy CDMP6 of the Wyre Local Plan (2011-2031) and the provisions of the National Planning Policy Framework.

The meeting started at 2.00 pm and finished at 3.06 pm.

Date of Publication: 18 January 2024