

## Planning Committee Minutes

The minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday, 6 March 2019 at the Council Chamber, Civic Centre, Poulton-le-Fylde.

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

Councillors R Amos, I Amos, Catterall, Atkins, Ballard, Ellison, Gibson, Holden, Ingham, Moon, Orme, Raynor and Shewan.

### **Apologies for absence:**

Councillor Lees.

### **Other councillors present:**

None.

### **Officers present:**

David Thow, Head of Planning Services  
Lyndsey Hayes, Planning Development Manager  
Mary Grimshaw, Solicitor  
Carole Leary, Democratic Services Officer

11 members of the public attended the meeting.

There were no members of the press present.

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### **PA.44      Declarations of Interest**

Councillor Gibson declared an interest in Item 1, Application No: 18/01008/FUL, under Item 5 of the published agenda; as he knows the owner of James Carter Homes (the Applicant). He did not consider that this gave rise to a perception of a conflict of interest and/or was likely to prejudice his judgement, nor did it amount to an issue of pre-determination and bias and therefore he stayed in the meeting and spoke and voted upon the item.

### **PA.45      Confirmation of Minutes**

The minutes of the Planning Committee meeting held on Wednesday 6 February 2019, were confirmed as a correct record.

### **PA.46      Appeals**

The Head of Planning Services submitted a report on appeals lodged and decided between 15 January 2019 and 15 February 2019.

### **Resolved**

That the position regarding the appeals, as set out on pages 1 – 2 of the agenda, be noted and that any Member requiring any further details or clarification on any appeal, should contact the relevant Case Officer.

### **PA.47 Planning Applications**

The Head of Planning Services submitted applications and reports to be considered:-

18/01008/FUL – The former Breck Club, 28A Breck Road, Poulton-Le-Fylde, Lancashire, FY6 7AQ. Erection of five townhouses with associated parking and landscaping.

An update sheet with additional information was published on the council's website and handed out at the planning meeting, as this information was produced after the original agenda was published.

18/00339/FUL – Layby, adjacent Preston Lancaster Road, A6, Fowler Hill Lane, Cabus, Lancashire, PR3 1AW. Permanent siting of shipping container for use as rest stop café.

An update sheet with additional information was published on the council's website and handed out at the planning meeting, as this information was produced after the original agenda was published.

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

#### **a) Application Approved**

**RESOLVED** that the undermentioned application be **APPROVED** under the provisions of the Town and County Planning Act 1990m as set out below:

**Item 1 - The former Breck Club, 28A Breck Road, Poulton-Le-Fylde, Lancashire, FY6 7AQ**

#### **Application Number 18/01008/FUL**

James Carter Homes. Erection of five townhouses with associated parking and landscaping.

The application was before Members as the site was considered to be a key site with the Poulton-Le-Fylde Conservation Area.

A site visit took place, so Committee Members had the benefit of seeing and understanding the site, its setting and relationship to neighbours.

The Agent spoke to the Committee in support of the application.

The Committee gave consideration to the Update Sheet with additional information on, which had been circulated to members of the Committee before the meeting.

The application was **APPROVED** subject to conditions as per recommendation:

**Amendment to conditions 2, 3, 5, 6, 7, 8, 11, 12, 13 (as set out on update sheet) as follows:**

**Conditions and Reasons:**

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 validated by the Local Planning Authority on 18 October 2018 including the following plans/documents:

- Site Location Plan dated 24/01/2019
- Proposed Site Plan - SP-0001 Rev P4 (Received 01.03.2019)
- West and East Elevations - EL-0001 Rev P4
- North and South Elevations - EL-0002 Rev P4
- Ground Floor Plan - GA-0001 Rev P4
- First Floor Plan - GA-0002 Rev P4
- Second Floor Plan - GA-0003 Rev P4
- Site Sections - SK-0004 Rev P4
- General Sections - SC-0001 Rev P4
- Proposed Drainage Layout - C-0865-01 Rev A
- Proposed Drainage Layout - C-0865-02 Rev A
- Drainage Strategy Report - C-0865 Issue 2 (Prepared by Hamilton Technical Services)
- Materials Specification - Received 18.02.2019 (Prepared by Carter-Zub Building Consultancy)
- Traffic Management Method Statement Rev A (Prepared by Carter-Zub Building Consultancy)
- Acoustic Survey - Report No: 1638-2 (Prepared by Martin Environmental Solutions)

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

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

3. The development shall be carried out using those materials specified on the materials schedule received via email on 18.02.2019.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Adopted Wyre Borough Local Plan.

4. The drainage scheme as outlined on the submitted plan ref: C-0865-01 Rev A (Prepared by Hamilton Technical Services) shall be implemented in full and ready for use prior to the first use of any of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. It shall thereafter be maintained as set out in section 4 of the submitted Drainage Strategy Report ref: C-0865 Issue 2 (Prepared by Hamilton Technical Services) and the surface water must drain at the restricted rate of 5 l/s, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate drainage of the site and to prevent flooding to neighbouring properties.

5. The development, hereby approved, shall be constructed in accordance with the levels details outlined on the submitted General Sections plan ref: SC-0001 Rev P4 and Site Sections Plan SK-0004 Rev P4 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of clarity and to ensure an acceptable visual impact and impact on residential amenity in accordance with policy CDMP3 of the Wyre Emerging Local Plan.

6. The development hereby approved shall not be first occupied or brought into use until the parking areas shown on the approved plan ref: SP-0001 Rev P4 has been laid out, surfaced (using those material specified on the above reference plan) and drained. The parking areas shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate off road parking is provided to serve the development in the interests of highway safety and in accordance with the provisions of Policy CDMP3 of the Adopted Wyre Borough Local Plan.

7. Prior to the first occupation or use of the 3 dwellings labelled T3, T4 and T5 on the approved plans, the first floor north facing elevation windows and the second floor east facing elevation window shall be:

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

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

Reason: To safeguard the privacy of adjoining residents and in accordance

with policy CDMP3 of the Wyre Borough Local Plan.

8. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Part 2 (Minor operations) and Part 14 (Power related development) 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], no further development of the dwellings or curtilage relevant to Parts 1, 2 and 14 shall be carried out without prior express planning permission having been obtained from the local planning authority.

Reason: To ensure that the Local Planning Authority has control over any future development of the dwellings which may adversely affect the character and appearance of the dwelling, the surrounding area and the residential amenity of occupants/neighbours in accordance with Policy CDMP3 of the Adopted Wyre Borough Local Plan.

9. The boundary treatments as shown on the submitted Site Plan (ref: SP-0001 Rev P4) and the General Sections Plan (ref: SC-0001 Rev P4) shall be implemented in full prior to the first occupation of the dwellings, hereby approved.

Reason: In the interests of neighbour and visual amenity.

10. The development, hereby approved, shall be implemented in full accordance with the submitted Traffic Management Method Statement Rev A (Prepared by Carter-Zub Building Consultancy) and the accompanying Site Management and Construction Phase Plan throughout the construction phase of the development.

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

11. The development hereby approved shall not be first occupied or brought into use until the dropped crossing and removal of the on street parking space required to facilitate the site access has been provided.

Reasons: To enable all end user traffic to enter and leave the site in a safe manner without causing a hazard to other road users or damage to the existing highway in accordance with Policy CDMP3 of the Adopted Wyre Borough Local Plan.

12. Prior to first occupation of the dwellings hereby approved, the scheme of noise insulation measures set out in the supporting Noise Assessment submitted with the application ref: 1638-2 (Prepared by Martin Environmental Solutions) shall be implemented. The approved noise insulation measures shall thereafter be retained.

Reason: To ensure there is no adverse effect on the health and quality of life of future occupants and to avoid an unacceptable impact on residential

amenity by virtue of noise in accordance with Policy CDMP3 of the Adopted Wyre Borough Local Plan and the National Planning Policy Framework.

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

Reason: In order to safeguard human health and the environment against potential contamination and in accordance with Policy CDMP3 of the Adopted Wyre Borough Local Plan.

**Additional Condition 14 and 15 (as set out on update sheet) as follows:**

14. Prior to the first occupation or use of the dwelling labelled T1 on the approved plans, the glazing enclosing the second floor balcony shall be:

- i) Obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
- ii) 2m high.

The glazing (including any subsequent repaired or replacement window) shall be maintained and retained thereafter in accordance with this detail and any replacement glazing shall be of the same height and obscurity.

Reason: To safeguard the privacy of adjoining residents and in accordance with Policy CDMP3 of the Adopted Wyre Borough Local Plan.

15. The landscaping works shall be carried out in accordance with the approved details SP-0001 Rev P4 (Received 01.03.2019) prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

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

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity in accordance with the provisions of Policy CDMP3 of the Adopted Wyre Borough Local Plan and section 11 of the National Planning Policy Framework.

**Notes: -**

1. The extended vehicular access and off-site highway works, within the

adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (Vehicle crossings over footways and verges); The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for vehicle crossings and then fill in the information at "Get a vehicle crossing quotation".

2. The applicant's attention is drawn to the following comments from Network Rail:

- Party Wall Application to be made to confirm the following:
  - i) Buildings footprint and foundations to be wholly within applicant's land
  - ii) Associated excavations and ground levels not to interfere or undermine Network Boundary Wall
  - iii) Associated design for wall adjacent to Network Rail boundary to be approved by Network Rail.
- No use of Network Rail land for access unless agreed with Network Rail.
- Drainage design to be approved by Network Rail.
- Scaffold components dimensions not to exceed lengths that would encroach Network Rail boundary.
- Scaffold design to be approved by Network Rail in relation to collapse mitigation.
- All associated RAMS to be submitted and approved by Network Rail.

#### **b) Application Refused**

**RESOLVED** that the undermentioned application be **REFUSED** under the provisions of the Town and County Planning Act 1990, as set out below:

**Item 2 – Layby, adjacent Preston Lancaster Road, A6, Fowler Hill Lane, Cabus, Lancashire, PR3 1AW**

#### **Application Number 18/00339/FUL**

Mrs K Brooks. Permanent siting of shipping container for use as rest stop café.

The application was before Members at the request of Councillor Balmain. A site visit took place, so Committee Members had the benefit of understanding the proposal and its setting beyond the plans submitted and the photos taken by the Case Officer.

A Member of the public and a Cabus Parish Councillor spoke to the

Committee, as objectors to the application.

The Agent also spoke to the Committee, supporting the application.

The Committee gave consideration to the Update Sheet with additional information on, which had been circulated to members of the Committee before the meeting.

The Committee members debated the application generally, including the design and visual impact that the proposal would have on the streetscene and in this countryside location.

**Resolved** that the application be **REFUSED contrary to the Officers recommendation**, for the following reason:-

1. The proposed development does not constitute good quality design and its permanent siting in this countryside location would result in unacceptable visual harm to the open and rural character of the area contrary to policies SP4 and CDMP3 of the Wyre Borough Local Plan.

The meeting started at 2.00 pm and finished at 3.12 pm.

**Date of Publication:** Friday 15 March, 2019.