



Planning Committee Agenda

Wyre Borough Council
Date of Publication: 26 February 2019
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**Planning Committee meeting on Wednesday, 6 March 2019 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 6 February 2019 (already circulated by email).

4. Appeals

(Pages 1 - 2)

Schedule of Appeals lodged and decided between 15 January 2019 – 15 February 2019, attached.

5. Planning Applications

(Pages 3 - 30)

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. Publication 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: 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.

**Item 2, 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.

PLEASE NOTE:

Transport for the Members will leave the Civic Centre, Poulton-Le-Fylde for the Two Site Visits at 11am

APPEALS LODGED AND DECIDED

Appeals Lodged between –15th January – 15 February 2019

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
17/01092/OUT	Land West Of Heywood House Smallwood Hey Road Pilling Lancashire PR3 6HE	Outline application for the erection of one detached dwelling (all matters reserved)	Delegated	Written Representations	22 January 2019
18/00861/FUL	2 Newton Place Normoss Blackpool Lancashire FY3 7PT	Part two storey and part single storey rear extension (resubmission of 17/00937/FUL)	Delegated	Fast Track Appeals	29 January 2019
12/00204/UNTI (Enforcement)	Helmsdeep Long Lane Barnacre With Bonds Preston Lancashire PR3 1RN	Appeal against enforcement notice	Delegated	Written Representations	04 February 2019
18/00643/OUTMAJ	29-31 Coronation Road Thornton Cleveleys Lancashire FY5 1DQ	Outline application for the erection of a 48 bedroom nursing home (Use Class C2) (following the demolition of existing dwellings) with access, layout and scale applied for (all other matters reserved)	Committee	Written Representations	12 February 2019

Appeals Decided between –15th January – 15th February 2019

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
17/00344/FULMAJ	Land East Of Gubberford Lane Scorton Lancashire	Erection of 31 dwellings with associated access, open space and landscaping	Delegated	Appeal Withdrawn	12 February 2019

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Committee Report

Date: 6 March 2019

Item Number	01
Application Number	18/01008/FUL
Proposal	Erection of five townhouses with associated parking and landscaping
Location	The Former Breck Club 28A Breck Road Poulton-Le-Fylde Lancashire FY6 7AQ
Applicant	James Carter Homes
Correspondence Address	c/o Carter-Zub Building Consultancy LTD Mr Harry Carter The Big Shippon Clifton Fields Preston PR4 0XG
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Robert Clewes

1.0 INTRODUCTION

1.1 This application is before Members because the site is considered to be a key site within Poulton-le-Fylde Conservation Area. A site visit is proposed for Committee to understand the site, its setting and relationship to neighbours.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is the former Breck Club which is located on the eastern side of Breck Road within the settlement of Poulton-le-Fylde. The site is immediately to the north of the railway line and Poulton train station, with the station car park access adjacent the south of the site. The site is located within the Poulton-le-Fylde Conservation Area and to the north of the defined Town Centre boundary.

2.2 The site is clear of any buildings after the demolition of the previous building which was occupied by the Breck Club. The site has a gradual incline from west to east with the rear (east) of the site also backing onto an access road which is accessed from Victoria Road.

2.3 The surrounding properties to the west, north and east are residential, primarily dating back to the late Victorian period and their appearance and style reflecting that period. On the opposite side of Breck Road, on the junction with Lockwood Avenue, is the Breck Apartments which is a large corner property that has been extended to the side/rear fronting Lockwood Avenue. On the southern side of Lockwood Avenue there is a recently built flat development comprising of two and a half storeys.

3.0 THE PROPOSAL

3.1 The proposal is for the erection of a two and a half storey building comprising of five self-contained residential units (town houses). The building has an asymmetrical foot print which measures 16.7m wide and 26m deep at its maximum points. The building has a pitched roof with an eaves height of 6.8m and ridge height of 9.9m.

3.2 The west and south facing elevations, fronting Breck Road and the railway line respectively, consist of vertically glazed gable features clad in Zinc. These features also consist of balconies with those in the gables recessed. The main body of the building is to consist of facing red brick and the roof is to be slate. To the front of the building there are five off street parking spaces to be provided and running along the southern boundary with the railway car park access is to be a strip of landscaping. Along the northern boundary is to be an access path and refuse store.

4.0 RELEVANT PLANNING HISTORY

4.1 09/00778/FUL - Change of use of premises from a hotel to a private members club with first-floor restaurant/function room, first-floor front extension and rear external staircase. Approved

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 borough. 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
- ENV9 - Conservation Areas
- ENV13 - Development and Flood Risk
- ENV15 - Surface Water Run-off

5.2 EMERGING WYRE LOCAL PLAN

5.2.1 The Council has prepared a new Wyre Local Plan (WLP31). Following public consultation on the 'Publication' draft Wyre Local Plan (2011-2031) (WLP31), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The examination of the WLP31 was completed on 1st February 2019 when the Council received the Inspector's final Report. The Inspector concluded that the WLP31 is sound subject to the main modifications he has recommended. The Local Plan is being considered for Adoption at a special Council meeting arranged for the 28th February 2019.

5.2.2 At the time of compiling this committee report, the WLP31 as recommended to be modified does not have the full weight of an Adopted Local Plan, but is to be afforded significant weight. In the event that the WLP31 is formally adopted at the special Council meeting then full weight should be given to those WLP31 policies and the current adopted policies set out in section 5.1 above would fall away.

5.2.3 The following policies contained within the WLP31 are of most relevance:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP8 - Health and Well-being
- CDMP2 - Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP5 - Historic Environment
- CDMP6 - Accessibility and Transport

5.2.4 The Inspector's Report into the WLP31 confirms that on adoption, the Council will be able to demonstrate a deliverable five-year supply of housing land.

5.3 NATIONAL PLANNING POLICY FRAMEWORK

5.3.1 An updated version of The National Planning Policy Framework (NPPF) was published by the Government on the 19 February 2019. This makes some minor amendments to the NPPF published in 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).

5.3.2 The relevant housing requirement prior to the adoption of the WLP31 should be calculated using the standard methodology (NPPF paragraph 60). Using this approach, the Council has a deliverable supply of housing land as required by paragraph 73 of the NPPF, as set out in the 2018 September Housing Land Position Report. Using the new standard methodology the Council has calculated its latest Local Housing Need to be 281 dwellings per annum. As the Council does not currently have an up-to-date Adopted Local Plan, then the latest housing figure based on the standard methodology should be used for decision making purposes in accordance with the 2018 NPPF. Using this housing figure of 281 dwellings per annum the Council's housing supply is 11 years

5.3.3 Under the housing requirement in the WLP31 that has reached an advanced stage and under the NPPF standard local housing methodology that currently applies in the absence of an adopted Local plan that is no more than five years old, the Council has a five year housing land supply. Therefore the tilted balance in favour of sustainable development (as set out in paragraph 11 of the revised NPPF) is not triggered for the purpose of deciding this application.

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

Section 4 - Decision-making

Section 5 - Delivering a sufficient supply of homes

Section 7 - Ensuring the vitality of town centres

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Section 16 - Conserving and enhancing the historic environment

5.4 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.4.1 Supplementary Planning Guidance 4 - Housing Layouts

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.1.1 LCC Highways does not have any objections regarding the proposed erection of five townhouses and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The site is adjacent Poulton le Fylde train station and within the town centre, therefore is in a sustainable location and the parking provision is one car parking space per dwelling.

6.1.2 There are waiting restrictions (Limited Waiting Bays) partially across the site and as part of the development one bay will be removed and one shortened to remove parking on street by 2 car parking spaces. The removal of the single vehicle limited waiting bay to the southerly end of site adjacent the car park entrance to the train station will enhance the sight lines for cars exiting the station car park. It will also enhance the sight lines for the cars reversing onto Breck Road from the proposed development. Breck Road at this location is one way (south to north).

6.1.3 It is requested that the applicant through a s184 agreement, provides a dropped crossing for vehicles across the footway for the proposed car parking bays. The agreement would also include the relining and removal of the bays and extended H bar marking. The removal of a pole and plate and the re-positioning of a pole and plate which forms part of the waiting restriction. As there will be heavy construction vehicles going over the footway, a survey condition will not be requested and it is requested that the applicant fully reinstates the footway and kerbs across the full frontage of the site under the s184 agreement.

6.1.4 A minimum of two secure and covered cycle spaces for each two to three bedroom property should be provided to support social inclusion and promote sustainable forms of transport. A Traffic Management Plan (for the construction period) is requested as the site is within Poulton town centre, on a one way street with limited on-site capacity for parking, deliveries and storage of materials.

6.2 UNITED UTILITIES

6.2.1 The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities subject to conditions.

6.3 POULTON HISTORICAL AND CIVIC SOCIETY

6.3.1 Accept and welcome the alterations which have already been made to the original plans, particularly to the elevation facing the railway line, and to the roofline. However, we still have significant concerns, particularly in respect to the elevation facing Breck Road, which we consider would have a detrimental impact on the Conservation Area.

6.3.2 The original comments made by the Conservation Officer about the scale and massing of the design still apply. The overall impression is of a development which is trying to cram far too much onto a relatively small site. The impression of bulk is intensified by the tall windows and protruding bays on the Breck Road façade. Also have concerns about the parking bays in front of the building which appear to be accessed across the width of the pavement, and will require cars to reverse out onto

Breck Road (a one-way street) to get out. This is already a congested roadway with a bus stop almost directly opposite. The overall impression of the proposed development, taking into account the design and the parking bays, is of a commercial building or office block rather than a residential building.

6.3.3 The proposed development is at odds with the Victorian streetscape of Breck Road. Virtually all the properties from the station downwards were built in a short period of time in the 1880s and 1890s and represent an important development in the history of Poulton. The houses were all built in a similar style as Victorian villas with single storey bays, and it is this design theme which gives Breck Road its distinctive character. All the properties have concealed parking, either at the side or the back of the building, or hidden by landscaping. This streetscape has changed little over time and forms an important part of the Conservation Area, a designated heritage asset. The proposed development is not sympathetic to the historic character of the area. Had no objection to the demolition of the Breck Club which formerly stood on the site, and have no problem with a contemporary design approach. However, the design as it stands does not relate to the wider predominantly Victorian surroundings, and will have a detrimental impact on the appearance of the Conservation Area.

6.4 NETWORK RAIL - Originally placed a holding objection on the proposal due to the application site encroaching into Network Rail land. This holding objection has been withdrawn following a revised plan submitted by the applicant.

6.5 GREATER MANCHESTER ECOLOGY UNIT (GMEU) - No ecological issues

6.6 LANCASHIRE FIRE AND RESCUE SERVICE - Standard advice regarding building regulations.

6.7 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION) - No objection subject to a condition requiring a watching brief during construction.

6.8 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY) - No objections subject to recommended noise mitigation.

6.9 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - No objections to the revised drainage scheme.

6.10 WBC SERVICE DIRECTOR PEOPLE AND PLACES (TREES) - Space is a limiting factor therefore the scale of any vegetation to be added will consider this. Specifications and schedule on a landscape plan would be appropriate for consideration.

7.0 REPRESENTATIONS

7.1 12 representations received raising objections on the following grounds:

- Over-development of the site
- Out of character with the conservation area
- Loss of light
- Previous building a lot lower
- Increase in overbearing
- Loss of privacy

- Increase in noise and disturbance
- Insufficient off street parking
- Detrimental Impact to the street scene
- Windows and balconies exceed the building line and ridge height
- Inadequate bin facilities
- Road to the rear is privately owned and unsuitable for heavy vehicles
- Contemporary design not appropriate in conservation area
- Impact to highway safety
- Parking should be to the rear which would allow landscaping to the front
- Revised plans are still unacceptable and over-development of the site

8.0 CONTACT WITH APPLICANT/AGENT

8.1 Agent contacted seeking revisions to the appearance and design of the originally submitted plans as there were concerns over the external appearance of the south and west facing elevations as well as the roof profile. Revised plans received which are the subject of the assessment below.

9.0 ISSUES

9.1 The main Planning Issues are:

- Principle of development and policy compliance
- Visual impact / design / impact on the conservation area
- Impact on residential amenity
- Impact on highway / parking
- Flood risk
- Ecology
- Trees / landscaping
- Contamination

Principle of development and policy compliance

9.2 The application site is located within the settlement boundary of Poulton where development is, in principle, considered acceptable in line with policy SP1: Development Strategy of the WLP31. The proposed building is to replace the now demolished Breck Club and the site is therefore considered a brownfield site. Section 11 of the National Planning Policy Framework (NPPF) encourages the effective use of land in particular the use of brownfield sites within settlements to meet housing demand, where it would not undermine key economic sectors nor the vitality and viability of town centres. Although the proposal results in the loss of a commercial use of the site, it is not considered to detrimentally impact on the vitality or viability of the town centre as it is located outside the defined town centre within which there remains a wide choice of similar uses to that which has been lost. The site is situated to the north of the railway line and the immediate areas to the north, west and east are predominantly residential. As such it is considered that the proposal is compatible with adjacent land uses.

9.3 The proposal would result in the creation of five residential units close to public transport and a range of services and public amenity areas including parks. As such it is considered to be in a highly accessible location, contributing to the sustainability of the proposal. It is therefore considered to comply with Policy SP2 of the emerging Wyre Local Plan (WLP31) and Section 11 of the NPPF.
Visual impact / design / impact on the conservation area

9.4 The site is located within the Poulton-le-Fylde Conservation Area, which is a designated heritage asset, and as such the Council must have special regard to the desirability of preserving or enhancing the character or appearance of that area, as set out in Section 72 of the Listed Buildings and Conservation Areas Act 1990 (LBCA). Policy ENV9 of the adopted Wyre Borough Local Plan (WBLP) and Policy CDMP5 of the emerging Wyre Local Plan (WLP31) seek to ensure that new development is appropriately designed and respects the physical setting of the area, settlement form, townscape, character of buildings and views into or out of the area. Section 16 of NPPF requires local authorities to consider the impact of proposals on the significance of heritage assets. For this application this means the impact on both the immediate locale and the wider conservation area as a whole.

9.5 Whilst the LBCA states that Councils' must have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area this should not be interpreted as being bound by only designs that copy or mimic the existing architectural style prevalent in that area. An important part of the consideration of new development is taking into account the contribution it can make to enhance local character and distinctiveness and the positive contribution it can make to sustainable communities and their economic, environmental and social vitality and in turn the heritage asset itself, in this case Poulton Conservation Area. New development should be 'of its age' but should also serve to complement and enhance the character of the area.

9.6 The site is located within an area of Poulton that was built around the late Victorian period with buildings that were typical of that time such as detached and semi-detached two storey red brick villas, which have an imposing character along Breck Road. Therefore the style and design of the proposal is an important consideration in any proposal. The original design of the proposal was of a contemporary style with bold features that did not appropriately reflect the style and character of the area. After discussions with the agent a revised scheme was submitted proposing a building which sought to reflect the character of the area better.

9.7 In terms of its scale, from a design perspective, the immediate locale is characterised by the detached and semi-detached buildings built in the late Victorian period and of particular prominence are the large bold corner buildings seen on the junctions of Breck Road, Lockwood Avenue and Derby Road. In particular the Breck Apartments forms a landmark building and has an imposing presence along this section of Breck Road. The proposed building is located on a site that is also highly visible and would constitute a landmark building in its own right with views of the building from down Lockwood Avenue (looking east), Breck Road (looking north) and also from the railway platform. The size of the proposal is comparable to these existing corner buildings, actually being shorter in height than the Breck Apartments, as shown on the submitted section plan, and therefore its scale in terms of design is considered appropriate when taking into account the setting of the site and its prominence within the conservation area.

9.8 The revised proposal does retain some contemporary design elements but the mass of the building has largely remained the same, albeit it has been lowered in height somewhat by the levelling out of the site. Whilst concerns have been raised over its appearance by some objectors and the Poulton Historical and Civic Society the design approach is not considered unacceptable. Although the contemporary elements, in particular the clad window boxes to the west and south facing elevations, form a prominent feature these are considered to complement the design

of the building well and will provide an element of individuality whilst not detrimentally impacting on the character of the conservation area. The design approach for the scheme is to purposefully create a building which displays architectural elements of its time in order to achieve a specific goal. This is to enable a clear distinction between the perception of old and new. How a building is perceived is important within a Conservation Area and the significance of assets can be highlighted by appropriate contemporary design. The design includes traditional features such as a brick detailed cornice, slate roof and vertical glazing features, with an appropriate balance of solid to void ratio.

9.9 When comparing the appearance of the proposal with that of the previous building it is accepted that it will have greater prominence, however the previous building was considered weak in design. Built circa 1960's the previous building did not reflect any of the original characteristics seen in the conservation area and had a particularly weak south elevation (fronting the railway) and its appearance did not contribute positively to the character of the conservation area. In comparison the proposed building with its mix of traditional and contemporary design and strong west and south facing elevations will have a positive contribution to the character of the conservation area. The council's Conservation advisor raises no objections.

9.10 As such it is considered that the revised design and appearance of the building is considered acceptable as it is of a suitable appearance and of a design that is sympathetic to the Poulton Conservation Area therefore complying with Policies ENV9 of the WBLP and CDMP5 of the WLP31 and Section 16 of the NPPF.

Impact on residential amenity

9.11 Policy SP14 of the WBLP and Policy CDMP3 of the WLP31 seek to ensure that proposals do not unduly impact on the amenity of neighbouring properties.

9.12 The nearest neighbouring property is No.28 Breck Road, immediately to the north. This property will experience an increase in impact having regard to the scale of the building and in respect of loss of daylight/sunlight, however on balance this impact is considered not to be sufficiently harmful to warrant refusal of the application on balance. When assessing the impact to this property careful consideration must be given to the scale and orientation and the resulting impact that the previous building created. Although the proposed building has a greater foot print and is taller, albeit marginally, the general orientation and relationship remains the same as previously. The massing of the western part of the building, that facing Breck Road, will be largely on the side elevation of No. 28 which does not contain any primary windows at ground or first floor level. There is a second floor window in the gable end of this side elevation which will suffer some additional increase in loss of light and outlook, however when comparing this with the previous building the increase is not so great that it would be deemed unacceptable.

9.13 The eastern section of the proposed building, facing the railway line, will have an increase in impact to the rear garden of No. 28 in terms of overbearing and loss of light, as this element of the building is taller and closer to the northern boundary with No. 28. The applicant has submitted solar study diagrams which show a comparison of impacts between the previous building and that proposed. It is acknowledged that there will be an increase in impact of light loss to the rear garden of No. 28 Breck Road, however it is again considered that the increase is not so great that it is unacceptable. The rear garden of No. 28 will still enjoy direct sunlight in the earlier to mid hours of the day, as it did previously, and the rear aspect (eastwards) will retain a sense of openness thereby easing the feeling of enclosure.

On balance it is therefore considered that whilst there will be some additional overbearing and loss of light to the rear garden, when taking into account the impact from the previous building, it is not so great it is considered unacceptable. Whilst the building as proposed is considered to have an acceptable impact, any future extensions or alterations would require further assessment to ensure an acceptable impact is retained, and so the removal of permitted development rights for the new dwellings is also considered necessary to protect residential amenity. This would also be required to protect visual amenity and the character of the area given the site's location within the conservation area.

9.14 In terms of loss of privacy the first floor windows which directly face north are to be obscurely glazed (to be secured by condition) and therefore this would adequately mitigate the potential for overlooking towards No.28.

9.15 The neighbouring properties to the east (fronting Victoria Road) will not suffer any detrimental increase in impact due to their orientation with the proposed building. The nearest property on Victoria Road, No. 1, is situated to the northeast of the building with the house and rear garden sitting mainly behind No. 28 and 30 Breck Road. As such although the proposed building is larger than that which previously existed the additional massing will only have an impact on the very southern part of the rear garden of No. 1 Victoria Road, where there is a detached garage. It is therefore considered that there will be no detrimental impact in terms of loss of light nor overbearing. In terms of loss of privacy there are no windows which directly face these properties and those which could provide angled views are to be obscurely glazed (to be secured by condition). It is therefore considered that there will be no loss of privacy to these neighbouring properties.

9.16 The properties on the opposite side of Breck Road will not suffer any adverse impact due to the separation distance between the buildings. This distance of over 22m means that there will be no detrimental overbearing impact, loss of light nor privacy.

9.17 With regards to the general amenity of the immediate locale it is considered that there will be an improvement as it is considered that the use of the site for private residential purposes will have less of an impact than the previous use as a Class A4 establishment, or original hotel use. The use of the previous building by the Breck Club had patrons coming and going throughout the week, predominantly in the evenings and the activity in and around the building is considered to have created a greater level of noise and disturbance than the proposal would.

9.18 The proposed residential units themselves have limited private amenity space with balconies being the only outdoor space. Whilst this level of provision would normally be of a concern, the site's highly accessible location in close proximity to local parks and services that provide good amenity for the occupiers is considered appropriate. In addition the proposal has been designed in a way to appeal to a certain type of person where outdoor amenity space is not a determining factor in the appropriateness of the property to their needs. With regard to noise from the operation of the adjacent Railway the applicant has submitted a noise report which has assessed the predicted level of noise the occupants of the proposed units would experience. The report concludes that existing background sound levels will result in internal sound levels above those recommended by the World Health Organisation, BS8233:2014 and the Lancashire guidance document. However it is considered that mitigation can be applied that would address this matter. A series of construction methods have been recommended to achieve this mitigation and it is considered that an appropriately worded condition can be used to ensure their

implementation. This has been accepted as appropriate by the Councils Environmental Health Officer.

9.19 Taking the above into account it is considered that the proposal complies with Policy SP14 of the WBLP and Policy CDMP3 of the WLP31.

Impact on highway / parking

9.20 The proposal includes five off street parking spaces at the front of the building. This level of provision would normally be considered insufficient for a development consisting of five 3-bedroom properties, which would typically require 2 spaces per dwelling. However in this case when taking into account the highly accessible location of the development, immediately adjacent the train station, bus stop and town centre, the number of off street parking spaces is considered acceptable. A request from LCC Highways has been made to secure cycle spaces on the site for each unit via condition. It is considered that this is not reasonable or necessary given the highly accessible location of the site to key facilities and to public transport links.

9.21 The Lancashire County Highways surveyor has raised no objection on highway safety grounds. Although cars parked in the proposed spaces are likely to be reversing out onto the highway it is considered that the required highway works, removal of single vehicle waiting bay between the site and the railway car park access, will enhance sight lines for vehicles entering the highway in this vicinity. The off-site highway works will need to be secured through an s184 agreement with Lancashire County Highways.

Flood risk

9.22 The site is within Flood Zone 1 and therefore at the lowest risk of flooding. As such no sequential test is required. With regards to surface water flooding the site is not within an area that suffers from surface water issues. As such taking the above into account a site specific Flood Risk Assessment (FRA) is not required. Notwithstanding the above the applicant submitted a revised drainage scheme as part of the overall revised plans and it has been confirmed by the Council drainage engineer that this scheme is acceptable. The proposal therefore complies with Policies ENV13 and ENV15 of the WBLP and Policy CDMP2 of the WLP31.

Ecology

9.23 The site is located in a densely developed urban area, the existing building has been demolished and there are no trees or bushes that would provide a habitat. The Councils ecological consultants GMEU have confirmed that there are no ecological issues. It is therefore considered that there are no issues with regards to protected species.

Trees / landscaping

9.24 There are no trees within the site, however there is a small tree within the front garden of the neighbouring property on Breck Road. It is considered that this tree will not be detrimentally impact by the development as it is located at the very front of the property. Originally it was proposed to put a landscape buffer along the southern edge of the site however confirmation of Network Rail's land ownership has meant the site edge being pulled in leaving no room for this buffer. Given the acceptable design and visual impact identified above, not providing a buffer along the

southern edge is not considered an issue. There is to be a small landscape area to the front of the site in the south-west corner.

Contamination

9.25 The application was submitted with an accompanying contamination land report which has been assessed by the Council's environmental health team. The findings of the report have been accepted that there is a very low risk in terms of contamination on the site and no further investigation is required. Notwithstanding this it is considered necessary to attach a watching brief condition to any consent, as outlined in the report, to ensure any unknown contamination is identified should it arise.

10.0 CONCLUSION

10.1 This application proposes the erection of a two and a half storey building comprising of five self-contained town houses. The principle for this proposed new development is considered acceptable and is compatible with adjacent land uses. The scale and design, whilst introducing modern elements, is considered sufficiently sympathetic to the original Victorian character of the area and will therefore conserve the significance of the appearance of the Conservation Area. There will be some adverse impact to the amenity of the neighbouring properties, however this impact is considered acceptable when taking into account orientation and the impact created by the previous building, together with other benefits of the development.

10.2 There are no other material planning considerations which are considered to weigh against the development subject to conditions. Taking the above into account the application complies with saved policies in the Wyre Borough Local Plan, policies of the emerging Wyre Local Plan (WLP31) and the NPPF and is therefore considered 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 full 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 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
- 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 SP14 of the Adopted Wyre Borough Local Plan (July 1999).

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 saved policy SP14 of the Adopted Wyre Local Plan and 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 SP14 of the Adopted Wyre Borough Local Plan (July 1999).

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 SP14 of the Adopted Wyre Borough Local Plan (July 1999).

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 SP14 of the Adopted Wyre Borough Local Plan (July 1999).

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 SP14 of the Adopted Wyre Borough Local Plan (July 1999).

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 SP14 of the Adopted Wyre Borough Local Plan (July 1999) 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 SP14 of the Adopted Wyre Borough Local Plan (July 1999).

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 and search for vehicle crossings and then fill in the information at "Get a vehicle crossing quotation".

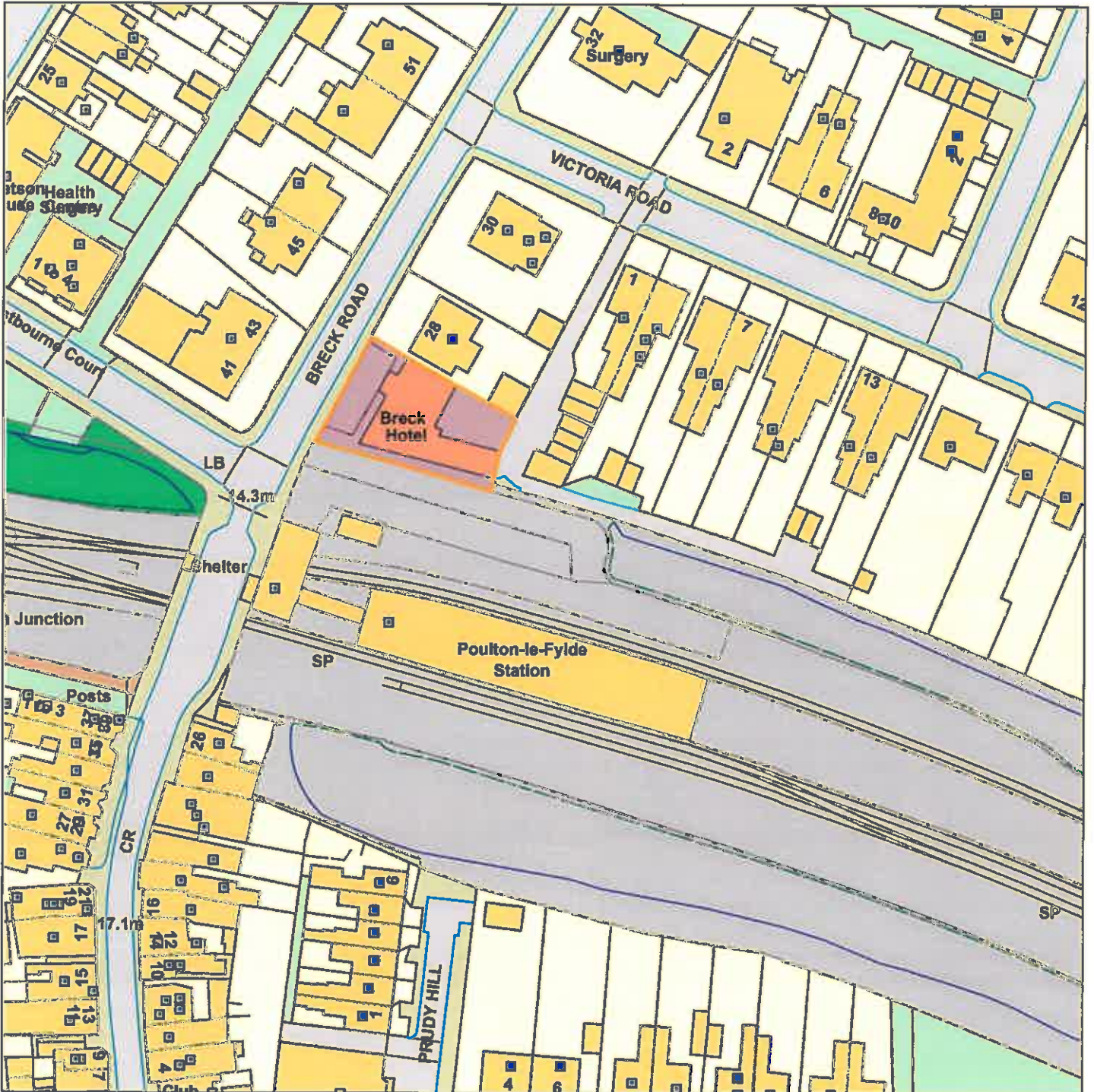
2. The applicant's attention is drawn to the following comments from Network Rail:

- 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.

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	19 February 2019
SLA Number	100018720

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Committee Report**Date: 06 March 2019**

Item Number	02
Application Number	18/00339/FUL
Proposal	Permanent siting of shipping container for use as rest stop cafe.
Location	Layby Adjacent Preston Lancaster Road A6 Fowler Hill Lane Cabus Lancashire PR3 1AW
Applicant	Mrs K Brooks
Correspondence Address	c/o M L Planning Ltd 5 Bobbin Mill Cottages Stubbins Lane Claughton On Brock Preston PR3 0PL
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mr Rob McKillop****1.0 INTRODUCTION**

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

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is within a large layby on the west side of the A6 in Cabus adjacent to the junction with Fowler Lane. The site is within the countryside as defined on the proposals map to both the adopted and emerging Wyre Local Plan. The site is presently used for the sale of hot food and drinks although this is via a mobile trailer type cafe.

3.0 THE PROPOSAL

3.1 The proposal is for the permanent siting of a shipping container for use as rest stop cafe. It would measure 12.1m in length and 3.65m in width with a maximum height of 2.43m. It would have a door for access in the south facing elevation and three windows in the west facing elevation. It would be constructed from metal with metal framed double glazed windows and doors. It would be sited opposite the end of Fowler Hill Lane to the west of the hedgerow between the layby and the A6.

4.0 RELEVANT PLANNING HISTORY

4.1 None.

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 borough. 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:

Policy SP13 - Countryside

Policy SP14 - Standards of design and amenity

Policy EMP12 - Diversification of the Rural Economy

5.2 EMERGING WYRE LOCAL PLAN

5.2.1 The Council has prepared a new Wyre Local Plan (WLP31). 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 examination of the WLP31 was completed on 1st February 2019 when the Council received the Inspector's final Report. The Inspector concluded that the WLP31 is sound subject to the main modifications he has recommended. The Local Plan is being considered for Adoption at a special Council meeting arranged for the 28th February 2019.

5.2.2 At the time of compiling this committee report, the WLP31 as recommended to be modified does not have the full weight of an Adopted Local Plan, but is to be afforded significant weight. In the event that the WLP31 is formally adopted at the special Council meeting then full weight should be given to those WLP31 policies and the current adopted policies set out in section 5.1 above would fall away.

5.2.3 The following policies contained within the WLP31 are of most relevance:

SP2 - Sustainable Development

SP4 - Countryside Areas

CDMP1 - Environmental Protection

CDMP3 - Design

CDMP6 - Accessibility and Transport

5.3 NATIONAL PLANNING POLICY FRAMEWORK (2018)

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). The following chapters of the NPPF are considered relevant to the determination of this application:

Chapter 6 - Building a strong, competitive economy

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 12 - Achieving well-designed places

5.4 OTHER GUIDANCE

5.4.1 National Planning Practice Guidance (NPPG) - March 2014

6.0 CONSULTATION RESPONSES

6.1 CABUS PARISH COUNCIL objects to the application on the following grounds:

- The layby is already in a poor state with poor surfacing/potholes, fly-tipping and rubbish;
- The container would be out of keeping with the local rural area;
- The proposal could lead to more fly-tipping, littering etc.;
- A shipping container that is suitably designed/sympathetic to the area with toilet facilities and improvement of the road surface could improve the state of this layby.

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) has no objections subject to conditions.

6.3 WYRE COUNCIL HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY) has no objections.

6.4 WYRE COUNCIL HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (FOOD) make a number of observations about food safety industry requirements.

7.0 REPRESENTATIONS

7.1 Two public letters have been received with the objections summarised as follows:

- There is currently a historical joint arrangement between the applicant and another trader that the applicant would operate Mondays, Wednesdays and alternate Thursdays only with the second trader operating the remaining balance of the time. The application will not allow both to continue trading due to licensing rules which is unfair to the trader who is forced off the site.
- The snack bar is nothing to do with Spencer's fine foods, it is now run by a company called belti beef.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Additional details have been provided during the application process to address various concerns. The applicant has served notice on Lancashire County Council who own the land as part of the adopted highway.

9.0 ISSUES

9.1 The main planning issues are:

- Principle of development
- Visual impact / design
- Impact on highway safety / parking

Principle of development and policy compliance -

9.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of this application is the

Development Plan which, in this instance, includes the adopted Wyre Local Plan (saved policies). Policy SP13 sets out that development (unless justified by other policies within the local plan) will not be permitted within the countryside, as designated on the proposals map, except for:

- 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; or
- E) The development of a single infill plot within an established frontage of not less than five dwellings.

9.3 The proposed development would fail to meet the criteria set out above nor would the development be justified by other policies within the development plan. Policy SP4 in the emerging Wyre Local Plan (WLP31), which should be given significant weight, states that development which adversely impacts on the open and rural character of the countryside will not be permitted unless it is demonstrated that the harm to the open and rural character is necessary to achieve substantial public benefits that outweigh the harm. The development proposed under this application does not meet any of the specified criteria supported under Policy SP4 and is considered contrary to this policy. In the event that WLP31 is adopted by Full Council before the Planning Committee then full weight should be given to SP4 of the WLP31, and policy SP13 would fall away.

9.4 Whilst it is noted that the proposals do not accord with the provisions of the adopted and emerging Wyre Local Plans given its countryside location, it is noted that the NPPF Para. 83 states that decisions should, amongst other things, enable the sustainable growth and expansion of all types of rural business in rural areas, both through conversion of existing buildings and well-designed new buildings. Para. 84 of the NPPF states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.

9.5 The proposed development represents a small scale rural development and therefore its position outside of a town centre would not require consideration through the sequential test process in line with the NPPF. The site is outside of any settlement with Cabus and Garstang located approximately 1km to the south along the A6. It is noted that whilst some passing trade may come from walkers or cyclists, the majority of custom would come from cars, lorries and vans already travelling along the A6. In these circumstances, the proposed use capitalises on existing vehicular trips rather than generating additional trips in its own right. It is noted that where large delivery vans and lorries can have a break and be catered for without having to access nearby town centres, this is likely to have some benefit to local residents by way of reducing congestion and pollution within centres and on smaller arterial routes. It is considered that this would result in some environmental benefit, and would secure 2 part time jobs which would have an economic benefit.

9.6 It is noted that mobile cafes presently operate at the site and the proposal seeks to develop this current operation into a permanent use and whilst the proposal would not strictly accord with Policies within the adopted and emerging Local Plans,

given its minor scale, existing operation of similar uses in the layby and location next to the A6 capitalising on existing passing trade, these material considerations do carry significant weight. Furthermore, the proposal is considered to accord with Paragraphs 83 and 84 of the NPPF and overall, the proposed development is considered to be acceptable in principle.

Visual impact / design / impact on heritage assets

9.7 The shipping container would be sited within the layby area to the west of the A6 and would be behind the well-established boundary hedgerow and trees. Given the low height of the shipping container, it would be screened from views from the A6. Whilst the container would be clearly visible from the end of Fowler Lane, it would be set in the context of other parked vehicles in the layby including HGVs and set against a backdrop of landscaping. The Parish Council has objected to the visual appearance of the container and impact on the surrounding area. Whilst the small metal shipping container proposed cannot be said to be of good design, it would not appear incongruous or unusual in a layby such as this where its visual intrusion is considerably reduced by the presence of other vehicles. Furthermore it is sited against a backdrop of established hedges and trees which give a considerable degree of screening. As a result it is considered to have a limited visual impact within the surrounding countryside area, and realistically would only be seen in its immediate vicinity. It is understood the terms of the highways license required with LCC would not allow for any signage or banners to be displayed. In any event these would require separate consent. As the external colour/finish is not specified in the application, it is considered reasonable for a condition to be attached requiring a paint finish to be agreed to ensure it that would be appropriate for the rural setting of the site. On this basis, the application is considered to have an acceptable visual impact and would accord with Policy SP14 of the adopted Local Plan and Policy CDMP3 of the emerging Local Plan.

Impact on highway safety / parking

9.8 The café would be sited within the public highway boundary. Lancashire County Council (LCC) Highways provided an initial response requesting further details for this application. Following submission of updated plans and information, LCC Highways have confirmed that they have no objections to the proposed development subject to conditions.

9.9 The whole of the layby area is within the adopted highway boundary as confirmed by LCC Highways and allows for access to Fowler Lane. LCC do not consider the shipping container as a permanent building as it could be removed from the highway and it is understood that it would not be linked to utilities, such as water and electricity. The container would be subject to a licence issued by LCC to be renewed annually in relation to "Placing Items in the Highway". In addition it is understood a street trader's license would be required / issued by WBC. LCC have advised that the container would lead to a permanent reduction of the layby however it would not be worse than the existing mobile hot food trailer (in terms of parking). LCC have confirmed the amended container location does not appear to interfere with underground utility apparatus and in the event access is required, movement would be at the cost to the applicant.

9.10 Some of the conditions requested by LCC Highways relate to private matters concerning right of access and damage to the highway which would be covered under other legislation, highway license requirements or through an agreement between the site owner (LCC Highways) and applicant. An informative could be

added to make the applicant aware of these matters. Street trading and licensing matters would be covered under separate legislation and planning conditions would not be necessary or appropriate. A condition would be appropriate and reasonable in relation to external seating to minimise the loss of the layby area for parking.

9.11 Overall, given no objections are raised by LCC Highways, it is deemed that the proposed development, subject to suitably worded conditions, would not have any significant detrimental impact on highways safety.

Other matters

9.12 The site is within Flood 1 and is at low risk of flooding. The proposal is not considered to result in any additional flood risk.

9.13 In terms of comments raised by the Parish Council, it is deemed that the provision of a permanent café with facilities including seating, toilet and bins is likely to result in an improvement in terms of reducing litter and other tipping. It is noted that the Council's Environmental Health Team have not raised any objections to the scheme in terms of amenity including noise and odours. Comments were raised in relation to the requirements under separate legislation relating to food safety and hygiene. Whilst not a planning consideration revised plans have been submitted to showing a toilet and bin provision. The applicant has confirmed that bins would be emptied at the end of each day of operation and the contents removed from site. This can be secured by condition. A condition can also require the submission of any ventilation or extraction details which may be necessary.

10.0 CONCLUSION

10.1 The principle of development is contrary to local plan policy although there are material considerations in favour of the development which do carry significant weight. Subject to conditions the application would not result in any significant impacts on the character of the countryside, highways safety or residential amenity. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that the application be approved subject to conditions.

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 full 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 24th September 2018 including the following plans/documents:

- Revised Location Plan Scale 1:1250, received 10th December 2018;
- Revised Proposed Site Plan & Container, received 10th December 2018.

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

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

3. The container shall not be brought onto the site until details of the external finish and colour (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 in accordance with the approved details.

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

4. The use hereby permitted shall not operate outside the hours of 07:00 to 15:00 Monday to Friday nor at any time on Saturdays, Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of the amenity of the area in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

5. Prior to first use or occupation of the development hereby approved, details of the appearance, technical specification and siting of any external ventilation ducting and/or plant shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details and the ducting/plant shall be in place and in full working order prior to first use of the premises hereby approved and shall thereafter be maintained and retained in accordance with the approved details.

Reason: To safeguard the working conditions of the staff employed at the premises and in the interests of visual amenity, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

6. No bins shall be provided externally. The internal bins shall be emptied at the end of each day on which the café has been open to the public and waste shall be removed from the site (in accordance with the email from the applicant's agent received by the Local Planning Authority on 8th October 2018).

Reason: To minimise the risk of pollution that may cause harm to the amenity of the surrounding countryside in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

7. No tables or seating shall be provided externally.

Reason: To ensure there is no reduction in the public parking area and in the interest of pedestrian safety and visual amenity in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan.

Notes: -

1. The applicant is advised that separate highway and street trader's licences may be required from the local highways authority and local authority. The local highways authority has advised that the scheme would need to comply with the requirements set out in the following guidance: "Items on the highway (Code of practice for the control and placing of)". Should access by the Highway Authority or any statutory undertaker or licensed telecommunications operator be required in the future, the container would need to be removed at the cost to the applicant. The applicant should contact highways@lancashire.gov.uk to discuss the placement of reflective marker posts given the lack of street lighting and potential impact on public/highway safety. This will be at the cost to the applicant.

2. 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.



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Organisation	Wyre Council
Department	Planning Department
Comments	Item 2
Date	19 February 2019
SLA Number	100018720

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