



Planning Committee Agenda

Wyre Borough Council
Date of Publication: 26 March 2019
Please ask for : Carole Leary
Democratic Services Officer
Tel: 01253 887444

**Planning Committee meeting on Wednesday, 3 April 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 3 April, 2019 (already circulated by email).

4. Appeals (Pages 1 - 12)

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

5. Planning Applications (Pages 13 - 30)

Background Papers:

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

1. The Wyre Borough Local Plan (2011-2031)
2. Draft Revised Joint Lancashire Minerals and Waste Local Plan
3. Joint Lancashire Minerals and Waste Local Plan
4. Statements of Government Policy/guidance (NPPF, NPPG, Ministerial Statement etc.)
5. Supplementary Planning Guidance and evidence base documents specifically referred to in the reports
6. The application file (as per the number at the head of each report)
7. The forms, plans, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports

8. 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: 19/00007/FULMAJ -
Former Garstang Business And Community Centre High Street
Garstang Preston Lancashire PR3 1FU**

Variation of condition 2 (approved Plans) on application 16/00550/FULMAJ to allow for full demolition of existing building and the erection of a three storey building to provide approx. 1400sqm (gross) of retail floor space (Class A1) and 18 residential apartments with new and re-configured car parking.

PLEASE NOTE:

Transport for the members will leave the Civic Centre, Poulton-Le-Fylde for the one Site Visit at 11.15am.

APPEALS LODGED AND DECIDED

Appeals Lodged between –15 February – 15 March 2019

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

Appeals Decided between –15th February – 15 March 2019

| Application Number | Location | Proposal | Com/Del decision | Decision | Date Decided |
|--------------------|---|--|------------------|-----------|------------------|
| 17/01170/OUT | Land West Of Barnfield Sower Carr Lane Hambleton Poulton-Le-Fylde Lancashire FY6 9DJ | Outline application for the erection of 4 detached dwellings with access (all other matters reserved). | Delegated | Dismissed | 19 February 2019 |
| 18/00220/OUT | Land adj To The Ridge Bilsborrow Lane Bilsborrow Lancashire PR3 0RN | Outline application for erection of 8 self-build dwellings with associated works with access from Bilsborrow Lane (all other matters reserved) | Delegated | Dismissed | 19 February 2019 |

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Appeal Decision

Site visit made on 11 December 2018

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2019

Appeal Ref: APP/U2370/W/18/3210966

Land west of Barnfield, Sower Carr Lane, Hambleton, Poulton-le-Fylde, FY6 9DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Messrs Pye against the decision of Wyre Borough Council.
 - The application Ref 17/01170/OUT, dated 18 December 2017, was refused by notice dated 28 August 2018.
 - The development proposed is described as 'outline application for the erection of 4no detached dwellings.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was submitted in outline with all matters except for access reserved for determination at a later date. I have considered the appeal on this basis. A site layout plan has been submitted but I have treated this as being indicative as layout is a reserved matter.

Main Issues

3. The main issues are:
 - whether the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Planning policy

4. The development plan for the Borough consists of the Wyre Borough Local Plan 1991 – 2006 Written Statement (the Local Plan). The Local Plan was adopted before the National Planning Policy Framework (the Framework) which may have implications for the weight to be attributed to its policies, which I address in my reasoning.
5. I understand that the Council intend to adopt the Publication Draft Wyre Local Plan (DWLP) on 28 February 2019. However, the Council have provided no information about how any emerging policies have been amended since the

publication of the Inspector's post hearing advice note. On this basis and since the DWLP does not form part of the development plan I attach only moderate weight to the policies within it.

Suitability of the location

6. Paragraph 78 of the Framework states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities.
7. The appeal site is located on the south side of Sower Carr Lane in a countryside location, accessed off the A588 via narrow unlit country lanes, with little in the way of footpaths for pedestrians. The A588 appears to be a relatively busy road with limited street lighting. The site is located approximately one mile north of Hambleton which the appellant states offers a range of facilities and a similar distance from the settlement of Stalmine.
8. However, these settlements still lie some distance away from the site. Given the fairly busy nature of the A588 I consider that future occupiers of the proposed dwellings would be unlikely to travel by bicycle or regularly walk to these settlements because of the distances involved, particularly in times of inclement weather and during the hours of darkness. I noted at my site visit that there is a bus stop about 0.2 miles west of the site at a junction of Sower Carr Lane with the A588 however, no information has been provided about the services offered. In any event future occupiers would have to walk along a narrow unlit road to access the bus stop.
9. Overall, given its countryside location I consider that the future occupiers of the proposed development would be reliant on the use of the private car to make most of their journeys for local services and facilities. Consequently, the proposed development would be contrary to the spatial strategy aims of Policy SP13 of the Local Plan and Policy CDMP6 of the DWLP which requires development to include measures to encourage access on foot, by bicycle and public transport and reduce car reliance. It would also conflict with National planning policy in the Framework which seeks to ensure that residential development is directed to the most sustainable locations where there is access to a range of services and forms of transport other than the private car.
10. The Council have referred to Policy SP1 of the DWLP which states that development in the Borough will be concentrated within and on the edge of Fleetwood, Thornton Cleveleys and Poulton-le-Fylde with boundaries being defined by land use allocations and other policies of the plan. They have also referred to Policy SP2 which refers to the strategic location for development in the Borough however, little analysis or explanation has been provided of the relevance of these policies to the proposal and the extent of conflict with them. In any event, these do not form part of the development plan and as I have already identified conflict with the Framework it is not necessary to consider these further.

Character and appearance

11. The appeal site consists of part of a large agricultural field which is located adjacent to Sower Carr Lane and which has a wide frontage to the lane bound by a mature hedgerow. The site is surrounded to the south by agricultural land and with the exception of the detached dwelling to the west, Ferndale, the

immediate vicinity of the site largely consists of agricultural land. Development along Sower Carr Lane is sporadic and whilst the site does not form part of a designated landscape it is nevertheless a typical pleasant rural landscape.

12. The appellant has drawn my attention to an approval for a dwelling on the opposite side of the road and another further along Sower Carr Lane. I do not know the circumstances of those developments being permitted and in any event this does not alter my overall judgement regarding the sporadic nature of development in the area.
13. The indicative site plan and elevations show four relatively regularly spaced houses of similar design located in close proximity to the road. Whilst this plan is only indicative, the construction of four dwellings, regardless of scale, appearance, layout and landscaping would be visible over the hedgerow and would reduce the undeveloped qualities of this part of Sower Carr Lane. As a consequence, there would be unacceptable harm to the character and appearance of the area.
14. The proposed development would therefore conflict with the aims of Policy SP13 of the Local Plan to protect the inherent qualities and rural characteristics of the countryside and Policy SP14 of the Local Plan which requires development to be acceptable in the local landscape in terms of its scale and siting. It would also conflict with the aims of the Framework to enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
15. The Council have referred to Policy CDMP5 of the DWLP which relates to the historic environment and Policy SP4 of the DWLP relating to the change of use of land in the Green Belt. Neither policy is relevant to the proposed development as such they weigh neither for nor against the proposal.

Planning balance

16. The Council's development plan policies relevant to the supply of housing are out of date. Therefore, Framework paragraph 11 is applicable, as criteria (d) applies in any situation where relevant policies are out of date.
17. There would be a small social benefit in providing extra housing units and short term economic advantages would also arise from the construction of the new houses. Some further modest benefits would result from the additional support to the vitality of the local community from the future occupiers of the houses. However, the proposed houses would not be in an accessible location and would result in the likelihood of a dependency on the use of the private car for access to services. As such the proposed development would be contrary to the aims of the Framework to minimise the need to travel and to support the transition to a low carbon future. This and the harm to the character and appearance of the area means that the environmental objective of sustainable development would not be achieved.
18. Policy SP13 of the Local Plan relates to development in the countryside and sets out a number of exceptions where development would be permitted. The appellant has provided two appeal decisions relating to development elsewhere in the Borough where both Inspectors found that Policy SP13 is inconsistent with the Framework insofar as it does not promote sustainable development in the countryside. One Inspector noted that the settlement and countryside

boundaries were adopted over 18 years ago and the Local Plan was intended to cater for needs arising up to 2006. Both concluded that the weight to be afforded to any conflict with SP13 is substantially reduced. I have no reason to take a different view.

19. However, even taking into account the reduced weight to be attached to Policy SP13, I attach significant weight to the conflict with it. Overall I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development. The material considerations do not justify making a decision other than in accordance with the Development Plan.

Other Matters

20. The misgivings expressed by the appellant about the time taken by the Council to determine the application are separate from the planning merits of the proposed development and they have no bearing on the outcome of this appeal.

Conclusion

21. For the reasons given above and having regard to all matters raised, I conclude the appeal should be dismissed.

Felicity Thompson

INSPECTOR



Appeal Decision

Site visit made on 29 January 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2019

Appeal Ref: APP/U2370/W/18/3211963

Land Adjacent to the Ridge, Bilsborrow Lane, Bilsborrow PR3 0RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by J Townley Ltd against the decision of Wyre Borough Council.
 - The application Ref 18/00220/OUT, dated 1 March 2018 was refused by notice dated 15 August 2018.
 - The development proposed is the proposed erection of 8 no. self-build dwellings and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future consideration, except for access. Indicative plans have been submitted. These have formed part of my consideration of this appeal.

Main Issues

3. The main issues are: (1) whether the proposed development would accord with development plan policies relating to the location of development in the District; and (2) whether future occupants of the proposed development would have reasonable access to facilities and services.

Reasons

Planning policy

4. During the course of the appeal, the emerging Wyre Local Plan (eLP) has been found 'sound' subject to a number of Main Modifications. I therefore provided the main parties with an opportunity to comment. I have had regard to these comments in my decision. The Council explain that they anticipate that the eLP will be adopted on 28 February 2019, and that they consider eLP policies SP1, SP2, SP4, and CDMP6 to carry significant weight. I agree given that the eLP is at an advanced stage.
5. However, until this time, the development plan remains the Wyre Borough Local Plan (Local Plan) and eLP policies do not carry full development plan weight. In refusing planning permission the Council cited saved Local Plan policies SP13 and SP14 which the Council say carry substantial weight. The appellant does not challenge the Council's view that these policies are up-to-date and consistent with the National Planning Policy Framework (the Framework). However, the appellant questions whether the Council is able to demonstrate a five year supply of deliverable housing sites. I shall turn to this

matter later in my decision.

Location of development

6. The site, based on the Local Plan Proposals Map, is in an area designated as Open Countryside. The site lies between two residential dwellings at The Ridge and Harrison Cottage. Further dwellings line both sides of the lane as it rises away from Garstang Road (A6) to the west. St Hilda's church is to the east.
7. Local Plan Policy SP13 states that unless otherwise justified by the policies of the plan, development in that area designated as the countryside on the Proposals Map will not be permitted except for a number of listed criteria. Criterion E permits the development of a single infill plot within an established built up frontage of not less than five dwellings but only provided that it can be clearly demonstrated that such development would not have any detrimental effect on the character of that group or on the locality. While the site is within an established built up frontage of more than five dwellings, and the scheme would 'infill' between the neighbouring dwellings, the quantum of dwellings proposed and the scale of the plot means that the proposal would not be the development of a single infill plot.
8. I recognise that outline planning permission with access was granted by the Council¹ for two detached dwellings at the front of the site. However, there are significant differences between this scheme and the scheme that is before me, given the proposed number of dwellings. Although the layout is indicative the siting of the dwellings would be dictated by the site's ground levels and the extent of Flood Zone 3. As it would be extremely difficult to achieve anything else given the number of houses proposed, I attach considerable weight to this being the likely layout of the proposed development.
9. The Council is concerned about the proposal's effect on the character and pattern of development in the area. Local Plan Policy SP14 seeks high standards of design for all types of development. Development should also be acceptable in the local landscape in terms of its scale, mass, style, siting and use of materials.
10. The site is a large undeveloped parcel of land with an open semi-rural character. Bacchus Brook and mature trees run along the southern edge of the site. Beyond the trees and the brook is further countryside land with an open character. The two proposed frontage dwellings would dominate views from the lane. However, the alignment and length of the proposed access would clearly indicate that a far greater extent of development lies behind. Units 3 to 8 and any associated development would be likely to form an extended line of built form. Despite the varied ground levels, the proposal would cause a substantial change to the open character of the site in the context of the lane which is characterised by a linear form of development. As the appeal scheme would run contrary to this pattern of development, the proposal would not be a logical extension to development on the lane. Thus, even if I am wrong about the site not being a single infill plot, the proposal would be contrary to Local Plan Policy SP13 as it would have a detrimental effect on the semi-rural character of the area.
11. Accordingly, I conclude, on this issue, that the proposed development would

¹ Council Ref: 14/00874/FUL

not accord with development plan policies relating to the location of development in the District. The proposal would be contrary to Local Plan policies SP13 and SP14 to which I attach substantial weight given their consistency with the Framework. These policies jointly permit, among other things, the development of a single infill plot within an established built up frontage provided that it can be clearly demonstrated that such development would not have any detrimental effect on the character of the locality.

12. In terms of the eLP, the appellant submitted representations to the examining Inspector that the site ought to be included within the proposed settlement boundary for Bilsborrow as part of the eLP process. Following the Inspectors Report, I note that the draft Policies Map will now need to be updated, but no changes are to be made to the settlement boundary of Bilsborrow.
13. Even if eLP Policy SP1 encourages growth, and there is an approach to disperse development across the borough's main settlements, development is still anticipated to be delivered within the settlement boundaries proposed, which the appeal site, mainly falls outside of. Even if there has been a reduction in the number of small sites with planning permission in Bilsborrow, development in the countryside will only be supported by another policy in the eLP. However, I conclude, that the proposal as a whole would not accord with eLP policies SP1 (5) and SP4 (2), which jointly say that new built development outside of the defined boundaries will be strictly limited unless it accords with the purposes listed. The Main Modification to eLP Policy SP4 (1) says that "*the open and rural character of the countryside will be recognised for its intrinsic character and beauty. 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.*" Given my findings around character, the proposal would conflict with eLP policies SP2 and SP4 (1), but I shall assess whether there are substantial public benefits that would outweigh this harm later in my decision as required by eLP Policy SP4 (1).

Facilities and services

14. Bilsborrow offers a good range of facilities and services that would cater for future occupants day-to-day needs. This includes the provision of a bus service. The proposal would not therefore result in the development of isolated homes in the countryside. The main parties' dispute centres around pedestrian connectivity and accessibility between the site and the A6 which is the main focal point for facilities and services in Bilsborrow.
15. There is no pedestrian footway connecting the site to the A6. The lane is lit, fairly straight, and wide enough for two vehicles to pass, although it does undulate and gradually fall towards its junction with the A6. These conditions generally apply to the east of the site also, except a narrow footway extends in front of the church, before developing into footways on both sides of the road at the railway bridge.
16. New pedestrian footways are proposed along the lane in both directions from the proposed access. The footways would extend across The Ridge and as far as Harrison Cottage. Given the current highway conditions, safe pedestrian routes for future occupants would therefore be formed from each of the dwellings as far as the extent of the footways along the lane, subject to the imposition of planning conditions. This would encourage pedestrian journeys,

albeit pedestrians would need to share the lane with other road users for journeys to and from the A6 and between Harrison Cottage and the existing footways to the east. While the absence of a section of footway is not ideal, there is no substantive evidence to suggest that the existing use of the lane without larger sections of footway has led to poor connectivity or that existing residents on the lane rely on the private car to make the short journey to the services and facilities in Bilsborrow.

17. Even though the proposal is likely to increase the number of people using the lane on foot I conclude, on this issue, that the proposal would accord with Local Plan Policy SP14 as satisfactory access would be formed, and eLP policies SP2 and CDMP6 as the safe, efficient and accessible movement of all highway users would be achieved. These eLP policies carry significant weight.

The Planning Balance

18. Considerable evidence has been put to me about whether the Council can demonstrate a five year supply of deliverable housing sites. Until the eLP is adopted, the Council say that they currently have a supply equivalent to 11.2 years. The Council state they have calculated this figure using the new standard methodology using the 2016 household projections, applying a 5% buffer. However, this figure has not been examined and the appellant has raised doubts about the Council's approach. I note upon adoption of the eLP that the Council would be able to demonstrate a five year supply.
19. Notwithstanding this, the appellant says that the Local Plan and eLP are silent in terms of the provision of self-build housing. The term 'silent' is not defined, but the Local Plan and eLP are not silent on the Council's approach to housing proposals, as they contain bodies of policy, albeit one is not yet adopted, relevant to the proposal at hand to enable the scheme to be judged against. I note the Examining Inspector says that "*there is limited need for self-build housing taking into account evidence from the self-build register. The small need would be met through the plentiful supply of plots with permission for one or two dwellings.*" However, this relates to eLP policies and not development plan policies which pre-date changes to national policy and guidance together with The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). As a result, despite the Council's position in respect of housing supply and the eLP, I consider that the development plan policies cited are out-of-date as they are based on delivering housing in certain locations and where they meet at least one of several considerations.
20. Hence, for decision-taking, Framework paragraph 11 d) states that: where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
21. Framework paragraph 61 says that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. This includes people wishing to commission or build their own homes. Such housing can be either market or affordable housing.
22. The proposal would contribute to meeting the Borough's housing provision, to which there is no ceiling, and the scheme could, pending a grant of reserved

matters, be built-out relatively quickly. Moreover, the proposal would support the provision of a number of self-build homes in a location near to a range of facilities and services, including sustainable transport modes. I give moderate weight to these matters due to the Framework's objective to significantly boosting the supply of homes and supportive stance towards people wishing to commission or build their own homes.

23. Moderate positive benefits would also stem from the proposal which would contribute to the economic, social and environmental objectives through the provision of jobs and spending during the construction phase; spending in the local economy by future occupants; the efficient use of land; and the provision of car parking and access. The site could also be developed without increasing the risk of flooding, and causing harm to biodiversity or heritage assets. These matters carry neutral weight in the planning balance.
24. Framework paragraph 84 states that planning policies and 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, and in locations that are not well served by public transport. While matters of scale, layout, appearance and landscaping are not considerations before me, and the dwellings, in themselves, could be suitably be designed to respond to the character and appearance of the area, I attach significant negative weight to the conflict that would be caused to the open countryside, and thus, the social and environmental objectives of the Framework.

Conclusion

25. I have concluded in my first main issue that the proposal would be contrary to Local Plan policies SP13 and SP14 and eLP policies SP1 (5) and SP4 (2). Significant harm would stem from this conflict. Balanced against this are my findings in the second main issue and the proposal's compliance with Local Plan Policy SP14 and eLP policies SP2 and CDMP6. I have also given moderate weight to the scheme's contribution to the supply of housing, and the provision of self-built plots, and moderate or neutral weight to the proposal's other considerations. Thus, there are no substantial public benefits in this case that would outweigh the harm that I have identified. It follows that the proposal would conflict with eLP Policy SP4 (1).
26. Hence, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Thus, planning permission should not be granted and the proposal would not represent sustainable development. The material considerations do not justify making a decision other than in accordance with the development plan.
27. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

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Committee Report

Date: 03.04.2019

| | |
|------------------------|--|
| Item Number | 01 |
| Application Number | 19/00007/FULMAJ |
| Proposal | Variation of condition 2 (approved Plans) on application 16/00550/FULMAJ to allow for full demolition of existing building and the erection of a three storey building to provide approx. 1400sqm (gross) of retail floor space (Class A1) and 18 residential apartments with new and re-configured car parking. |
| Location | Former Garstang Business And Community Centre High Street Garstang Preston Lancashire PR3 1FU |
| Applicant | Keyworker Homes Ltd |
| Correspondence Address | FAO Miss Danielle Bassi Keyworker Homes Ltd 8B Darwin Court Hawking Place Blackpool FY2 0JN |
| Recommendation | Permit |

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Karl Glover

1.0 INTRODUCTION

1.1 This application is before Members of the Planning Committee at the request of Councillor Atkins. The previous application 16/00550/FULMAJ was also considered by The Planning Committee on the 22nd March 2017 as it was a major development of strategic importance. As such it is also considered appropriate that this Section 73 planning application is also considered and determined by Members of the Planning Committee. 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 relates to a 0.7 hectare site that lies immediately to the east of the roundabout at the junction of High Street and Croston Road, Garstang. The site is currently occupied by the former Garstang Business and Community Centre, public car parking and public conveniences. The River Wyre and an area of public open space bound the site to the east and there are residential properties to the north and south. High Street is one of the main roads through Garstang town centre and is characterised by commercial uses to the south of the application site and residential properties to the north. The existing building is in two parts. A two-storey section of period design with a rear outrigger and pitched-roof fronts the main road with a more modern, two-storey, flat-roofed section behind to the south.

2.2 There is a grade two listed building immediately opposite the application site on the western side of High Street. With the exception of the landscaped frontage at

the western end of the site, the site falls within flood zone 2. The very eastern end of the site closest to the river falls within flood zone 3. The eastern end of the site also falls within a Minerals Safeguarding Area. There are no Biological Heritage Sites within close proximity of the site and no trees subject to Tree Preservation Orders. Two public rights of way bound the site, footpath 2-12-FP-3 runs along the southern boundary with footpath 2-12-FP-1 roughly following the line of the river to the east. The site falls within the defined boundaries of the Garstang Conservation Area and Garstang Town Centre.

3.0 THE PROPOSAL

3.1 This Section 73 application seeks consent for the variation of condition 2 (approved plans condition) on previously approved application 16/00550/FULMAJ to allow for the full demolition of the existing building and the erection of a three storey building to provide approximately 1400sqm (gross) of retail floor space (Use Class A1) and 18 residential apartments with new and re-configured car parking provisions.

3.1.1 The previous approved scheme was for the partial demolition of the existing building (which comprises the original building and a later extension added in the 1960s). The front façade and part of the side elevation of the original part of the building was to be retained, with the new build development wrapping around and projecting to the side and rear. This proposal is to fully demolish the existing building in its entirety and to rebuild/replicate the original façade to the same appearance, and using the existing materials. The reasons for seeking to demolish and rebuild the façade are set out in Paragraph 9.5 of this report.

4.0 RELEVANT PLANNING HISTORY

4.1 16/00550/FULMAJ - Erection of 3 storey building following partial demolition of existing building to provide approx. 1400sqm (gross) of retail floor space (Class A1) and 18 residential apartments with associated new and reconfigured car parking - Permitted subject to condition and Section 106 Legal Agreement.

4.2 16/00550/DIS - Discharge of conditions 4 (drainage scheme), 5 (drainage management plan), 6 (Natural England licence), 7 (bat method statement), 10 (lighting), 11 (biodiversity enhancement), 12 (highway works), 13 (Construction Management Plan), 14 (travel plan), 15 (desk study), 22 (tree protection) on application 16/00550/FULMAJ - Split decision issued (Additional information required for conditions 10 and 15).

4.3 16/00550/DIS1 - Discharge of conditions 18 (noise report) and 28 (archaeology) on application 16/00550/FULMAJ - Accepted

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance:

- Policy SP1 - Development Strategy
- Policy SP2 - Sustainable Development
- Policy SP7 - Infrastructure Provision and Developer Contribution
- Policy SP8 - Health and Well Being
- Policy CDMP2 - Flood Risk and Surface Water Management
- Policy CDMP3 - Design
- Policy CDMP4 - Environmental Assets
- Policy CDMP5 - Historic Environment
- Policy CDMP6 - Accessibility and Transport
- Policy HP1 - Housing Land Supply
- Policy HP2 - Housing Mix
- Policy HP3 - Affordable Housing
- Policy EP4 - Town, District, Local and Neighbourhood Centres
- Policy EP5 - Main town Centres

5.1.3 The WLP31 identifies a Local Plan housing requirement of 9,200 dwellings or 460 dwellings per annum. Against this figure, the 5 year land supply including 20% buffer, is calculated as 5.19 years. This reflects the most up-to date housing supply position based on the 31 March 2018 figures. Paragraphs 73(b) and 74 of the NPPF and footnote 38 make it clear that where a local authority has a 'recently adopted plan', it is able to demonstrate a 5 year Housing Land Supply (HLS) for the purposes of the NPPF. Footnote 38 would operate in the present case to maintain the WLP31 status as a 'recently adopted plan' until 31st October 2019. The Inspector's Report into the WLP31 confirms that on adoption the Council will be able to demonstrate a deliverable supply of housing land. This finding is predicated upon the application of a 20% buffer. The effect of the above is that during the period to 31st October 2019 the Council is deemed to be able to demonstrate a deliverable HLS.

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 19th February 2019. 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 policies in the 2019 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2 - Achieving sustainable development
- Section 4 - Promoting sustainable transport
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 12 - Achieving well - designed places
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

- Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

6.0 CONSULTATION RESPONSES

6.1 GARSTANG TOWN COUNCIL

6.1.1 Object to the proposal (No reasons for objection was set out in the response)

6.2 NATEBY PARISH COUNCIL

6.2.1 No objections

6.3 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.3.1 No observations received at the time of compiling this report

6.4 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.4.1 Verbally advised that the application proposal does not raise any concerns from a highway and pedestrian safety point of view

6.5 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LAND CONTAMINATION)

6.5.1 No objections subject to the further information required to satisfy the contaminated land condition previously attached to be carried over to this application

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

6.6.1 No objections subject to the agreed conditions on the previous application and as submitted for the discharge of condition application being re attached

6.7 WBC HEAD OF BUILT ENVIRONMENT (ESTATES)

6.7.1 No objections to the proposal

6.8 WBC HEAD OF BUILT ENVIRONMENT (BUILDING CONTROL)

6.8.1 Agree with the valid points raised within the Technical Note and the safest option would be to deconstruct and reconstruct the façade.

This is due to the constraints onsite with ground conditions, new foundation requirements, lack of space and boundary conditions.

7.0 REPRESENTATIONS

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

- Impacts upon exiting business and trade and the existing retail uses in the area
- The demolition and rebuild will not protect the heritage of the existing site
- Demolition and re build is not a minor material amendment
- Original Façade should be retained
- Impacts upon neighbouring amenity and existing buildings from pile driving

- This is not a minor amendment and a full application should be submitted

7.1.1 The letter of support highlights that there are no objections to the proposal subject to the rebuild being secured

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Further information and justification has been requested in relation to the full demolition and re build. A Structural report has since been submitted by the applicant. Discussions in relation to planning conditions have also been carried out.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Procedural Matters
- Principle of Development
- Impact upon the Conservation Area & Heritage Assets
- Other Planning Matters
- Conditions and Deed of Variation

Procedural Matters

9.2 This application has been submitted under Section 73 of the Town and Country Planning Act 1990 which allows for the variation or removal of conditions attached to previous permissions. In this instance the variation relates to condition 2 attached to permission 16/00550/FULMAJ which requires the development to be carried out in accordance with the list of approved plans. Application 16/00550/FULMAJ permitted an identical scheme to this current proposal however that involved the retention of the front and side facade of the existing building.

9.3 Paragraph 30 of the National Planning Practice Guidance (NPPG) sets out that applicants/agents can apply to remove or change a condition following a decision. In deciding such application (known as a section 73 application), the local planning authority must only consider the disputed condition/s that are the subject of the application and that it is not a complete reconsideration of the application. Paragraph 13 of the NPPG states that one of the uses of a Section 73 application is to seek minor material amendments, where there is a relevant condition that can be varied. Concerns have been raised by residents that the demolition and re-build is not considered to be a minor amendment and that a new full application should be submitted. However an appeal decision for a comparable scheme in Tottenham Court, London is relevant (appeal ref: APP/X5210/A/14/2219830) where the local planning authority there refused an application on similar grounds and circumstances, stating that the demolition and rebuild could not be considered a minor amendment. However the appeal was allowed and planning permission was granted. Within the Inspectors decision, the following paragraph is of particular relevance with regards to the acceptability of the procedure:

"The NPPG provides advice on s73 applications and says that one of the uses of a section 73 application is to seek a minor amendment where a relevant condition can be varied. The application was submitted on the basis that it sought a minor material amendment. The guidance says there is no statutory definition of a minor material amendment but it is likely to include an amendment where its scale and/or nature results in a development which is not substantially different from the one which has

been approved... I recognise that the Council attach great importance to the retention of the façade to the great weight that should be attached to the conservation of heritage assets, however I am of the opinion that the proposed variation to fully demolish and rebuild the development does not fundamentally change either the scale or the nature of the permitted scheme, and it is not substantially different from what was approved".

9.4 Having regard to this appeal decision, in this instance, the submission of a section 73 application which, if granted would allow for the proposed demolition and rebuild of the building's façade, has been accepted. The submitted plans are identical to the previously approved plans on application 16/00550/FULMAJ with the only exception being that instead of the retention of the front and part of the side elevations, the proposal now seeks full demolition and rebuild.

Principle of Development

9.5 The principle of the development for the erection of a 3 storey building to provide approximately 1400sqm of retail floor space and 18 residential apartments with new and reconfigured car parking has already been established and approved under application 16/00550/FULMAJ where Members of the Planning Committee resolved to grant planning permission subject to conditions and the signing of a Section 106 legal agreement to secure appropriate financial contributions towards local education, affordable housing and sustainable travel/highway improvements. As set out above in paragraph 9.3, Members are advised that there is no scope to re visit the matter of the principle of the development, with the main material planning consideration being whether or not it is appropriate for the building's façade to be demolished and rebuilt like for like as an alternative of it being retained as previously approved.

9.6 Initially the application failed to substantiate or justify why the facade could not be retained and as such further information was requested and subsequently submitted by way of a structural engineers report. Within the supporting information it sets out that following a detailed review the most appropriate way of supporting the proposed building would be to use deep piled foundations due to the existing building being constructed on a strip of foundations believed to be approximately 300mm deep and ground conditions comprising of loose sands and stiff gravelly clay. The report goes on to set out that the safest and most practical construction methodology would be to carefully de construct and re construct the existing facade for the following main reasons:

- Due to the requirement to use pile foundations the internal space of the existing building needs to be clear to allow for the large piling rig as working in close proximity to the existing structures have significantly more risk associated than working on a clear site.
- Due to requiring the internal space to be clear the façade retention system (Supporting brace) would need to be designed to be external to the main building. In this instance there are space restrictions due to the adjacent property and Millennium Gardens to the front of the building and consequently large excavations would be required adjacent to the Millennium Gardens and adjacent properties to support the façade retention structure. This would pose an additional health and safety risk especially given the loose nature of the shallow sands discovered during the site investigation.

9.7 The Council's Building Control section has reviewed the Structural Engineers Technical Note and agree with the findings set out within. They advise that due to the

constraints onsite with ground conditions, new foundation requirements and lack of space the safest option would be to deconstruct and reconstruct the façade. Based on the supporting information provided and the professional observations from the Building Control section it is recommended that the principle of the works proposed to fully demolish and rebuild is considered to be acceptable.

Impact upon the Conservation Area & Heritage Assets

9.8 Policy CDMP5 of the Wyre Local Plan sets out the Council's overall objective in relation to the historic environment and highlights that designated heritage assets shall be protected, conserved and where appropriate enhanced for their Aesthetic and cultural value and their contribution to local distinctiveness and sense of place. New development shall protect, conserve and enhance the historic environment. This approach is also replicated within the general thrust of Section 16 of the National Planning Policy Framework (Conserving and Enhancing the Historic Environment). Within the responses from the neighbouring residents there is concern that the demolition and rebuild will have adverse impacts upon the historic integrity of the building and the wider Garstang Conservation Area. The application has been considered with due regard to the duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which is to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Council's Conservation Officer has advised that given the relatively low significance of the original, early 20th Century element of the building, the fact that the building has previously been recorded (by Allen Archaeology) to satisfy condition 28 on the previous approval, and considering the information submitted in support of this application, it is considered that the proposed amendment to de construct and re build is considered to be acceptable and support the principles accepted in the previous application. It is not anticipated that there will be any adverse impacts upon the Conservation Area as the rebuilding of the façade will replicate and preserve the historic integrity of the designated heritage asset (Garstang Conservation Area). The supporting information submitted sets out that the existing materials will be utilised and rebuilt in accordance with the photographic building survey recording submitted.

Other Planning Matters

9.9 There is considered no additional impact on residential amenity from full demolition and re construction of the façade compared to the extent of demolition that would be undertaken on the previous approved scheme. An approved Construction Environmental Management Plan will protect neighbouring properties during demolition and construction works. As part of the original application (16/00550/FULMAJ) the principle of residential and retail development has been accepted along with matters in relation to design, impacts upon neighbouring amenity, highway safety, access and parking, flood risk/drainage and ecological and environmental matters (noise, pollution, odour). This application is only considering the minor amendment in relation to the building's façade and is not re visiting these elements which have already been assessed and conditioned where necessary in conjunction with any financial obligation necessary to be secured by reason of Section 106 agreement. Having said that, since the previous application the Wyre Local Plan (2011-31) has been formally adopted. It is considered that subject to conditions the proposal fully complies with the policies contained within the newly adopted Local Plan in relation to all other planning matters and that progression from the old polices contained within the former Adopted Wyre Borough Local Plan (1999) does not materially affect this decision.

Conditions and Deed of Variation (Section 106 Legal Agreement)

9.10 Section 73 of the Town and Country Planning Act (Variation of conditions application) allows applications to be made for permission to develop without complying with conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions. In this instance an array of pre commencement (and non pre commencement) conditions were imposed on the original application 16/00550/FULMAJ. Since the previous approval two applications have been submitted by the applicant to discharge a number of conditions (ref 16/00550/DIS and 16/00550/DIS1) which cover matters relating to drainage, ecology, lighting, contamination, construction, noise, archaeology and tree protection. The suggested conditions for this pending application have been worded to reflect the proposed variation of the plan drawing number demonstrating the demolition and reconstruction of the façade, along with the details which have been accepted as part of the discharge of condition applications. If Members are mindful to approve the proposal then a Deed of Variation to the previously signed section 106 agreement will be required to ensure that the financial contributions secured towards local education provision, affordable housing, sustainable travel and highway improvement works are carried over to this new permission.

10.0 CONCLUSION

10.1 The proposed variation to condition 2 to allow for the demolition and re construction of the building's façade is not considered to raise any significant concerns upon the character or amenity of the area and is not seen to have any adverse impacts upon the historic character of the Garstang Conservation Area. The proposal is seen to comply with Policy CDMP5 of the Wyre Local Plan and the provisions of the NPPF.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 That members resolve to grant full planning permission subject to conditions and a deed of variation to the original S106 legal agreement to secure appropriate financial contributions towards local education, affordable housing, sustainable travel and highway improvement works, and that the Head of Planning Services be authorised to issue the decision upon the satisfactory completion of the deed of variation to the S106.

Recommendation: Permit

Conditions: -

1. The development must be begun not later than the expiration of three years from the 31st July 2018

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 15.01.2019, including the following plans:

- Location Plan Dwg No. KW/HSG/LP/01 Rev A
- Proposed Site Plan Dwg No. KW/HSG/SP/02 Rev J
- Proposed Colour Site Layout Dwg No. KW/HSG/CSL/01 Rev J
- Proposed Colour Site Layout Dwg No. KW/HSG/CSL/01 Rev J
- Site Sections Dwg No. KW/HSG/SS/01 Rev B
- Proposed Elevations Dwg No. KW/HSG/E/01 Rev F (Varied Plan)
- Proposed Ground and First Floors Plans Dwg No. KW/HSG/PFP/01 Rev J
- Proposed Second Floor and Roof Plan Dwg No. KW/HSG/PFP/02 Rev G
- Boundary Detail Dwg No. KW/HSG/BD/01
- Landscape Strategy Dwg No. 090.3.01 A
- Hardworks Layout Dwg No. 090.3.02 A
- Softworks Layout Dwg No. 090.3.03 A

The development shall be retained thereafter in accordance with the approved details.

Reason: For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

3. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: 880917-R1 (02)-FRA, dated June 2016) and FRA Addendum (Ref: 880917/L01/KJ, dated 1 August 2016), and the following mitigation measures detailed therein:

- Limiting the surface water run-off generated so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Demonstration within the FRA that the improvement/protection and maintenance of existing flood defences will be provided.
- Identification and provision
- Finished floor levels are set no lower than 18.87 metres above Ordnance Datum (mAOD).

The mitigation measures shall be fully implemented prior to first occupation shall be fully implemented prior to occupation and any other mitigation measures implemented subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be agreed in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy CDMP2 of the Wyre Local Plan and the provisions of the NPPF.

4. No part of the development shall be first occupied or brought into first use until the drainage works and levels have been completed in accordance with the approved scheme as submitted in the Scott Hughes Drainage Report (Project number 3396 dated October 2018). Thereafter the approved scheme shall be retained, managed and maintained at all times 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 Policy CDMP2 of the Wyre Local Plan and the National Planning Policy Framework.

5. The development hereby approved shall be implemented in full accordance with the approved Ecological Appraisal (document titled Dusk Survey Results in Relation to Bats, produced by Tyler Ecological Consultants, dated Oct 2018) including all the mitigation measures set out in that report.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

6. 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.

7. Prior to the installation of any external lighting associated with the development (excluding any lighting of the site during construction, which shall be carried out in accordance with the approved Lighting Management Strategy October 2018 received by the Council on the 6th December 2018) a scheme for the provision of such external lighting together with an Artificial Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' "Guidance Notes for the Reduction of Obtrusive Light GN01:2011", will be oriented and screened to prevent light spillage onto the adjacent residential dwellings and adjacent river, and appropriate lighting management will be in situ to ensure no active lighting of the wider site at night-time beyond what is considered reasonably necessary. The light intrusion into the windows of any sensitive premises shall not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3). The development shall operate in accordance with this approved scheme, which shall thereafter not be varied without the prior written approval of the local planning authority.

Reason: In the interests of public safety whilst protecting the amenity of neighbouring residential properties and nearby ecology in accordance with the provisions of Policy CDMP1 of the Wyre Local Plan and the NPPF.

8. The development hereby approved shall be implemented in full accordance with the approved Ecological Appraisal/Biodiversity Enhancement Scheme (document titled Conditions in respect of planning application 16/00550/FULMAJ produced by Tyler Ecological Consultants dated October 2018) including the approved timescales set out in that report.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

9. No part of the development hereby approved shall be first occupied or opened for trading until the site access and the off-site highway works and improvements (namely Main Site access junction on High Street including provision of dropped kerbs for pedestrians; and 2 No bus stops to Quality Bus Standard on High Street) have been constructed and completed in accordance with the approved scheme details, as set out within the approved Croft Transport Solutions - Highway Improvements and general arrangements plans (dated October 2018) listed below:

- 2444-D001- General Arrangement
- 2444-D002- Site Clearance
- 2444-D003- Construction Materials
- 2444-D004- Signs and Markings
- 2444-D005- Standard Details

Reason: In order to satisfy the Local Planning Authority that the traffic generated by the development does not exacerbate unsatisfactory highway conditions and that the development encourages sustainable travel in accordance with policy CDMP6 of the Wyre Local Plan and the NPPF.

10. The construction of the development including any demolition works shall be carried out at all times in accordance with the approved Construction Environmental Management Plan (CEMP) (Tritan Construction: Construction Management Plan received by the LPA on the 14th March 2019).

Reason: In the interests of the amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policies CDMP1 and CDMP3 of the Wyre Local Plan.

11. Prior to commencement of works associated with the construction of the development hereby approved (excluding any demolition works) the written submission of additional gas monitoring results and confirmation of a historic oil spill, as set out within the submitted Geo Environmental Investigation report by Arley Consulting and Nov 18 Addendum report (Submitted March 19th 2019), is required and this shall be agreed in writing by the local planning authority. Validation of the agreed remediation shall then be submitted and agreed in writing by the Local Planning Authority on completion of the works.

Reason: The development is for a sensitive land use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan.

12. The development shall be carried out in accordance with the approved Interim Travel Plan (Croft Transport Solutions received by the Local Planning Authority on the 14th March 2019). The provisions of the Interim Travel Plan shall be implemented in accordance with the timetable contained therein unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development provides sustainable transport options.

13. Prior to first occupation of the residential apartments hereby permitted, the building shall have been constructed or modified to provide effective sound insulation against internally generated noise from the retail use hereby permitted. The sound insulation

works shall be in accordance with the maximum noise standards within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings': Living Rooms 35 dB LAeq, T where T is 16 hours (07.00 to 23.00), and bedrooms 30 dB LAeq, T where T is 8 hours (23.00 to 07.00). Additionally, the sound insulation works shall ensure that the maximum level for single sound events inside bedrooms will not exceed 45 dB LAFmax between the hours of 19.00 and 07.00.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings from the retail use, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

14. The residential apartments hereby permitted shall be designed so that cumulative noise (from industrial, commercial and transportation sources) does not exceed:

- 35dB LAeq (16 hour) from 07.00 to 23.00 within living rooms and 30dB LAeq (8 hour) from 23.00 to 07.00 and 45dB LAFmax from 19.00 to 07.00 for single sound events within bedrooms, or any such level as approved in writing by the Local Planning Authority.
- The evening standard LAFmax will only apply where the evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.
- 50dB LAeq (16 hour) from 07.00 to 23.00 to outdoor living areas, or any such level as approved in writing by the Local Planning Authority.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings from cumulative noise from the existing and proposed industrial, commercial and traffic sources, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

15. Prior to first occupation or first use/ trade of the development hereby approved the approved sound proofing details set out within the approved Noise Assessment report (Agility Acoustics- Noise Assessment AA18-1081-R01v2 Jan 19) shall be installed. The development shall be maintained and retained in accordance with the approved sound proofing details at all times thereafter.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings from the retail use, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

16. (a) There shall be no deliveries or collections of goods (including waste) to or from the retail use hereby permitted outside the hours of 08.00 to 20.00 Monday to Saturday, nor at any time on Sundays, Bank or Public Holidays.

(b) No vehicle delivering to or collecting from the retail use hereby permitted, or waiting within any part of the application site, shall operate the vehicle's engine or any mechanical refrigeration unit other than when entering or leaving the site.

(c) Prior to the retail unit hereby approved being first brought into use, a scheme of signage shall be submitted to and agreed in writing by the Local Planning Authority

which shall include clearly legible signs displayed at all times to notify delivery and collection vehicle drivers of the permitted hours for deliveries/collections, the need to switch off vehicle engines and refrigeration equipment, and that they are in a noise sensitive residential area. This agreed signage scheme shall be implemented prior to first use.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings or existing residents from the retail use, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDM1 of the Wyre Local Plan and the provisions of the NPPF.

17. Waste compactors used in connection with the retail use hereby permitted shall not be operated between the hours of 20.00 and 08.00 Monday to Saturday, or at any time on Sundays and Public and Bank holidays.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings or existing residents from the retail use, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

18. The retail use hereby permitted shall not be open to customers outside the following times 08.00 to 20.00, Monday to Saturday, and 10.00 to 16.00 on Sundays and Bank and Public Holidays.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings or existing residents from the retail use, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

19. No development or any site activity associated with the development, including site preparation/clearance and demolition, shall commence until the approved scheme of tree/hedge protection (Bowland Tree Consultancy Tree Protection Scheme October 2018) has been fully implemented. The protection measures shall be retained for the duration of the works, and only removed once the development is complete and all machinery and works material has been removed from the site.

Reason: In order to adequately protect the trees to be retained on site in the interests of the appearance of the site and biodiversity in accordance with paragraphs 17 and 118 of the NPPF and Policy CDMP4 of the Wyre Local Plan.

20. The approved hard and soft landscape works as shown on approved plans Landscape Strategy Dwg No. 090.3.01 A, Hardworks Layout Dwg No. 090.3.02 A and Softworks Layout Dwg No. 090.3.03 A, which includes the relocation of T9: Millennium Tree, shall be carried out as approved prior to first occupation or first use of the development hereby approved or on completion of the development (whichever is the sooner) 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 Policies CDMP3 and CDMP4 of the Wyre Local Plan.

21. Notwithstanding the information shown on the approved plans and prior to the commencement of construction, details of the materials to be used on the external elevations of the building shall be submitted to and agreed in writing by the Local Planning Authority and the development shall then proceed in full accordance with these agreed details.

Reason: In the interests of the appearance of the site and locality in accordance with the provisions of paragraph 17 of the NPPF and Policy CDMP3 of the Wyre Borough Local Plan.

22. Notwithstanding the information shown on the approved plans, section drawings showing the extent to which the windows and doors would be recessed relative to the elevations in which they are set shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation. The development shall then proceed in full accordance with these agreed details.

Reason: In order to ensure that the building benefits from adequate detailing in the interests of its appearance and visual amenity in accordance with the provisions of paragraph 17 of the NPPF and Policy CDMP3 of the Wyre Local Plan.

23. Prior to first occupation of the residential development or first use of the commercial development hereby approved, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority detailing the location and amount of car parking spaces to be dedicated for the residential and commercial elements of the development hereby approved and the location and amount of car parking spaces to be made available for general public use, along with details of operational measures to ensure this parking provision will be made available for such users thereafter. The approved plan / management details shall be implemented in accordance with the approved details.

Reason: In order to ensure that adequate car parking provision exists on site in the interests of the appearance of the site and locality, residential amenity and highway safety in accordance with the provisions of paragraph 17 of the NPPF and Policies CDMP3 and CDMP6 of the Wyre Local Plan.

24. The refuse store for the apartments shown on the approved plans shall be provided before the apartments hereby approved are first occupied and shall thereafter be retained. The refuse store for the retail unit shown on the approved plans shall be provided before the retail unit hereby approved is first in use and shall thereafter be retained.

Reason: In order to ensure that adequate provision is available for the storage of refuse in the interests of residential amenity and the appearance of the site in accordance with the provisions of paragraph 17 of the NPPF and Policies CDMP1 and CDMP3 of the Wyre Local Plan.

Notes: -

1. The Environment Agency (EA) recommends that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points

and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with building control is recommended when determining if flood proofing measures are effective. Recommend that the applicant refers to the EA flood resilience guidance, which is available on the GOV.UK website.

The EA advise that the applicant signs up to the EA flood warning scheme. Further information can be found on the GOV.UK website at: <https://www.gov.uk/sign-up-for-flood-warnings>

The River Wyre adjacent to the site is designated a Main River and the developer may need an Environmental Permit. They should check at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> and contact Flood Risk Officer, Pippa Hodgkins, on 020 302 51397 to discuss EA requirements if a permit or advice is required. The EA has a right of entry to the River Wyre by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. It should be noted that the grant of planning approval does not guarantee that any necessary permissions or consents that are required under separate legislation will be forthcoming.

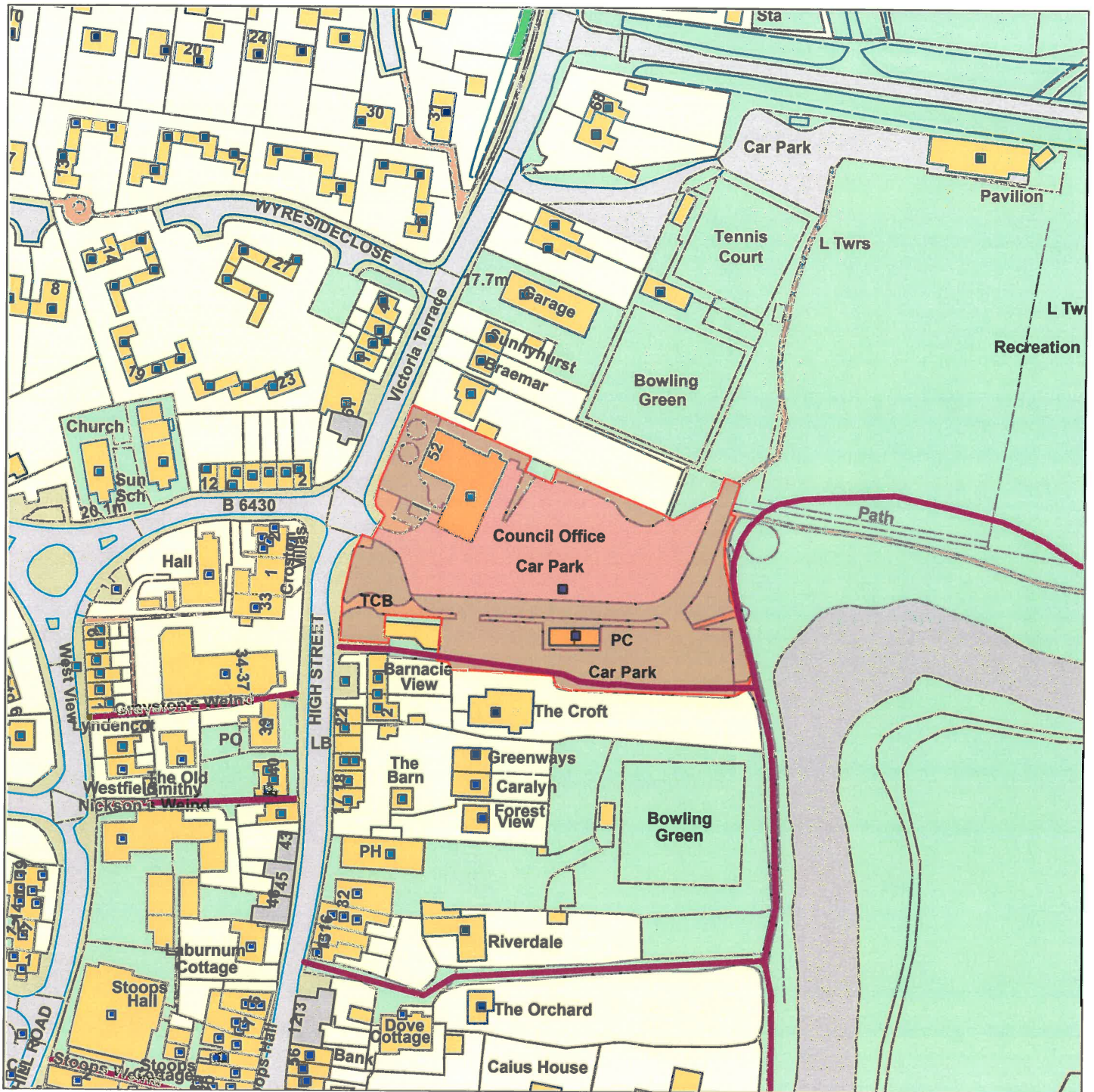
2. A public sewer crosses this site and United Utilities (UU) will not grant permission to build over or within 3 metres of the centre line of it. The requirement for UU permission is detailed within the guidance that supports Part H4 of the Building Regulations. If the proposals do not meet these specifications a modification of the site layout or a diversion of the public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees shall not be planted within the canopy width (at mature height) of the public sewer and overflow systems. Trees should not be planted directly over sewers or where excavation onto the sewer would require removal of the tree.

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

4. For the avoidance of doubt, the LCC Lead Local Flood Authority consultation response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. The consultation response does not grant the applicant permission to connect to the highway drainage network. Neither does this response cover the suitability of any highway drainage proposal. The highway drainage proposal and the suitability for future highway adoption under Section 38 of the Highways Act 1980 is for the Local Highway Authority to comment on.

5. The applicant should be aware that the decision is subject to a separate legal agreement.

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|--------------|---------------------|
| Organisation | Wyre Council |
| Department | Planning Department |
| Comments | Item 1 |
| Date | 22 March 2019 |
| SLA Number | 100018720 |

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