

Planning Committee Minutes

The minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday, 2 August 2017 at the Council Chamber, Civic Centre, Poulton-le-Fylde.

Planning Committee members present:

Councillors Ian Amos, Rita Amos, Howard Ballard, Ron Greenhough, Graham Holden, Tom Ingham, Terry Lees, Paul Moon, Phil Orme, Ron Shewan, Brian Stephenson, Evelyn Stephenson and Shaun Turner

Apologies:

Councillor Kerry Jones

Officers present:

Lydia Harper, Development Manager
S Parker, Senior Planning Officer
Carmel White, Solicitor
Carole Leary, Democratic Services Officer

Non-Committee Members and Officers present: Councillor(s) Matthew Vincent, Henderson, B Birch and County Councillor Shedwick.

29 members of the public were present at the start of the meeting.

The press were not present.

PA.13 Declarations of Interest

None.

PA.14 Confirmation of Minutes

The minutes of the Planning Committee meeting held on Wednesday 5 July, 2017 were confirmed as a correct record. Further to the approval of those minutes, an update report on a detached dwelling at the rear of the former Saracens Head Hotel, 200 Park Lane, Preesall, Poulton-Le-Fylde, Lancashire, FY6 0NW will come before the Planning Committee for information, at the next meeting scheduled for 6 September 2017.

The Chairman clarified that the resolution in the minutes of the meeting of 22 March 2017 regarding 16/00550/FULMAJ should have included, as per the recommendation, 'and affordable housing provision'. The Committee noted and accepted the clarification.

PA.15 Appeals

The Head of Planning Services submitted a report on appeals lodged and decided between 15 June 2017 and 15 July 2017.

Resolved

That the position regarding the appeals, as set out on pages 1 – 10 of the report be read and noted and that any Member requiring any further details or clarification on any Appeal, should contact the relevant Case Officer.

PA.16 Planning Applications

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

The Head of Planning Services also submitted 'update sheets' on Items 02 and 03 of the agenda, referring to additional information to the reports since the agenda had been published.

- 17/00050/REMAJ – Land off Lambs Road, Thornton Cleveleys, Lancashire
- 17/00455/FUL – 1 Maple Cottages, Sowerby Road, Inskip-With-Sowerby, Lancashire, PR3 0TT

PA.17 Applications Approved

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

15/00420/OUTMAJ

Mrs P Stothert. Outline application (all matters reserved) for residential development and associated infrastructure. Land at Garstang Road, Bowgreave, Lancashire.

As explained within the report, this application was before Committee for a second time.

This application was initially presented to the Committee on 22 March 2017 along with other applications along the A6 corridor. At that meeting the Committee resolved to grant planning permission subject to the completion of a necessary S106 legal agreement to secure appropriate contributions towards highway improvement works and local education provision. As yet, this S106 has not yet been completed and so planning permission has yet to

be formally granted.

The previous report was included with the report updated to include the information previously provided to the Committee in a separate introduction to the March Committee agenda and via update sheets. It also included the latest calculations of the necessary contributions towards highway improvement works.

The application was back before Committee because, since the previous resolution, a tree preservation order (TPO)(no. 5 of 2017) had been introduced to cover two trees at the centre of the site and three hedgerow groups that are within the site and along the road frontage. The TPO is a formal designation and so its introduction required consideration, however, its application was not considered to represent a material change in circumstance and so no further consultation or publicity in respect of the application had been deemed necessary. There was not another site visit as there was no material change in circumstance. Photos and a video were made available at the Committee meeting.

The Committee resolved to grant outline planning permission subject to conditions and a S106 legal agreement to secure appropriate financial contributions towards local education, sustainable travel and highway improvement works, and that the Head of Planning Services be authorised to issue the decision upon the agreement of heads of terms with regard to the contributions towards the highway initiatives to be determined by LCC Highways and the satisfactory completion of the s106 agreement.

Whilst it was also recommended that a Grampian condition be imposed to prevent commencement of any development until and unless planning permission is granted for the development of Jct 2 M55 and the Preston West Distributor, it was noted that the decision on that scheme was likely to be made before a S106 agreement could be completed. If this was the circumstance, then the Grampian condition would be unnecessary and, should this be the case, the Head of Planning Services was authorised to issue the decision without the Grampian condition.

Conditions and Reasons: -

1. a) In the case of any reserved matter, namely access, appearance, landscaping, layout and scale of the buildings, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission;
- (b) The development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last matter to be approved.

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. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The off-site highway works include:-

- Public Transport facilities to quality bus standard on Garstang Road - details of the stops to Quality Bus Standard to be agreed (2No bus stops)
- Provision of 2m wide footway to the full highway frontage of the development site.

No part of the development hereby approved shall be first occupied or opened for trading until the approved scheme has been constructed and completed in accordance with the scheme details.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and in order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

3. No development shall take place until a Construction Environmental Management Plan has been submitted to, and approved in writing, by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
- i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures, complaint management and arrangements for liaison with the Council's Environmental Protection Team;
 - vii. a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);

- viii. the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters
- ix. a scheme to control noise and vibration during the construction phase identifying suitable mitigation measures and complaint management and arrangements for liaison with the Council's Environmental Protection Team
- x. the routing of construction vehicles and deliveries to site
- xi. intended hours of work
- xii. how biodiversity would be protected throughout the construction period

Reason: To maintain the operation and safety of the local highway network during site preparation and construction and in the interests of ecology, to prevent pollution from foul and surface water and to protect drinking water supplies.

4. No development shall commence until an Interim Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. 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.

5. The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided and retained in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units.
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider (if no Registered Provider is involved) ;
 - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the adequate provision and delivery of affordable housing in accordance with the provisions of the NPPF.

6. Prior to commencement of the development, the design of a scheme for the drainage of foul and surface water, based on sustainable drainage principles so far as is possible subject to ground conditions, the results of the investigation required under part (A xi) and an assessment of the hydrological and hydrogeological context of the development shall be submitted to and approved in writing by the Local Planning Authority.

(A) This scheme shall include;

- i. information about the design storm period and density (1 in 30 and 1 in 100 year + 30% allowance for climate change)
- ii. discharge rates and volumes (both pre and post development)
- iii. temporary storage facilities
- iv. means of access for maintenance
- v. the methods employed to delay and control surface water discharged from the site
- vi. the measures taken to prevent flooding and pollution of receiving surface waters, including watercourses and surface water sewers
- vii. details of floor levels in AOD
- viii. details of any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts where relevant);
- ix. floodwater exceedance routes both on and off site;
- x. a timetable for implementation, including a timetable for when attenuation basins / storage and flow control devices are to be constructed and operational;
- xi. evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates.

(B) The scheme shall demonstrate that surface water run off for the entire site once developed would not exceed pre-development Greenfield run off rate.

- (C) No surface water, highway drainage or land drainage shall discharge to the public combined sewerage system or via an infiltration system unless agreed by United Utilities.

The approved drainage scheme shall then be implemented in full accordance with the approved details, including the agreed timetable for implementation.

Reason: To ensure a satisfactory form of development, to manage flood risk, to prevent pollution from foul and surface water, to protect drinking water supplies, to ensure site drainage during the construction process does not enter the watercourses at un-attenuated rate to prevent a flood risk during the construction of the development and to protect the adjacent railway from the risk of flooding and pollution in accordance with Policy ENV15 of the Wyre Borough Local Plan (1999) and the provisions of the NPPF.

7. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and approved in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
 - b. Arrangements concerning appropriate funding mechanisms for ongoing maintenance of all elements of the sustainable drainage system, and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved scheme.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

8. Prior to the commencement of any works or development on site, a tree retention / removal and protection plan and arboricultural method statement shall be submitted to and agreed in writing by the Local Planning Authority together with an ecology survey for those trees identified for removal which surveys the possible presence of roosting bats. This plan shall indicate the methods and positioning of tree protection measures such as ground protection (where necessary), Heras protective fencing, and details of specialist construction methodology in relation to the interfaces between the development and the tree(s) indicated as being retained. If bats are found to be present by the ecology survey then it shall also be accompanied by a Method Statement giving details of measures to be taken to avoid any possible

harm to bats during tree works. The approved tree protection measures shall be in place prior to development works commencing and shall remain until the development is completed. If required, the approved Method Statement must be implemented in full.

Reason: In order to adequately protect the trees to be retained on site in the interests of the appearance of the site and biodiversity (removal of those trees may require further bat surveys to be carried out) in accordance with paragraphs 17 and 118 of the NPPF and Policy SP14 of the Wyre Borough Local Plan.

9. No works to trees or shrubs shall occur between 1st March and 31st August (inclusive) in any year unless a detailed bird nest survey has been carried out by a suitably qualified ecologist immediately prior to any clearance and written confirmation that no bird nests are present has been provided in writing to the Local Planning Authority.

Reason: In the interests of the ecology of the area and in accordance with the National Planning Policy Framework.

10. Prior to the commencement of development, a landscape and habitat creation and management scheme shall be submitted to and agreed in writing by the Local Planning Authority along with a timetable for implementation and the development shall then proceed in full accordance with these agreed details. For the purpose of this condition, the scheme shall include details of elements to mitigate for loss of trees shrub and hedgerow; mitigation for loss of bird nesting habitat; provision of bat roosting opportunities; and ecological enhancement of retained hedgerow and wooded habitat. The scheme shall thereafter be implemented in accordance with the approved details / timescale.

Reason: In order to safeguard and enhance biodiversity and in the interests of the appearance of the site in accordance with the provisions of paragraphs 17 and 118 of the NPPF and Policy SP14 of the Wyre Borough Local Plan (1999).

11. As part of any reserved matters application where layout is applied for, no built development shall be provided within the area adjacent to the Friend's Meeting House along the southern-most boundary indicated as a landscape buffer / open space on the Illustrative Masterplan drawing ref. 592-PS7 No. 10 Rev A submitted with the outline application.

Reason: In order to provide an adequate landscape buffer with the Friend's Meeting House which is a Grade II Listed Building to preserve the setting of this heritage asset in accordance with paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 128-137 of the NPPF.

12. No development shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for

on-site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and agreed in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the scheme implemented to the satisfaction of the Local Planning Authority prior to the development of the site. Any changes to the agreed scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

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 SP14 of the Adopted Wyre Borough Local Plan (July 1999). This information must be provided prior to commencement to ensure that the development can proceed without undue risk to the environment or human health.

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

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

Reason: In order to ensure that the development would be suitably protected against potential gas ingress in order to safeguard the environment and human health.

14. As part of any reserved matters application where layout is applied for, public open space shall be provided on site in accordance with the requirements of saved Policy H13 of the adopted Wyre Borough Local Plan (1999), or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan, and such area or areas of open space shall be provided and available for use, and shall thereafter be retained and maintained for use by the public in accordance with a scheme which shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of any dwelling on the site.

Reason: In order to ensure adequate provision and delivery of public open space in accordance with the provisions of the NPPF and Policy H13 of the Wyre Borough Local Plan (1999).

15. Prior to the installation of any external lighting, an artificial lighting assessment shall be submitted to and agreed in writing by the Local Planning Authority which demonstrates that artificial lighting will be designed so that it is not intrusive to boundary features which are important habitat for bats. The lighting shall be installed in accordance with the approved details.

Reason: In order to safeguard biodiversity in accordance with the NPPF.

Attention is drawn to the following Notes: -

1. (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.
2. The developer is advised to refer to the Environment Agency (EA) Groundwater protection: Principles and practice (GP3) document to ensure that the development does not impact on groundwater quality in the area. United Utilities (UU) has abstraction boreholes in the Garstang area and the development is located within Source Protection Zones 2 (SPZ2) of some of these boreholes. SPZs identify the groundwater catchment areas of sources of potable water (that is high quality water supplies usable for human consumption) and show where they may be at particular risk from polluting activities on or below the land surface. The prevention of pollution to drinking water supplies is critical. In particular, the developer is referenced to the following position statement of this document:
 - G12 - Discharge of clean roof water to ground - Summary of key issues from GP3 document.

The discharge of clean roof water to ground is acceptable both within and outside SPZ1 provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. The method of discharge must not create new pathways. Together with the EA, UU supports the principles of sustainable drainage systems (SuDS) for new discharges. Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater. Where infiltration SuDS are proposed for anything other than

clean roof drainage in a SPZ, the EA will require a risk assessment to demonstrate that pollution of groundwater will not occur. They will also require approval from the SuDS approval body (SAB), when these bodies have been established, to ensure they follow the criteria set out in the SuDS national standards (when published), including standards for water quality, design and maintenance. For the immediate drainage catchment areas used for handling and storage of chemicals and fuel, handling and storage of waste and lorry, bus and coach parking or turning areas, infiltration SuDS are not permitted without an environmental permit.

3. For the avoidance of doubt, the response from LCC Lead Local Flood Authority 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. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>. Neither does the response grant the applicant permission to connect to the highway drainage network. 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.

PA.18 Applications Deferred

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

17/00050/REMAJ

Wainhomes (North West) Ltd. Reserved matters application for the erection of 160 dwellings with associated works. Land Off Lambs Road, Thornton Cleveleys, Lancashire.

The application was before the Committee for consideration at the request of Councillor Matthew Vincent. Members had the benefit of a site visit before the public meeting, as it was considered that the nature of the site and surroundings could not be adequately conveyed through photographs alone.

Three members of the public, a Ward Councillor and the County Councillor for Thornton and Hambleton all spoke to the Committee, objecting to the application and an emailed objection to the proposal from Ben Wallace MP was read out by the Chairman of the Committee.

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

The application was **Deferred against the recommendation** of the Head of Planning Services, for further discussion between officers and the applicant on the following matters:

- Dispersion of the affordable units through the site.
- Improved internal road links and pedestrian links to Lambs Road and Raikes Road.
- Number of units on the site and amount of POS resulting in an overdevelopment of the site.

PA.19 Applications Refused

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

17/00455/FUL

Mr & Mrs T Southwell. Application for removal of Condition 5 (relating to holiday accommodation) on Planning Permission 08/00385/FUL. 1 Maple Cottages, Sowerby Road, Inskip-With-Sowerby, Lancashire, PR3 0TT.

This application was brought to Committee at the request of Councillor Catterall. A site visit took place, to aid Members in understanding the proposal beyond the information submitted with the application.

One member of the public spoke to the Committee to object to the application.

The Applicant spoke to the Committee in support of her application.

An emailed letter of support to the proposal from Councillor Sue Catterall was read out by the Chairman of the Committee.

The application was **Refused as per the recommendation of the Head of Planning Services**, for the following reasons:

1. The proposal would result in the provision of three market dwellings in a poorly accessible and isolated location in the countryside. The occupants of the dwellings would therefore be car reliant. This would be contrary to Paragraph 55 for NPPF, which states that new isolated homes in the countryside should be avoided. Additionally, insufficient evidence has been submitted to demonstrate that there is no potential/demand for a tourist use from the site. This would be contrary to Policies SP13 and H6 of the Adopted Wyre Local Plan and the loss of the tourist use would result in harm to the local economy. The social, economic and environmental harm from the proposal would significantly and demonstrably outweigh the limited benefits, and therefore the development is considered to be unsustainable.
2. The proposed dwellings that would result from this application would have inadequate amenity, by reason of the lack of outlook through windows that serve main rooms and lack of private amenity space. This poor level of amenity would be contrary to NPPF and Policy SP14 of the Adopted Wyre Local Plan.

The meeting started at 2.00 pm and finished at 4.18 pm.

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