



Planning Committee Minutes

The minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday, 4 October 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, Brian Stephenson, Evelyn Stephenson and Shaun Turner

Apologies:

Councillor(s) Kerry Jones and Ron Shewan

Officers present:

David Thow, Head of Planning Services
Lydia Harper, Development Manager
Carmel White, Solicitor
Peter Foulsham, Scrutiny Officer
Duncan Jowitt, Democratic Services and Councillor Development Officer

Non-Committee Members and Officers present: Councillor Murphy and Wilson

10 Members of the Public were present at the start of the meeting.

The press were not present.

PA.27 Declarations of Interest

None.

PA.28 Confirmation of Minutes

The minutes of the Planning Committee meeting held on Wednesday 6 September 2017 were confirmed as a correct record.

PA.29 Appeals

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

Resolved

That the position regarding the appeal as set out in the report be read and noted and that any member requiring any further details or clarification should contact the relevant case officer.

PA.30 Planning Applications

The Head of Planning Services submitted an application and report to be considered:

17/00233/OUTMAJ – Land on the East Side of Hollins Lane, Forton, Lancashire

The Head of Planning Services also submitted two update sheets referring to additional information to the report since the agenda had been published.

PA.31 Applications Approved

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

17/00233/OUTMAJ

The application came before the committee at the request of Councillor Wilson, the ward councillor for Wyresdale. Members had the benefit of a site visit prior to the public meeting.

Three members of the public, Councillor Don McLoughlin, Parish Councillor for Forton Parish Council, and Councillor Wilson spoke to the committee, objecting to the application.

The agent spoke to the committee in support of the application.

Members discussed the report and some concerns were expressed in respect of access to the development from Hollins Lane and the impact that additional traffic might have in respect of the junctions of the A6 and Hollins Lane.

The Head of Planning confirmed that the local highway authority had considered the issue as set out in the report.

The application was approved as per the recommendation of the Head of Planning Services to grant full planning permission subject to the conditions listed below and to the completion of the necessary s106 legal agreement to secure appropriate financial contributions towards local education provision.

Conditions and Reasons:

1. In the case of any reserved matter, namely appearance, scale, layout or landscaping, 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; and that 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. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application validated by the Local Planning Authority on 17/03/17 including the following plans:

- Location Plan drawing ref. GA2034-LP-01
- Site Access Plan drawing ref. GA2034-SAP-01

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

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

3. The development shall not begin until a scheme for the provision of affordable housing as part of the development 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/bed spaces from this development and from approved development 15/00968/OUT (outline planning permission for up to eight units on adjoining land to the west of the application site);

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 RSL 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 and to ensure a comprehensive approach to infrastructure provision for development across the entire site allocation area as required by Policy SA1 - Residential Development (Site Allocation ref: SA1/15 - Land East of Hollins Lane) of the 'Publication' Draft Wyre Local Plan (2011 - 2030) .

4. 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, or any subsequent replacement Local Plan policy for the provision of public open space, 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 approved in writing by the Local Planning Authority prior to the first occupation of any dwelling on the site. In calculating provision this will be the policy requirements from this development and from approved development 15/00968/OUT (outline planning permission for up to eight units on adjoining land to the west of the application site).

Reason: To ensure adequate provision and delivery of public open space in accordance with Policy H13 of the Wyre Borough Local Plan (1999) and the National Planning Policy Framework and to ensure a comprehensive approach to infrastructure provision for development across the entire site allocation area as required by Policy SA1 - Residential Development (Site Allocation ref: SA1/15 - Land East of Hollins Lane) of the 'Publication' Draft Wyre Local Plan (2011 - 2030).

5. Prior to the submission of the first reserved matters application(s) relating to layout, or simultaneously with that first reserved matters application, a drainage scheme, which shall detail measures for the attenuation and the disposal of surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in the National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national guidance / standards. It will also be expected to be in accordance with the outline drainage strategy included within the Flood Risk Assessment and Drainage Strategy produced by CTC Infrastructure Ref No. 2016-C-174 dated November 2016 which was submitted as part of this outline planning application.

The scheme details shall include, as a minimum:

a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change as set out within the Environment Agency's advice on Flood risk assessments: climate change allowances' or any subsequent replacement EA advice note), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where

applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

- b) Demonstration that the surface water run-off would not exceed the pre-development greenfield runoff rate;
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

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

Each reserved matters application relating to layout should demonstrate compliance with the agreed drainage scheme.

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

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with Policy ENV15 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework. The condition is required to be approved prior to the submission of the first reserved matters application relating to layout as full details have not been forthcoming with the outline application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services, a coherent approach to the design of drainage and housing layout, and that any proposed raising of levels can be assessed.

6. Prior to the submission of the first reserved matters application(s) relating to layout, or simultaneously with that first reserved matters application, a drainage scheme, which shall detail measures for the attenuation and the disposal of foul waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme details shall include, as a minimum:

- a. the location of the point of connection for foul water to the existing public sewer;
- b. the timing arrangements for the pumped foul discharge;
- c. the storage requirements for the pumped foul discharge; and
- d. the rate of discharge for the pumped foul discharge.

For the avoidance of doubt, there shall be no connection to the public sewer other than that agreed in writing by the local planning authority and foul and surface water shall be drained on separate systems. The foul water pumping station shall not be sited within 15 metres of a habitable building unless otherwise agreed in writing by the local planning authority.

Each reserved matters application relating to layout should demonstrate compliance with the agreed drainage scheme.

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

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health and in order to manage the risk of flooding and pollution from the public sewerage system in accordance with Policy ENV15 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework. The condition is required to be approved prior to the submission of the first reserved matters application relating to layout as full details have not been forthcoming with the outline application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services, a coherent approach to the design of drainage and housing layout, and that any proposed raising of levels can be assessed.

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

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

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

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

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

Reason: The development is for a sensitive end use. 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).

9. (A) The residential development hereby permitted shall be designed so that noise levels at each dwelling does not exceed the following levels as assessed in accordance with British Standard 8233 (2014) and WHO guidelines (or any subsequent replacement national standards / guidance):

- LAeq 50 dB 16 hours – gardens and outside living areas, daytime (07.00-23.00)
- LAeq 35 dB 16 hours – indoors, daytime (07.00-23.00)
- LAeq 30 dB 8 hours – indoors, night-time (23.00-07.00)
- LAFmax 45 dB 8 hours – indoors night-time (23.00-07.00)
- LAFmax 45 dB 4 hours – indoors evening (19.00-23.00)*
- LAFmax 60 dB 8 hours - façade level night time (23.00-07.00)
- LAFmax 60 dB 4 hours - façade level evening (19.00-23.00)*

Alternative levels and monitoring locations may be used subject to the prior written approval of 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.

(B) Where noise mitigation measures are required to ensure compliance with the noise levels specified above e.g. acoustic glazing, noise barrier fencing and ventilation, such mitigation details shall be included within the first reserved matters application(s) relating to layout or appearance, demonstrating how they would mitigate noise to the approved levels together with a timetable for implementation. The approved noise mitigation measures shall be implemented in accordance with the approved timescale and shall thereafter be maintained and retained.

Reason: To ensure there is no adverse effect on the health and quality of life of future occupiers of the proposed dwellings and to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework. The noise assessment submitted with this outline application (produced by Sound Advice, dated 13/01/17 (ref GAA Hollins Lane)) demonstrates that appropriate mitigation is technically possible to achieve the required noise levels, but is based on the indicative site layout only. The condition therefore requires further mitigation details to be submitted with the first reserved matters application relating to layout or appearance to ensure a coherent approach to noise mitigation and the design of the development.

10. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:

(a) dust and dirt mitigation measures during the construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team

- (b) control of noise and vibration emanating from the site during the construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (c) hours and days of construction work for the development (these will be expected to be 08.00 - 18:00 hours Monday to Friday, 08.00 - 13:00 hours on Saturdays and at no time on Sundays and Bank / Public Holidays)
- (d) contractors' compounds and other storage arrangements
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- (f) arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (h) external lighting of the site during the construction period
- (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (j) recycling / disposing of waste resulting from construction work
- (k) measures to protect watercourses against spillage incidents and pollution

The construction of the development shall be carried out in accordance with the approved CEMP.

Reason: Such details were not submitted with the application and need to be in place throughout the construction period 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 Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

11. No development shall commence until a scheme for the construction of the site access and the off-site works of highway improvement [namely, upgrading two quality bus stops on the northbound and southbound carriageway of the A6 closest to the New Holly PH and provision of a 2 metre wide footpath fronting Hollins Lane along the entire length of the development site], including a timetable for implementation, has been submitted to, and approved in writing by, the Local Planning Authority.

There shall be no occupation of the development hereby approved until the site access and off-site works of highway improvement have been completed in accordance with the approved scheme details including approved timetabling and be retained and maintained thereafter.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

12. The visibility splays shown on the approved site access plan (2.4 metres x 59 metres in both directions from the centre point of the site access along Hollins Lane) shall be provided prior to first occupation of the development and shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

Reason: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

13. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road. The road with all supporting infrastructure (drainage, footways, lighting and traffic calming measures) shall be completed prior to that phase of development being substantially constructed.

Reason: To ensure that satisfactory access is provided to support each phase of site construction hereby permitted in the interests of highway safety in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

14. No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to July 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 11 of the National Planning Policy Framework (March 2012).

15. Prior to the commencement of development a Landscape and Habitat Creation and Management Scheme, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority.

The Scheme shall identify the opportunities for biodiversity enhancement on site including (but not limited to):

- Native tree and shrub planting
- Hedgerow planting (to compensate for the loss of hedgerow required to facilitate site access)
- Bolstering of existing hedgerows
- Landscape buffer along the eastern boundary between the development and railway line
- Bat bricks and/or tubes within the new development
- Bird Boxes
- Bat Boxes

The Landscape and Habitat Creation and Management Scheme shall be carried out in accordance with the approved details.

Reason: Such a scheme was not submitted with the application but is necessary to secure opportunities for the enhancement of the nature conservation value of the site in the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981 and section 11 of the National Planning Policy Framework.

Attention is drawn to the following Notes:

1. The applicant should be aware that the decision is subject to a separate legal agreement.
2. As noted in the application submission, two public sewers cross this site and United Utilities will not permit building over. They will require an access strip width of three metres either side of the centre line of the sewers which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected 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 their 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 should not be planted in the vicinity of the public sewer and overflow systems.
3. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. The line of one of the combined sewers as shown on the illustrative plan appears to be inconsistent with the UU public sewer map. UU therefore advise that a detailed site investigation must be carried out to confirm the exact line of the sewers crossing the site prior to fixing the layout through any reserved matter approval. United Utilities' offer a fully supported mapping service and recommend the applicant contact the Property Searches Team by telephoning 0870 751 0101 to obtain maps of the site. Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a

Building Control Body to discuss the matter further.

4. Each individual unit will require a separate metered supply at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. The level of cover to the water mains and sewers must not be compromised either during or after construction. The applicant should contact United Utilities by telephoning 03456 723 723 or writing to Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 1DS.

5. If the applicant intends to offer wastewater assets forward for adoption by United Utilities (UU), the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should the applicant wish to progress a Section 104 agreement, it is recommended that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change. For further information please contact United Utilities by email at wastewaterdeveloperservices@uuplc.co.uk

6. For the avoidance of doubt, the response from the Lead Local Flood Authority does not grant 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>

The response from the Lead Local Flood Authority does not grant permission to connect to the highway drainage network. Neither does it 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.

7. A risk assessment and method statement (RAMS) in respect of all works to be undertaken within 10m of the adjacent railway will need to be submitted to and agreed in writing with Network Rail to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. Network Rail Asset Protection should be contacted by email at AssetProtectionLNWNorth@networkrail.co.uk to discuss the RAMS requirements in more detail.

As the proposal includes works which may impact the existing operational railway, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The BAPA will be in addition to any planning consent. The applicant / developer should liaise directly with Network Rail Asset Protection (AssetProtectionLNWNorth@networkrail.co.uk) to set up the BAPA.

The meeting started at 2.00 pm and finished at 2.49 pm.

Date of Publication: Friday 6 October 2017