

Planning Committee Minutes

The minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday, 5 June 2019 at the Council Chamber, Civic Centre, Poulton-le-Fylde.

Planning Committee members present:

Councillors Moon, Ballard, I Amos, R Amos, Atkins, Holden, Ingham, Le Marinel, Orme, Raynor, Stirzaker and D Walmsley.

Apologies for absence:

Councillor(s) Catterall and Williams.

Other councillors present:

Councillor's Cropper, Robinson and County Councillor Salter.

Officers present:

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

6 members of the public attended the meeting.

No press were present at the meeting.

PA.1 Election of Chairman

Resolved that Councillor Moon be appointed Chairman of the Planning Committee for the municipal year 2019/20.

PA.2 Election of Vice-Chairman

Resolved that Councillor Ballard be appointed Vice-Chairman of the Planning Committee for the municipal year 2019/20.

PA.3 Declarations of Interest

Councillor Orme declared in respect of Other Significant Interests on Item 01

– Application No. 19/00156/FULMAJ – Erection of 39 affordable residential dwellings with associated infrastructure including new pedestrian and vehicular access off Rosslyn Avenue (resubmission of 18/00734/FULMAJ) - Land South of Rosslyn Avenue, Preesall –that he is a member of Preesall Town Council where he had not taken part in deliberations or voted on this application and is also the Chair of Friends of Preesall Park. He did not consider that either of these matters gave rise to a perception of a conflict of interest and/or was likely to prejudice his judgement, nor did either amount to an issue of pre-determination and bias and therefore he stayed in the meeting and spoke and voted upon the item.

PA.4 Confirmation of Minutes

The minutes of the Planning Committee meeting held on Wednesday 3 April 2019 were confirmed as a correct record.

PA.5 Appeals

This item was deferred until the end of the Planning Committee meeting, due to the volume of appeals decided within that particular period of time.

The Head of Planning Services submitted a report on appeals lodged and decided between 15 March 2019 and 20 May 2019.

Resolved

That the position regarding the appeals, as set out on pages 1 – 54 of the agenda, be noted and that any Member requiring any further details or clarification on any appeal, should contact the relevant Case Officer.

PA.6 Planning Applications

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

19/00156/FULMAJ – Land South of Rosslyn Avenue, Preesall. Erection of 39 affordable residential dwellings with associated infrastructure including new pedestrian and vehicular access off Rosslyn Avenue (resubmission of 18/00734/FULMAJ).

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

19/00349/FUL – Land at Arthurs Lane, Hambleton, FY6 9AT. Proposed erection of Substation in most southern corner of approved development.

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

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

a) Application Approved

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

Item 1 – Land South of Rosslyn Avenue, Preesall.

Application Number 19/00156/FULMAJ

MCI Developments Ltd. Erection of 39 affordable residential dwellings with associated infrastructure including new pedestrian and vehicular access off Rosslyn Avenue (resubmission of 18/00734/FULMAJ).

The application was before Members at the request of Councillor Orme.

A site visit took place, to enable Committee Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

Two members of the public, a Ward Councillor and a County Councillor spoke to the Committee objecting to the application.

The Senior Land Manager, registered as the Applicant spoke to the Committee in support of the application.

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

The application was **APPROVED** as per recommendations within the report subject to conditions and subject to a section 106 legal agreement to secure affordable housing provision and appropriate financial contributions towards sustainable transport improvements, green infrastructure and education provisions and the Head of Planning Services was authorised to issue planning permission upon satisfactory completion of the S106 agreement.

Conditions and Reasons:-

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application

received by the Local Planning Authority on 22/02/2019 including the following plans/documents:

- Proposed Site Layout Plan Rev H
- Site Location Plan Rev A
- Materials Distribution Plan Rev B
- Street Scene Elevations Rev B
- Rosslyn Ave / Boundary Treatments Plan REV E & Elevations details Rev A
- 2B3P Detached Dormer Bungalow 77 Floor Plans & Elevations Drawing
Number - Rosslyn Ave/2b3pDet Bung 77 REV A
- 2B3P Dormer Bungalow 77 sq.m Floor Plans & Elevations Drawing
Number- Rosslyn Ave/2b3pBung 77 REV A
- 2B4P Aspect House Type 77 sq.m Floor Plans & Elevations Drawing
Number - Rosslyn Ave/2b4p Aspect House 77 REV A
- 2B4P House Type 70 sq.m Floor Plans & Elevations Drawing
Number- Rosslyn Ave/2b4p House 70 REV A
- 3B4P Aspect House Type 77 Sq.m Floor Plans & Elevations Drawing
Number- Rosslyn Ave/3b4p Aspect House REV A
- 3B5P House Type 85 sq.m Floor Plans & Elevations Drawing
Number- Rosslyn Ave/3b5p House 85 REV A
- Timber Post and Farm Access Gates
- Landscape Plan Rev A

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

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

3. The development shall be carried out using those materials specified on the approved plan(s) ref: Materials Distribution Plan Rev B.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. Prior to the first occupation of any dwelling hereby approved 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 CDMP6 of the Wyre Local Plan (2011-31).

5. Prior to the commencement of development, including any demolition

works, 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 demolition / 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 demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday 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 demolition / construction period
- (f) arrangements during the demolition / 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 demolition / 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 demolition / construction work
- (k) measures to protect watercourses against spillage incidents, pollution and dust and debris, which shall include the unnamed ditch along the southern site boundary, Wheel Foot Watercourse and Morecambe Bay.

The construction of the development including any demolition works 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 demolition / 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 CDMP1 of the Wyre Local Plan (2011-31).

6. No development shall commence above ground until details of the proposed arrangements for future management and maintenance of the proposed streets and other non-highway related combined footways/ cycleway within the development, including details of a private management and Maintenance Company to be established if applicable, have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

Reason: To ensure that all highways will be delivered to adoptable standards, to ensure that highways safety is not compromised and to ensure that all highways footways and cycleways will be maintained by either LCC as Local Highway Authority or by a site management company in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

7. The development hereby approved shall not be first occupied or brought into use until the parking / turning area(s) shown on the approved plan (ref: Proposed Site Layout Rev H) has been laid out, surfaced and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate off road parking is provided to serve the development in the interests of highway safety and in accordance with the provisions of Policy CDMP6 of the Wyre Local Plan (2011-31).

8. Prior to any above ground works a scheme for the construction of the site access and the off-site works of highway improvement [namely reduction in speed limit along Rosslyn Avenue and improvements and upgrades to the PROW FP19), including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The site access and off-site works of highway improvement shall be constructed and completed in accordance with the approved scheme details.

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 CDMP6 of the Wyre Local Plan (2011-31). 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.

9. Prior to first occupation of any dwelling hereby approved, a "home owners information pack" (as outlined in the Habitats Regulations Assessment completed for this application) for distribution amongst future occupants of the development hereby approved should be submitted to and approved in writing by the local planning authority, together with details of how this document will be made available for future homeowners. The pack

shall include giving details of the nature conservation importance of the Wyre Estuary / Morecambe Bay and highlight alternative recreational opportunities in the vicinity, away from the more sensitive areas. The approved pack shall then be made available for future homeowners in accordance with the approved details.

Reasons: To help reduce any increase in recreational disturbance on the Morecambe Bay SPA/Ramsar Site in the form of appropriate mitigation and to satisfy the Habitat Regulations Assessment.

10. 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 .

11. The landscaping works shall be carried out in accordance with the approved details (Drawing Number 5948.01 Rev A) prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

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

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

12. An electric vehicle recharging (EVCP) scheme shall be submitted for all dwellings with parking provision unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No dwelling shall be occupied until the electric vehicle recharging point has been provided for the dwelling to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan

(2011-31).

13. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of 1 year from the date of the occupation of any part of the development for its permitted use.

Reason: In the interests of visual amenity and to ensure that trees are not felled unnecessarily in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981.

14. The approved boundary treatments (Boundary Treatments Plan Rev E & Elevation and section details shown on Rev A) shall be completed before the dwelling(s) are first occupied. The approved details shall thereafter be maintained and retained in accordance with the approved details.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants / neighbours in accordance with policy CDMP3 of the Wyre Local Plan (2011-31).

15. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Ironside Farrar Ltd Ref 30324/SRG) and the mitigation measures detailed within Section 7 of the report.

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

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

16. Prior to the commencement of development (other than site preparation works) a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and 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.

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 predevelopment 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, to include measures to ensure the watercourse which leads into Morecambe Bay is protected from contaminants.

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.

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. 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 or the nearby Morecambe Bay SPA/SAC, 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 Policies CDMP2, CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework. 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, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

17. Prior to the commencement of development (other than site preparation works) 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.

18. 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 ground slab of suitable construction, a low permeability gas membrane, minimum (ideally none) penetration of the ground slab by services, and passive ventilation to the underside of the building. The development shall be carried out in accordance with the approved scheme and thereafter be maintained and retained. 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. The results shall be submitted to and approved in writing by the Local Planning Authority. Any gas monitoring programme 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.

Reason: The footprint of the proposed development is within the immediate vicinity of an area of infilled ground. The nature of the fill is unknown. Works are therefore required in the interests of public safety and in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

19. Prior to first occupation of any dwelling hereby approved the new pedestrian footpath link (shown on Site Layout plan Rev H) connecting to Foot path 19 to the northern boundary shall be fully constructed and available for use.

Reason: To ensure satisfactory pedestrian access is provided and available for the occupants of the dwellings

20. Prior to any of the dwellings hereby approved being first occupied, details of the appearance of any refuse storage facilities associated with that dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then proceed in full accordance with these approved details. The refuse storage provision agreed through this condition shall be provided before the associated dwelling(s) are first occupied and shall thereafter be retained.

Reason: In order to ensure that waste is properly managed within the site in the interests of visual and residential amenity in accordance with the provisions of paragraph 127 of the NPPF and Policy CDMP3 of the Wyre Local plan.

B) Application Deferred

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

Item 2 – Proposed erection of Substation in most southern corner of approved development (Application: 16/00217/OULMAJ) – Land at Arthurs Lane, Hambleton, FY6 9AT.

Application Number 19/00349/FUL

Wainhomes (North West) Ltd. Proposed erection of Substation in most southern corner of approved development (Application: 16/00217/OUTMAJ).

The application was before Members at the request of Councillor Robinson. A site visit took place, to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

A member of the Public spoke to Committee objecting to the application.

The Committee gave consideration to the Update Sheet with additional information on, which had been circulated to members of the Committee before the meeting, as well as to the verbal update given by the Development Manager in Committee when this item was being introduced, with regard to an additional representation that had been received since the Update Sheet had been circulated.

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

Resolved that the application be **DEFERRED contrary to the Officers recommendation**, and that the application be brought back to Planning Committee once the position of nearby trees, both on Arthurs Lane and inside the area, has been clarified / impact re-assessed, as there appear to be inaccuracies between the plans submitted and its actual location on site.

The meeting started at 2.00 pm and finished at 4.00 pm.

Date of Publication: Tuesday 11 June, 2019