



## **Planning Committee Agenda**

**Wyre Borough Council**  
**Date of Publication: 30 July 2019**  
**Please ask for : Carole Leary**  
**Democratic Services Officer**  
**Tel: 01253 887606**

**Planning Committee meeting on Wednesday, 7 August 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 July 2019 (already published and notified).

**4. Appeals** (Pages 1 - 16)

Schedule of Appeals lodged and decided between 15 June 2019 and 15 July 2019 attached.

**5. Planning Applications** (Pages 17 - 32)

Background Papers:

In preparing the 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 Statements 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: 19/00051/FUL – (site visit)  
Garstang Sports and Social Club, 94 High Street, Garstang, PR3  
1FA**

Erection of a new hospitality suite, changing rooms and covered spectator stand (D2 use class).

**PLEASE NOTE:**

**Transport for the members will leave the Civic Centre, Poulton-Le-Fylde for the site visit at 11:15am.**

## **APPEALS LODGED AND DECIDED**

### **Appeals Lodged between –15<sup>th</sup> June – 15 July 2019**

<b>Application Number</b>	<b>Location</b>	<b>Proposal</b>	<b>Com/Del decision</b>	<b>Appeal Type</b>	<b>Date Lodged</b>
18/01016/OUT	Land At Gezzerts Farm Gezzerts Rise Poulton-Le-Fylde Lancashire FY6 7XE	Outline application for the erection of one detached dwelling with access applied for off Gezzert's Rise (all other matters reserved)	Delegated	Written Representations	10th July 2019
18/00625/OUTMAJ	Land To The West Of Carr Lane South Of The Beeches Hambleton	Outline application for the erection of three buildings for B1 (commercial) use with associated landscaping works (all matters reserved)	Delegated	Written Representations	10th July 2019
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.	Committee	Written Representations	10th July 2019

### **Appeals Decided between – 15<sup>th</sup> June – 19 July 2019**

<b>Application Number</b>	<b>Location</b>	<b>Proposal</b>	<b>Com/Del decision</b>	<b>Decision</b>	<b>Date Decided</b>
18/00643/OUTMAJ	29-31 Coronation Road Thornton Cleveleys Lancashire FY5 1DQ	Outline application for the erection of a 48 bedroom nursing home (Use Class C2) (following the demolition of existing dwellings) with access, layout and scale applied for (all other matters reserved)	Delegated	Dismiss	25 <sup>th</sup> June 2019

18/00734/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	Committee	Withdrawn	10 <sup>th</sup> July 2019
18/00008/FUL	Morrisons Supermarket Car Park Amounderness Way Thornton Cleveleys Lancashire FY5 3TS	Erection of two-storey restaurant with associated drive thru (Class A3/A5), car parking, landscaping and associated works, installation of outdoor seating area and two customer order displays. 3m high acoustic fence to boundaries. 6 CCTV cameras on building.	Committee	Allowed	19 <sup>th</sup> July 2019



---

## Appeal Decision

Site visit made on 25 April 2019

**by R. Jones BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 June 2019**

---

**Appeal Ref: U2370/W/19/3219903**

**29-31 Coronation Road, Thornton Cleveleys FY5 1DQ**

- 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 Mr Raj Shah of Movern Care Centre against the decision of Wyre Council.
  - The application Ref 18/00643/OUTMAJ, dated 27 June 2018, was refused by notice dated 6 December 2018.
  - The development proposed is outline application for the erection of a 48 bedroom nursing home (Use Class C2) (following demolition of the existing dwellings) with access, layout and scale applied for (all other matters reserved).
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was made in outline with appearance and landscaping reserved for future consideration. Whilst the appearance of the development shown on the '*Proposed Elevation*' drawing does not form part of the formal application, the elevation none-the-less shows the scale of the building. I have determined the appeal on this basis, treating the proposed appearance of the building as indicative.
3. The address entered on the planning application form is 31 Coronation Road, which differs from the Council's decision notice with also includes 29 Coronation Road (No 29). From my site visit and the Site Location Plan submitted with the planning application, the site does include No 29 and therefore to ensure the site is properly identified I have included it in the address above.
4. The planning application form describes the development as '*erection of a four storey 56no. bedroom care home.*' In part E of the appeal form, it is stated that the description of development has not changed. Nevertheless, a different wording that reflects the Council's decision notice is entered. Although neither of the main parties have provided written confirmation that a revised description of development has been agreed, the amended wording accurately describes the appeal proposal before me. Accordingly, I have used it in the banner heading above.
5. On 28<sup>th</sup> February 2019, the Council adopted the Wyre Local Plan (2011-2031), which has replaced the saved policies of the Wyre Borough Plan 1999, to which the Council's reasons for refusal and the appellant's evidence refer. As the now

adopted policies are not materially different to the publication draft referred to in the decision notice, neither party has been prejudiced by this change in policy circumstance.

6. Subsequent to the date of the Council's decision, the Government published its revised National Planning Policy Framework (the Framework). Having considered the role and content of revisions, I do not consider it necessary to re-consult the main parties about this change in national policy in relation to this case.

## **Main Issues**

7. The main issues are the effect of the proposed development on the i) character and appearance of the area, and ii) living conditions of neighbours facing the site, with regard to privacy.

## **Reasons**

### *Character and appearance*

8. The proposal is to demolish the two existing detached residential buildings at Nos 29 and 31a Coronation Road and erect a 48 bedroom care home over 3 and 4 storeys. The existing buildings are single storey, albeit No 31a has accommodation in the roof space. They are of markedly different scale to the adjoining building at 11 to 13 Promenade South (No. 11-13) which is 5-storeys in height, located on the corner of Promenade South and Coronation Road.
9. The surrounding area is characterised by large, imposing buildings fronting Promenade South, which then return down the side streets. No.11-13 is an example of this pattern of development. The side streets are much more modest in scale, predominantly comprising 2-storey houses. The proposed development is part 4 and part 3-storey in height and attempts to provide a transition between the scale and mass of No.11-13 and the 2-storey semi-detached houses adjoining the site at Nos 25 and 27 Coronation Road.
10. However, the proposed building would be 4-storeys over more than half of the front elevation, only then stepping down to 3-storeys. It would be similar in height to the fourth floor of No.11-13, which has its fifth floor set back in a mansard roof. This would result in the continuation of the scale and massing of built form of No.11-13 well along Coronation Road. This would not be typical of the area where the transition begins much closer to Promenade South, concentrating bulk and massing only on the single corner plots. The apartment building at Grosvenor Court that is referred to in the appellant's evidence is an example of this. Whilst it may, in part, be a backdrop to the proposed building, it comprises a single block on the Promenade South corner.
11. The proposed building is shown to step down to 3-storeys high with the roof only slightly higher than the ridge of the roof of No 27 Coronation Road (No 27). However, No 27 has a hipped roof which reduces the scale and massing of the house. The proposed building would be sited only around 1m from the boundary with No.27 and, given this proximity, a true 3-storey building with a front elevation wider than the adjoining pair of semi-detached houses would appear discordant with the more domestic 2-storey scale of its neighbours.
12. As a result, the development would be an overly dominant, incongruous addition to the street scene that would cause harm to the character and

appearance of the area. It would therefore conflict with Policy CDMP3 of the Wyre Local Plan 2011-2031 (2019) (LP) because it fails to respect the character of the area with regard to siting, height, scale and massing. It would also conflict with the design policies in the Framework that seek development which add to the overall quality of an area and are sympathetic to local character.

### *Living conditions*

13. The Council's *Supplementary Planning Guidance 4: Spacing Guidance for New Housing Layout* (SPG) sets out that front elevations should be a minimum 21metres apart in order to protect residential amenity. The minimum separation distance between the front elevation of the existing terrace of dwellings opposite at Nos 26 to 36 Coronation Road and the proposed building would be just over 19.5m. The '*Site Plan showing Separation Distance*' drawing in the appellant's evidence suggests a separation distance in excess of 21m at second floor. This is, however, the third-floor figure, which is shown to be set back from the front elevation and therefore the separation distance would be slightly greater. The minimum first and second floor distance would be just over 19.5m as shown for the ground floor. There is therefore a shortfall of around 1.5m from the SPG guidance.
14. The '*Proposed Floor Plans*' drawing shows the internal arrangement of the care home. There is a communal lounge, reception, office and two bedrooms at ground floor to the front, with bedrooms on upper levels. The dwellings opposite have large bay windows at ground and first floor and the care home bedrooms could be used by residents for large parts of the day, as their only private living space. As a consequence, the shortfall in separation would result in undue overlooking of Nos. 26 to 36, causing harm to the living conditions of occupiers by reason of loss of privacy.
15. I note that the SPG makes allowance for some reductions in separation distance in cases of special design or awkwardly shaped sites, especially where overlooking is avoided. However, the appeal site is a regular shape and whilst exact window locations are for future consideration being part of the appearance of the building, due to the proposed siting, the building could not avoid overlooking. Although I note that development fronting Promenade South is high density, I have no compelling reason in the evidence why the minimum separation distances should be reduced in this case.
16. For these reasons, I find conflict with the SPG and LP Policy CDMP3 because the development would have an unacceptably adverse effect on the living conditions of the occupants of nearby properties because of an undue loss of privacy. I also find conflict with paragraph 127 of the Framework that seeks to ensure a high standard of amenity for existing and future users.

### **Other matters**

17. I have had regard to the need identified for accommodation for the increasing elderly population and the sustainable location of the site, which would allow residents access to local shopping, leisure and entertainment facilities. These are benefits of the development. However, they do not outweigh the harm I identify above to the character and appearance of the area and to living conditions, nor the resulting conflict with the development plan.

**Conclusion**

18. For the reasons above, I conclude the appeal should be dismissed.

*R. Jones*

INSPECTOR



---

## Appeal Decision

Site visit made on 15 July 2019

**by Katie McDonald MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> July 2019**

---

**Appeal Ref: APP/U2370/W/19/3226028**

**Morrisons Supermarket Carpark, Amounderness Way, Thornton Cleveleys  
FY5 3TS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by McDonald's Restaurant Ltd and Wm Morrison Supermarkets Plc against the decision of Wyre Borough Council.
  - The application Ref 18/00008/FUL, dated 22 December 2017, was refused by notice dated 5 October 2018.
  - The development proposed is the erection of a two-storey restaurant with associated drive thru (Class A3/A5), car parking, landscaping and associated works, installation of outdoor seating area and two customer order displays; 3m high acoustic fence to boundaries and 6 CCTV cameras on building.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey restaurant with associated drive thru (Class A3/A5), car parking, landscaping and associated works, installation of outdoor seating area and two customer order displays; 3m high acoustic fence to boundaries and 6 CCTV cameras on building at Morrisons Supermarket Carpark, Amounderness Way, Thornton Cleveleys FY5 3TS in accordance with the terms of the application, Ref 18/00008/FUL, dated 22 December 2017, subject to the conditions set out in the attached Schedule.

### Procedural Matters

2. The description of development has been taken from the appeal form and decision notice as the appellant has indicated that the description was changed during the assessment of the planning application, and they agreed to this change.
3. The Council has recently adopted the Wyre Borough Local Plan (2011- 2031) (February 2019) (LP). Consequently, Policy SP14 of the superseded Wyre Borough Local Plan has been replaced by Policy CDMP3 of the new LP. Policy CDMP3 was cited in the reason for refusal, and the appellant has had the opportunity to address this in the evidence.

### Background and Main Issues

4. Additional reasons for refusal are detailed in the Council's statement of case. The objection relating to the risk of flooding has since been removed, but the other remains in relation to the sequential test for main town centre uses. With that background, the main issues are the effect of the proposal upon:

- i) the living conditions of the occupants of nearby residential properties, with specific reference to noise and disturbance, light and air quality; and
- ii) the vitality of Cleveleys town centre.

## Reasons

### *Living conditions*

5. Situated on a supermarket carpark in an urban area, the proposal is for a 2 storey restaurant and associated drive thru. Residential dwellings are located to the north and west of the site on Victoria Road West and Osborne Avenue. There is a petrol filling station to the east and a band of trees and established landscaping between the site and the residential dwellings on both the northern and western boundaries.
6. The proposal is accompanied with an Environmental Noise Assessment<sup>1</sup> (ENA) and supplementary report, which assess the effect of the proposal upon the living conditions of surrounding neighbouring dwellings. The report and scheme propose various mitigation measures.
7. These include a 3m high acoustic barrier fence, hours of opening and hours of delivery restrictions. The acoustic barrier fence would absorb activity noise from the site to mitigate any adverse noise in neighbouring gardens. The controls over the hours of opening and deliveries would ensure there are reasonable hours of site operations given the proximity of the neighbouring dwellings. These measures could all be imposed by condition.
8. The ENA also recommends mitigation in the form of acoustic enclosures for the extract systems and fitting the control order displays (CODs) on the drive thru with ambient and absolute volume control systems. This means that the volume would be automatically reduced when ambient sound levels reduce during quieter times, and the extract system noise would be subdued. Whilst the location for the CODs is closer to residential dwellings than the building, with the acoustic barrier and volume controls in place, I see little reason why the noise arising from the site would be adverse.
9. The outdoor seating area would be located to the front of the restaurant, away from neighbouring dwellings such that noise arising from the seating area would be a significant distance away, and absorbed by either the building or acoustic barrier fence. Deliveries would take place to the south of the site, again away from the neighbouring dwellings.
10. With the mitigation measures included, the findings of the reports describe that the development will create what is deemed to be *No Observable Effect* and the overall impact assessment concludes that the proposal would have no or at worst, a negligible effect, on the neighbouring living conditions.
11. Whilst the Council upholds its objections in relation to noise from the site, I have been given very little substantive reasons to dispute the findings of the technical reports. Vehicle noise, doors slamming and radio noise from the site would already occur given its use as a car park, and whilst the proposal would be more intensive, based upon the evidence before me, the numerous

---

<sup>1</sup> Prepared by Peter Ashford, Acoustic Associates South West Ltd (22nd November 2017)

- mitigation measures and in particular the acoustic barrier fence, noise arising from the site would be within acceptable levels.
12. The Council also raised concerns over the supplementary acoustics report, which details an increase in background noise levels between 2017 and 2019. The final comments provided by the appellant reasonably explain this increase and provide comparison graphs. I have no reason to dispute that background noise levels have increased by around 5 decibels, and I agree with the appellant that this would provide a greater sound masking effect of any activity noise arising from the site.
  13. The External Lighting Impact Assessment<sup>2</sup> sets out that the site is located in a suburban environmental zone with regard to light assessment. The maximum vertical illuminance on any of the windows of surrounding properties from the external lighting would not exceed 0.71 lux. This is below both the pre and post-curfew values prescribed by the Institute of Lighting Professionals GN01:2011 Guidance note on the reduction of obtrusive light for a suburban environment. The horizontal overspill analysis shows that illuminance levels on the ground would not exceed 1.0 lux within any of the neighbouring gardens. This would be within acceptable levels.
  14. Owing to the design of the external lights, there will be no upward light output. None of the luminaires are aimed directly at any neighbouring dwellings, nor would the scheme include any floodlighting, and I observed that the site already contains lighting columns. The Council suggest a condition that external lighting is switched off between 2300-0600. However, this would be unnecessary and unreasonable given that none of the thresholds for the suburban environmental zone have been exceeded. Therefore, the external lighting would not lead to unacceptable adverse effects on amenity.
  15. Given the location of windows, the internal lighting emitting from the building would only have the potential to affect occupants of the dwellings on Victoria Road West. This rear elevation would have floor to ceiling glazing in the upper floor and drive thru openings at ground floor. The appellants set out that general guidance in order to avoid impacts from internal spill is that the amount of glazing should be designed to a minimum and ideally not exceed 25% of the floor area. The appellants detail that the glazing in the north facing elevation would not exceed 25% of the floor area of the first floor dining area. This is undisputed by the Council.
  16. Furthermore, the separation distance between the rear elevation of the properties on Victoria Road West is approximately 30m. Thus, given this separation and the level of openings, any light spill from the internal windows would be unlikely to lead to unacceptable adverse effects on amenity.
  17. In terms of air quality, the evidence<sup>3</sup> before me sets out that based on the results of a dispersion modelling assessment; potential impacts on annual mean NO<sub>2</sub> and PM<sub>10</sub> concentrations associated with additional vehicle emissions from the development are predicted to be negligible at all receptors. Whilst there would be idling vehicles in the drive thru lane and the Council has raised concerns regarding the methodology of the report; the area is not of poor air quality. Therefore, the effect of the proposal would not lead to or exceed

---

<sup>2</sup> Prepared by Herrington Consulting Limited (dated April 2019)

<sup>3</sup> Air Quality Impact Assessment, Prepared by Isopleth Ltd. (March 2019) Report Ref: 01.0141.001/AQ v5

unacceptable air quality limits; and the proposal would not result in, or contribute to, a harmful deterioration in air quality.

18. Odour control from the site could be managed by the submission of an extraction system that would include technical specifications and precise location and siting of the extraction vents and/or external flues. This would be subject to the Council's approval of a scheme required by condition and would ensure there was no adverse odour effect upon amenity.
19. The site is close to nearby residential dwellings, and perhaps closer than other similar style restaurants in the area. However, the technical evidence presented satisfies me that the effect would not give rise to unacceptable adverse impacts upon living conditions.
20. Consequently, the proposal would have an acceptable effect upon the living conditions of the occupants of nearby properties. This would be in accordance with Policies CDMP1 and CDMP3 of the LP, which amongst other things, seek to ensure development will be compatible with, and not have an unacceptably adverse impact on the amenity of occupants and users of surrounding or nearby properties the development. I also find no conflict with the National Planning Policy Framework (the Framework), which seeks to create places with a high standard of amenity for existing and future users.

#### *Vitality of Cleveleys town centre*

21. The proposal would be a town centre use and the site is located outside of Cleveleys town centre. As such, the application of a sequential test would be necessary. Since making the decision, the Council highlighted 2 additional sites that have become available. Based upon the evidence submitted, The Tramway is not available for occupation until at least 2023, and therefore not sequentially preferable to the appeal site.
22. The Jubilee Park Harvester is closer to Cleveleys town centre. However, it is not in the town centre, being around 427m away. The sequential test is used to identify preferable sites in town centres for accommodating main town centre uses. Although the Jubilee Park Harvester is located closer than the appeal site to the town centre, both sites would be regarded as 'out of centre' as they are more than 300m away from the town centre boundary but not outside the urban area<sup>4</sup>.
23. In terms of the effect upon the vitality of the town centre, the Council present very little evidence to suggest why developing the Jubilee Park Harvester would ameliorate the vitality of the town centre, in comparison to developing the appeal site. The appeal site is accessible, being in the urban area near existing development, accessed off a main trunk road with a bus stop in walking distance. Thus, it is well connected to the town centre.
24. Consequently, as both sites are 'out of centre', I see little reason why it would be sequentially preferable to develop one 'out of centre' site over another, having regard to the policy objective to support the vitality of Cleveleys town centre.
25. Furthermore, although the initial sequential test outlined the Jubilee Park Harvester site would be considered suitable, in assessing the suitability of the

---

<sup>4</sup> As defined by the National Planning Policy Framework Glossary under "Edge of Centre" and "Out of Centre".

site again owing to its recent availability, the operator has detailed that the predicted sales would be below the level required to support a McDonald's drive thru and there is less passing traffic. Therefore, based upon the operational requirements of McDonalds to operate a restaurant with drive thru, it is clear to me that the Jubilee Park Harvester site would not be pursued as a viable alternative option by McDonalds.

26. Therefore, taking all matters into account, I consider the sequential test to be met for the development of the appeal site. Consequently, the proposal would have an acceptable effect upon the vitality of Cleveleys town centre. This would be in accordance with Policy EP5 of the LP, which seeks to ensure that town centres remain the focus for both convenience and comparison retail growth and other town centre uses. I also find compliance with the Framework, which seeks to support the role that town centres play at the heart of local communities.

### **Other Matters**

27. I have paid significant regard to the matters raised by interested parties. The operators offer a range of lower calorie options and nutritional information is accessible in store, which enables an individual to identify and purchase food items and combinations that fit in with their individualised calorie or nutritional requirements. Whilst the Council raises some concerns in this regard, I have little evidence to substantiate why the proposal would have an adverse effect upon the health and well-being of Wyre's residents, particularly given the availability of healthier menu choices.
28. I acknowledge the objections raised relating to an increase in traffic and queuing from the site. However, the technical evidence before me, along with consultation responses from both County Highways and Highways England, conclude that the proposal would not have an adverse effect upon the road network. Therefore, although there may be additional queuing during busy periods on the car park, this would be an inconvenience; and would not lead to a harmful effect upon pedestrian and highway safety, nor would it be a reason to withhold planning permission.
29. CCTV and a barrier at the main entrance are proposed, along with other methods to reduce anti-social behaviour or crime, which would in any event be a matter for law enforcement. Any litter or vermin associated with the proposal would be a matter for the management of the site, or for the Council's Environmental Services team.
30. It is a well-founded principle that the planning system does not exist to protect private interests such as the value of land or property, or competitive business interests. The issue of flooding has been agreed between the main parties and I am satisfied the proposal would not impact upon flood risk on the site or in the wider area.
31. Disruption during construction would be temporary, but a construction management plan would help to ameliorate any adverse effects. The site has limited ecological value, but a condition to ensure protection of nesting birds would be necessary in the interest of habitat protection. Employment contracts for future employees would not be a matter material to this proposal.

## Conditions

32. I have had regard to the conditions suggested by both main parties, and where necessary have amended these for purposes of clarity and conciseness in line with the Framework and Planning Practice Guidance. In addition to those conditions detailed in my reasons, a condition listing the approved plans is imposed for certainty.
33. A tree protection plan is necessary in order to protect retained trees. A construction management plan is necessary to ensure the construction process has a limited effect upon the safety of highway users and neighbouring living conditions. Details of foul and surface water drainage are necessary to ensure there is suitable drainage provision. As the footprint of the proposed development is within the immediate vicinity of an area of infilled ground, suitable gas protection measures are necessary in the interests of public safety. These conditions are required to be pre-commencement conditions as it is fundamental to have these details agreed before work starts on site. The appellants have agreed to the pre-commencement conditions as required by Section 100ZA(5) of the Town and Country Planning Act 1990 (as amended).
34. Off-site highway works are necessary to protect and improve highway safety for pedestrians or cyclists accessing the site. Completion of the parking spaces, turning space and refuse storage is necessary to ensure there is sufficient provision. Bicycle spaces are necessary to encourage sustainable methods of transportation to the site. A condition to require the planting of the landscaping scheme is necessary in the interests of ameliorating the scheme.
35. Implementation of the flood risk assessment and mitigation is necessary to avoid the risk of flooding. A condition to require the Travel Plan is executed is necessary to ensure the development maximises sustainable travel options. A condition regarding the use of the building is necessary for certainty.
36. A separate material condition along with a ground, slab and finished floor levels condition are not necessary as these details are set out on the approved drawings. It is not necessary or enforceable to apply a condition requiring staff car parking to be in a certain location outside the opening hours. I have been provided with little information why a delivery management plan is necessary given the hours of deliveries and collections would be controlled through another condition, and so I have not imposed it.
37. A restriction on the times in which metal roller cages can be used would in practice be unenforceable. Furthermore, as delivery and collection hours would be restricted, it would be reasonable to assume that use of the metal roller cages would only take place during deliveries or collections, and thus it is also unnecessary. A condition requiring an electrical vehicle charging point is not necessary to make the development acceptable given the substantive evidence submitted by the appellant on the issue of air quality.

## Conclusion

38. For the reasons set out above, I conclude that the appeal should be allowed.

*Katie McDonald*

INSPECTOR



## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details:
  - Location plan (6789\_AEW\_8344\_0001 Revision E)
  - Block plan (6789\_AEW\_8344\_0002 Revision D)
  - Proposed site plan (6789\_AEW\_8344\_0004 Revision H)
  - Proposed building elevations (6789\_AEW\_8344\_0005 Revision A)
  - Proposed internal layout (6789\_AEW\_8344\_0006)
  - Proposed barrier plan (6789\_AEW\_8344\_0012 Revision A)
  - Landscape Plan (6789\_AEW\_8344\_0015 Revision E)
  - Proposed bin store (6789\_AEW\_8344\_0019 Revision A)
  - Typical barrier and lamp post details
  - BXMW/GS/Sheffield-Stand
  - Ensemble Cloture
  - Poteau Lampadaire SB99
  - Terrace equipment Range Euroline 3 - Mix 2015
  - COD DT Order Post 1:20
  - Absorptive modification to Jakoustic fencing (J7/04177)
  - Jacksons Fencing Acoustic barriers
  - Proposed levels (4170778-1100 Rev I1)
- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]
- 4) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The plan shall provide for:
  - i) procedures for maintaining good public relations, including complaint management, public consultation and liaison with the Council's Environmental Protection Team;
  - ii) delivery, demolition and construction working hours.
  - iii) measures for controlling and monitoring:
    - noise and vibration
    - dust and air borne pollutants having regard to the location of nearby sensitive receptors and industry best practice
    - the use of site lighting whether required for safe working or security purposes
  - iv) procedures for emergency deviation of any agreed element within the Plan.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

- 5) No development shall take place until a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, has been 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, with evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates to be submitted. A nearby ordinary watercourse (Royles Brook) shall be investigated as a means of surface water disposal.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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 occupied or brought into first use until the drainage works have been completed in accordance with the approved scheme. The approved scheme shall be retained, managed and maintained in accordance with the approved details thereafter.

- 6) No development shall take place until a scheme for suitable gas protection measures has been 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.

- 7) The development shall not be brought into use until design details of a scheme to provide pedestrian and cycle crossing improvements to the



A585(T) Amounderness Way/Victoria Road roundabout junction (based upon that contained in outline within ADL Traffic Highways Drawing Reference 3385-07 Rev A dated 20/02/2018) have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include:

- Final design details of how the crossings improvement scheme interfaces with the existing highway alignment;
- Full footway surfacing and carriageway marking details;
- Full construction details, including details of any additional protection measures required to safeguard adjacent culvert structure(s);
- Confirmation of compliance with current departmental standards (as set out in the Design Manual for Roads and Bridges) and policies (or approved relaxations/departures from standards; and,
- An independent Stage 1 & Stage 2 Road Safety Audit carried out in accordance with current departmental standards and current advice notes.

The development shall not be brought into use until the scheme been constructed and completed in accordance with the approved details.

- 8) The development shall not be brought into use until a scheme for the control of odours has been submitted to and approved in writing by the local planning authority. The scheme shall include technical specifications, construction and precise location and siting of the extraction vents and/or external flues. The approved scheme shall be implemented in full prior to first use and all equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.
- 9) Notwithstanding the submitted information, the development shall not be brought into use until details of the external appearance and materials of the acoustic barrier fencing have been submitted to and agreed in writing with the local planning authority. The 3m high (from ground level) acoustic barrier fence shall be completed prior to the first occupation of the use in accordance with the approved external appearance and materials details, drawing No J7/04177, Proposed site plan (6789\_AEW\_8344\_0004 Revision H) and the Jackson Fencing: Acoustic Barriers documentation. The acoustic barrier fence shall be maintained and retained thereafter.
- 10) The development shall not be brought into use until the parking and turning areas shown on the Proposed site plan (6789\_AEW\_8344\_0004 Revision H) have been laid out, surfaced and drained. The parking and turning areas shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.
- 11) The development shall not be brought into use until the refuse storage area has been completed in accordance with the approved details. The refuse storage area shall be retained thereafter.
- 12) The development shall not be brought into use until the secure cycle storage, as detailed on drawings Proposed site plan (6789\_AEW\_8344\_0004 Revision H) and BXMW/GS/Sheffield-Stand, has been completed in accordance with the approved details. The cycle storage area shall be maintained and retained thereafter.

- 13) The development shall not be brought into use until the scheme of noise mitigation measures set out in sections 6 and 7 of the supporting Noise Assessment [project reference 6814/pja dated 15 June 2018] have been implemented. The approved noise insulation measures shall thereafter be retained.
- 14) All planting, seeding or turfing comprised in the approved details of landscaping [Landscape Plan (6789\_AEW\_8344\_0015 Revision E)] shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The completed scheme shall be managed and maintained thereafter.
- 15) No tree felling, tree works or works to vegetation/hedgerows shall take place during the optimum period for bird nesting (March to August inclusive) unless a detailed survey and 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.
- 16) The development shall be carried out in accordance with the Flood Risk Assessment (FRA) [Issue 3: 15 August 2018, Ref: MD4170778/KLJ/001] and the mitigation measures detailed within the FRA.
- 17) The Travel Plan (ref: ADL/CC/3385/13A dated September 2018) shall be implemented and operational from the point of the first operation of the development for a minimum period of five years.
- 18) All external lighting shall be installed and operated in accordance with the External Lighting Impact Assessment (April 2019), and shall be maintained and retained thereafter in accordance with this.
- 19) The premises shall be used for a restaurant with hot food takeaway and drive thru only, and for no other purpose.
- 20) Deliveries or collections of goods (including waste and recycling) shall be taken at or despatched from the site only between 0700 and 1900.
- 21) The premises shall only be open for customers between 0600 and 2300.

**\*\*\*End of Conditions\*\*\***

## Committee Report

Date: 07.08.2019

Item Number 01

Application Number 19/00051/FUL

Proposal Erection of a new hospitality suite, changing rooms and covered spectator stand (D2)

Location Garstang Sports And Social Club 94 High Street Garstang Lancashire PR3 1FA

Applicant Mr A Wilding

Correspondence Address c/o Graham Anthony Associates  
FAO Avnish Panchal 2 Croston Villa High Street Garstang PR3 1EA

Recommendation Permit

## REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Miss Lucy Lowcock

### 1.0 INTRODUCTION

1.1 The application is brought to Planning Committee at the request of Councillor Lady Atkins. A site visit is proposed to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

### 2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is a grassed area of land adjacent to the football pitch of Garstang Football Club. It also includes the access from Lancaster Road and the existing carpark and clubhouse. The site is designated as Green Infrastructure on the Adopted Local Plan Proposals Map. It is adjacent to the Conservation Area of Garstang and is within the settlement boundary, but is outside of the Town Centre. The site is in Flood Zones 2 and 3.

2.2 Beyond the western side of the site is a bowling green and tennis court. To the south is a Town Centre Carpark. There is a fence enclosing the application site and football pitch to this side. The River Wyre is situated to the southeast of the site approximately 45m away. There is a Public Right of Way outside the site to the southern side.

### 3.0 THE PROPOSAL

3.1 The application is for the erection of a hospitality suite, changing rooms and covered spectator stand (use class D2) to serve the football club. The spectator stand would be covered and would have a maximum height of 4.8m. It would measure 7.1m by 26.5m and would seat 200 persons. It would be in green profile

cladding. The hospitality suite and changing rooms would be in a two-storey building 6m high with single storey elements either side measuring 3.1m high, all with flat roofs. The walls would be in composite timber cladding painted grey and green. The hospitality area would be on the first-floor and would measure 3.9m by 13m. Leading from this there would be a balcony/viewing area over part of the single storey building at the northern end and an external staircase to the rear. The buildings would be sited on the grassed area between the existing football pitch and bowling green and tennis courts.

#### **4.0 RELEVANT PLANNING HISTORY**

4.1 Application Number: 18/00181/FUL - Single storey extensions and alterations to clubhouse, including provision of roof lift, relocation of cricket nets, two storage containers, new replacement scoreboard, and change of use of existing store to lounge connected to club house. - Approved

4.2 Application Number: 14/00083/FUL - Siting of a portacabin for use as temporary changing rooms - Approved

4.3 Application Number: 11/00617/FUL - Provision of 2 turnstiles and erection of 8 lighting columns - Approved

4.4 Application Number 08/00966/FUL - Alterations to access and provision of coach parking facility (resubmission of 08/00032/FUL) - Approved

#### **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:

- SP1 Development Strategy
- SP2 Sustainable Development
- SP8 Health and Well-being
- CDMP1 Environmental protection
- CDMP2 Flood risk and surface water management
- CDMP3 Design
- CDMP4 Environmental assets
- CDMP5 Historic Environment
- CDMP6 Accessibility and transport
- EP4 Town, District, Local and Neighbourhood Centres
- EP5 Main Town Centre Uses

##### **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 7. Ensuring the vitality of Town Centres
- Section 9. Promoting sustainable transport
- Section 12. Achieving well-designed places
- Section 14. Meeting the challenge of climate change, flooding and coastal change
- Section 15. Conserving and enhancing the natural environment
- Section 16. Conserving and enhancing the historic environment

5.3 THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (PLBCA), S.66 AND S.72

5.4 HISTORIC ENGLAND, 'THE SETTING OF HERITAGE ASSETS, HISTORIC ENVIRONMENT GOOD PRACTICE ADVICE IN PLANNING NOTE 3 (SECOND EDITION)'

5.5 WYRE PLAYING PITCH STRATEGY  
Section 7 Football G17- Central Corridor

## **6.0 CONSULTATION RESPONSES**

6.1 GARSTANG TOWN COUNCIL – no objections

6.2 GREATER MANCHESTER ECOLOGY UNIT (GMEU) – no comments to make

6.3 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) – no objections. Require a condition for the parking and cycle storage to be provided.

6.4 LANCASHIRE COUNTY COUNCIL (PUBLIC RIGHTS OF WAY) – no comments received.

6.5 LANCASHIRE FIRE AND RESCUE SERVICE – the proposal should comply with building regulations.

6.6 NATURAL ENGLAND – no objections

6.7 ENVIRONMENT AGENCY

6.7.1 First response - object to the drainage and require revisions to the Flood Risk Assessment (FRA).

6.7.2 Final response - Based on revised plans withdraw objection but require conditions about implementation of the FRA, no ground level rises and anchoring of the spectator stand. Advice on flood warnings and environmental permits.

6.8 RAMBLERS ASSOCIATION – no comments received

6.9 SPORT ENGLAND

6.9.1 First response - it is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement. Highlight issues with the design of the facility and issue a holding objection.

6.9.2 Final response - based on additional information Sport England are satisfied with the proposal and has no objection. The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

6.10 United Utilities – request a condition about foul and surface water. Foul and surface water should drain on separate systems. There are UU pipelines through the site and boreholes in the vicinity.

6.11 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.11.1 First response - objects to FRA and drainage proposed.

6.11.2 Final response – no objection to revised plans / FRA. Comment on location of foul sewer.

6.12 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY - no objections. Recommends restriction of hours to those proposed in the application form (17.30-20.30 Monday – Friday, 14.30- 18.00 Saturdays and 14.30- 18.00 Sundays and Bank Holidays).

7.0 REPRESENTATIONS

7.1 Two letters of objection have been received. A summary of the points raised is as follows:

- the Bowling Club has never been approached on the plans
- noise during the building works
- loss of view and light
- lighting and signage will be obtrusive
- noise disturbance from speakers or announcement system
- additional traffic and parking problems
- would like a restriction on night time use and use for weddings/parties
- would appear obtrusive and the finish/colour is ugly

8.0 **CONTACTS WITH APPLICANT/AGENT**

8.1 Revised plans and Flood Risk Assessment (FRA) 19/6/19

- 8.2 Revised plans 18/3/19
- 8.3 Provided levels plans 15/3/19
- 8.4 Provided drainage plans 12/3/19
- 8.5 Revised location plan and provided materials schedule 8/3/19

## **9.0 ISSUES**

- 9.1 The main issues in this application are as follows:

Principle of development

Visual Impact / Design / Impact on the street scene

Impact on the residential amenity

Impact on Highway / Parking

Flood Risk and drainage

Principle of development

- 9.2 The site is within the settlement boundary, outside the Town Centre, and is designated as Green Infrastructure in the Adopted Wyre Local Plan. The site is considered to be a suitably accessible location for this type of development, being close to the existing facilities and within walking distance of public transport, residential areas and the Town Centre.

- 9.3 Policy CDMP4 of the Adopted Wyre Local Plan only permits the partial loss of land identified as Green Infrastructure where a number of criteria are met. Firstly, a connected network of green space is required to be maintained. At present this land is a narrow strip of grass adjacent to the football pitch and with limited connection to the wider Green Infrastructure in the area. The land is fenced off, so is not publicly accessible. It appears therefore that the land could only be used by Garstang Football Club and that this land would have limited recreational/sports value. Therefore, it is considered that a connected network of green spaces would still be maintained with the football pitch and adjacent cricket pitch. Secondly, the development must be accommodated without the loss of the function of the Green Infrastructure site; or the site is surplus to requirements. As the land is a narrow strip, fenced off and not part of the playing pitch, it is not considered that the development would result in the loss in function of the wider Green Infrastructure. Thirdly, the impact should be mitigated or compensated for; or the need for or benefits from the development outweigh the harm caused. The applicant's design and access statement explains that the proposal is needed because 'Garstang FC gained promotion last season to The North West Counties League which has standards and rules for member clubs in order for them to retain their membership. These include FA standard changing facilities for players including match officials and a covered stand for 200 spectators'. The benefit of the proposal enabling the Football Club to have an appropriate standard of facilities to progress and support the use of the existing sports facilities, is considered to outweigh the harm of the loss of the Green Infrastructure to be taken up, which as explained above is considered to be of limited value.

- 9.4 There is an existing clubhouse with changing facilities to the north of the football pitch with permission to increase the number of changing facilities, as well as a portable cabin for use as temporary changing facilities (permitted until 2016) which has not been removed from the site. The application submission states that if this

development is approved it would allow the removal of these temporary changing facilities. Based on other sports taking place on the wider Green Infrastructure including cricket, it is not considered that the additional facilities would be unjustified. Sport England originally objected to the proposal, but based on the submission of further information and changes to the design, they have removed their objection. The proposal is therefore considered to meet the requirements of Policy CDMP4 of the Adopted Wyre Local Plan.

9.5 Policy EP4 of the Adopted Wyre Local Plan directs leisure development towards the Borough's existing centres. The NPPF and Policy EP5 requires a Sequential Test to demonstrate that development could not be located in a Town Centre. In this case, as the facilities would serve the existing football club and would need to be close to the pitch, it is considered that there is no sequentially preferable site for the development and therefore the sequential test is considered to be passed. A Town Centre Impact Assessment is not required as the proposal is less than 2,500m<sup>2</sup> for a leisure use.

9.6 As the proposal would not involve the provision of additional car parking, instead relying on an existing car park, it is considered to be unreasonable and impractical to require the provision of electric vehicle charging in accordance with Policy CDMP6 of the Adopted Wyre Local Plan.

9.7 The use of the development could be restricted to being ancillary to the main use of the Football Club, as other uses may not be appropriate and would not justify the loss in Green Infrastructure or pass the Town Centre Sequential Test.

#### Visual Impact / Design / Impact on the street scene

9.8 The development proposed would be on land that is between an existing bowling green and tennis courts and the football pitch. The proposal would add to the built form at the site with the erection of a spectator stand and hospitality building. The site is adjacent to the Conservation Area of Garstang and a Public Right of Way. There is a duty under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) to have special regard to the desirability of preserving listed buildings and their setting and any special features or historic interest they possess and under s72 of the PLBCA with respect to any building or land in a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The Conservation Officer has been consulted on the application and has no objections on the basis that the scale and design of the development is appropriate and complimentary for the location and considered to preserve the setting of any listed buildings within the vicinity and that of the Garstang Conservation Area. The development is therefore considered to be in conformity with S.66 & S.72 of the PLBCA and policy CDMP5 of the Wyre Local Plan.

9.9 Siting – the development would be within the settlement boundary and close to other existing built form. It is not considered that it would stand out as obtrusive. It would not prevent the operation of the adjacent Public Right of Way (PROW), or harm the amenity of the users of this route. The Ramblers and LCC PROW Officer have been consulted but have not commented on the application. As the proposal would not be harmful to the use of the PROW, this would be compliant with Policy CDMP6 of the Adopted Wyre Local Plan.

9.10 Scale – the maximum height of the hospitality suite would be 6m. The spectator stand would be 4.8m high. These are considered to be of a height that would not stand out as obtrusive or out of keeping, with other two-storey properties in



the area. The scale of the development is not considered to be such that it would be over-dominant in the wider area, in particular in relation to the Conservation Area and Town Centre.

9.11 Design/appearance – the spectator stand is designed for its purpose. It would be finished in green cladding. The specifics of the materials would need to be agreed through a condition. The changing rooms/hospitality suite would be of a simple modern design with flat roofs. It is considered that the design is suitable for its purpose and all features would be in proportion. A materials schedule has been provided for this building. This proposes fibre cement cladding to the elevations of the changing rooms in 'Heathered Moss' which is a shade of green, and rich espresso which is a dark grey. These colours and materials are considered to be appropriate.

9.12 An informative could be added so that the applicant is aware that advertisements may require separate advertisement consent.

9.13 Landscaping – no planting is proposed. External areas would remain grassed over and a path would be provided to the front of the buildings and to link with the Town Centre Carpark (existing path partially re-sited). This is considered to be visually acceptable. The materials of the path could be conditioned to be agreed.

9.14 Levels – no levels changes are proposed and a condition could be added for this to be upheld.

#### Impact on the residential amenity

9.15 Light – the nearest main elevations of residential properties to the development would be at least 50m away. The gardens of residential properties would be closer, with the garden of 'Homgarth' within 5m of the application site and other gardens around 40m away. The buildings would not be directly to the rear of 'Homgarth', but would be at an angle towards the northeast. This neighbour has a long +60m length rear garden. With the separation distances proposed it is not considered that there would be an overbearing impact or unacceptable loss of light from the proposal to residential neighbours.

9.16 Overlooking – the separation distances would be as mentioned above. No windows are proposed in the rear of the spectator stand. The sides of this structure would not face any neighbouring properties. Windows are proposed in the changing room/hospitality suite building and balcony over a flat roof. With a separation distance to neighbouring gardens of at least 40m from this building and a greater distance to main elevations, it is not considered that there would be an unacceptable overlooking impact.

9.17 Noise/disturbance – the adjacent site is already used for football matches where there will be associated activity and spectators. The site is close to the Town Centre where there are a range of public places and next to a bowling green and tennis court. It is considered therefore that there is already expected to be public activity in this area and the area is not inherently tranquil. The council's environmental health officer has been consulted on the application and has no objections to the proposal. Therefore, it is considered that there would not be levels of noise such as to cause a statutory nuisance. The application proposes that the use of the development would only be in the afternoons and would cease by 8.30pm at the latest. Therefore, it is not considered that there would be unacceptable disturbance to neighbours into the late evening. A condition could be added to any

permission granted to restrict the development to these appropriate hours. A neighbour has raised concerns about noise during the construction works. The temporary construction period for this type and scale of development is not ordinarily anticipated to warrant control through the agreement of an environmental management construction scheme however in this instance because of the site's proximity to public areas this is considered to be a reasonable and necessary condition. An objection has been raised about the potential for a speaker/announcements system. None has been proposed, however a condition could be added that no external speaker system is installed without obtaining prior consent.

9.18 Lighting – a neighbour has written that the lighting would be obtrusive. The restriction on hours would prevent the internal lights being on at an unsociable hour and no external lighting is proposed. A condition could be added about external lighting to control this.

#### Impact on Highway / Parking

9.19 An existing access would be used to serve the development. Revised drawings have been provided to show the car parking layout (26 car parking spaces and 2 minibus spaces as suggested by LCC Highways) and cycle storage. Lancashire County Council Highways have been consulted on the application and do not have any objections in terms of impacts on highway safety, capacity or amenity. A condition would be required for the marking out of the parking area and the provision of the cycling facilities shown. On this basis it is considered that the proposal would be acceptable in terms of highways impacts and parking.

#### Flood Risk and drainage

9.20 The site lies within Flood Zones 2 and 3. A flood risk assessment has been provided with the planning application and this has been revised during the course of the application. The Environment Agency are satisfied with the proposed drainage of the site and the FRA is considered to be adequate provided that a condition is added about the implementation of the FRA, and also that there are no ground level changes, and the proposed spectator stand and changing and hospitality facilities shall be anchored to the ground to the satisfaction of the local planning authority. These conditions are considered to be appropriate. It is also recommended that the applicant updates their existing flood warning and evacuation plan, or prepares one if they don't have one in place, to ensure that the appropriate course of action is taken in the event of flooding. This could be added as an informative. The council's drainage engineer has also been consulted on the application for professional advice on drainage and flooding. The drainage engineer has no objections to the latest plans. The drainage shown could be conditioned to be implemented. They do advise that the building would lie over a mains foul sewer. This could be added as an informative, as the applicant may need to contact United Utilities. United Utilities also advise on the presence of boreholes in the vicinity and the applicant may have to comply with separate legislation. United Utilities required foul and surface water drainage on separate systems. The plans show this.

9.21 A Sequential Test is required because the site is in Flood Zones 2/3. It is acknowledged that the development has to be sited adjacent to the football pitch as this is the land that would be served by the proposal. The catchment area for the sequential test is therefore the application site. There is nowhere within the application site at a lower risk of flooding where the development could be suitably sited and therefore the proposal is considered to pass the sequential test. The

access and part of the carpark at the western end are in Flood Zone 2, however, it is considered that this area would be too far from the pitch for the facilities proposed.

9.22 An exception test is not required for this less vulnerable development.

#### Other Issues

9.23 Lancashire Fire and Rescue comment that the proposal should comply with Building Regulations. This is separate legislation.

9.24 The Environment Agency wish to draw the applicant's attention to the requirements of a Flood Risk Activity Permit for any development within 8 metres of the landward toe of the Garstang Flood Basin embankment and within 8 metres of the top of the bank of the River Wyre, which is designated a main river. A permit is separate to and in addition to any planning permission granted. An informative could be added about this.

9.25 There are no issues with trees or contamination on the site. GMEU state that there are no known ecological issues with the proposals and this is agreed. Natural England have no objections to the proposal.

9.26 The adjacent site at 'The Bowling Club' state that they have never been approached on the plans. Although pre-application consultations between neighbours and applicants are encouraged, this is not a requirement prior to making a planning application.

9.27 The matter of loss of view from a private property has been raised by a neighbour. This is not a material planning consideration.

### **10.0 CONCLUSION**

10.1 The proposal has been assessed to be acceptable in principle. Although the proposal would result in the loss of some land that is designated as Green Infrastructure, there would be minimal harm to the Green Infrastructure network and the benefits are considered to outweigh this harm in compliance with Policy CDMP4 of the Wyre Local Plan. It is not considered there would be an unacceptable visual impact, including on the Conservation Area, or impact on neighbouring amenity resulting from the proposal. The proposal would have suitable access and sufficient parking. An adequate Flood Risk Assessment has been provided. Overall, the proposal is considered to be acceptable in relation to all relevant planning matters and would comply with the NPPF and the above mentioned Adopted Local Plan Policies.

### **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

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

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

### **12.0 RECOMMENDATION**

12.1 Grant planning permission subject to conditions.

**Recommendation: Permit**

**Conditions: -**

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 7 February 2019 including the following plans/documents:

- proposed changing and hospitality facilities GA2035-CHANGE-01-E
- site location plan GA2035-LP-01-C
- proposed site plan GA2035-PSP-01-F
- proposed topographical levels GA2035-TP-02-A
- proposed spectator stand GA2035-SPEC-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. Prior to first use of any part of the development hereby approved the secure cycle storage provision shown on the approved plans (GA2035-PSP-01-F) and 'arcange' specification received on 14.2.19 shall be provided and thereafter maintained and retained.

Reason: To encourage travel to the site by sustainable transport mode, in accordance with policy CDMP6 of the Wyre Local Plan (2011-31).

4. No part of the development shall be first occupied or brought into use until the drainage works and levels have been completed in accordance with the approved scheme (as shown on approved plan GA2035-PSP-01-F and in the approved Flood Risk Assessment (FRA) [June 2019 Reford]).

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, 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 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

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 and pollution

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. Prior to the installation of any external lighting associated with the development hereby approved, a scheme for the provision of 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 (or any subsequent replacement guidance).

The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained and retained thereafter.

Reason: To safeguard residential amenity and in the interests of public safety in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31)

7. No amplified recorded or live music shall be played at any time, nor shall any external sound system be installed and used, in the outside area(s) of the application site as defined by the red edge on the approved site location plan without prior written consent from the Local Planning Authority.

Reason: To avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

8. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) [June 2019 Reford] and the mitigation measures detailed within the FRA. 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.

9. The development hereby approved shall not be first occupied or brought into use until the parking / turning area(s) shown on the approved plan [GA2035-PSP-01-F] 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.

10. The use hereby permitted shall not operate outside the hours of 17:30-20:30 Monday to Friday, 14:30-18:00 Saturdays, Sundays and Bank holidays/public holidays.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

11. There shall be no changes to the existing ground level on site as shown on the [GA2035-TP-02-A] plan unless proposed ground level changes are submitted and approved in writing by the Local Planning Authority prior to such change taking place. The ground levels shall be constructed and completed in accordance with the approved details.

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity and has a minimum risk of flooding in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31).

12. (a) With respect to the spectator stand and new pathways, no development above ground level shall be commenced until details of the materials to be used in the construction of the external surfaces of the building (including the external walls

and roof) and paths have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

(b) With respect to the hospitality suite and changing room building, the development shall be carried out strictly using the approved materials set out in the approved GS2035 - Material Schedule document received on 08 March 2019, unless minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

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

13. The use of the premises shall be restricted to purposes which are ancillary to the main use of the site being a football ground and shall not be used as a separate unit.

Reason: To prevent the over-development of the site and prevent inappropriate development in this location, in accordance with Policies CDMP3, CDMP4 and EP5 of the Wyre Local Plan (2011-31).

14. Prior to the first use of the development hereby approved, details of a scheme to anchor the proposed spectator stand and changing and hospitality facilities to the ground shall be agreed in writing with the Local Planning Department.

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

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.

**Notes: -**

1. This permission does not relate to the display of any advertisements which may require consent under the Town and Country Planning (Control of Advertisements) Regulations 1989.

2. The site falls in Flood Zone 3. It is therefore recommended that flood proofing measures are considered by the applicant and incorporated into the development where appropriate. Further details are available on the GOV.UK website:-

- Improving the flood performance of new buildings: flood resilient construction (<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>)
- Prepare your property for flooding (<https://www.gov.uk/government/publications/prepare-your-property-for-flooding>)

Further Preparing for Floods guidance is also available on the Planning Portal website at

<http://www.planningportal.gov.uk/buildingregulations/goodpractice/preparingforfloods>

3. Advice from the Environment Agency is that the future occupants should sign up to the Environment Agency flood warning scheme. Further information can be found on the GOV.UK website at: <https://www.gov.uk/sign-up-for-flood-warnings>.

4. The watercourse adjacent to/adjoining the site is designated a Main River.

The applicant will require an Environmental Permit for the proposed surface water outfall into this watercourse. Any development or works, including any new outfall structures, pipelines, landscaping (including trees and shrubs), fences, lighting columns or any other structure, in, under, over or within 8 metres of the top of the bank of the watercourse, will require an Environmental Permit / the prior written consent of the Environment Agency. It should be noted that the grant of permission does not guarantee that any necessary permissions or consents that are required under separate legislation will be forthcoming.

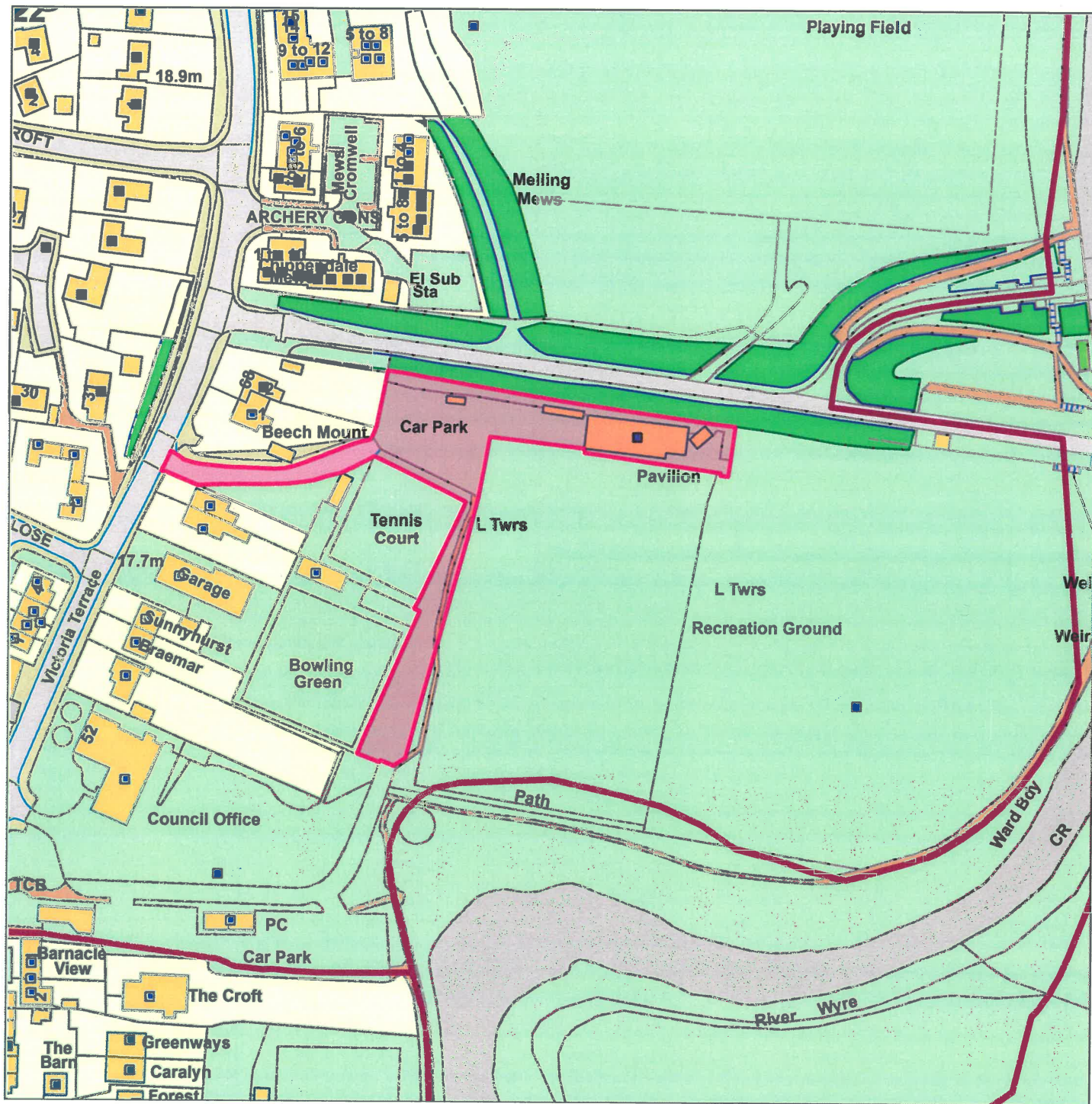
The Environment Agency has a right of entry to the watercourse by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act.

The applicant / developer is advised to refer to <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> and contact the Flood Risk Officer by telephoning 020 302 51397 to discuss Environment Agency access requirements or apply for consent.

5. The grant of planning permission does not authorise any closure, obstruction or diversion of a public right of way. Any proposed stopping-up or diversion of a public right of way should be the subject of an Order under the appropriate Act and Lancashire County Council should be contacted for advice in the first instance.

6. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. 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.





**Scale :** 1:1726

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	Wyre Council
<b>Department</b>	Planning Department
<b>Comments</b>	Item 1
<b>Date</b>	25 July 2019
<b>SLA Number</b>	100008234

This page is intentionally left blank