

Committee Report**Date: 03.10.2018**

Item Number	02
Application Number	18/00008/FUL
Proposal	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.
Location	Morrisons Supermarket Car Park Amounderness Way Thornton Cleveleys Lancashire FY5 3TS
Applicant	McDonalds Restaurant Ltd And WM Morrison Supermarkets PLC
Correspondence Address	c/o Planware Ltd Mr Matthew Carpenter The Granary 37 Walnut Tree Lane Sudbury Suffolk CO10 1BD
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Miss Lucy Lowcock****1.0 INTRODUCTION**

1.1 This application is brought to Committee at the request of Councillor Alan Vincent. A site visit is proposed to allow Members to see the site context including relationship with neighbouring properties.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site incorporates part of the car park and access of the adjacent Morrisons supermarket. The site is in Flood Zones 2 and 3. It is in the urban area, but is outside the Town Centre of Cleveleys. It is not allocated for any particular use under the Adopted Local Plan or the Emerging Local Plan. It is accessed via a junction off the roundabout on Amounderness Way (A585). The site area is 0.17ha.

2.2 Outside of the site boundaries, there is a petrol station to the east, a supermarket and its carpark to the south and residential properties to the north and west. There are some trees and vegetation to the north and west boundaries.

3.0 THE PROPOSAL

3.1 This application is for the erection of a two-storey building on part of the existing Morrisons' carpark to be used as a restaurant(A3/A5) with associated 'drive thru', car parking, landscaping and associated works. The access would be that used for the existing Morrisons supermarket.

3.2 The restaurant would be sited in the centre of the site with the 'drive thru' around the sides and rear of the building. The car parking would be to the front of the building. This would comprise 11 car parking spaces, two of which would be disabled spaces. There would also be two waiting bays at the end of the drive thru. 3 cycle stands would be provided to the front of the building. Two customer order displays are proposed on the 'drive thru' at the western side, to a maximum height of 2.1m. The building itself would measure 25.4m by 12.6m, with a maximum roof height of 8.7m. Its total gross internal area would be 501 sq.m. A flat roof single-storey part is proposed on the western side, for the freezer and chiller. The main entrance to the restaurant would be on the southern side facing towards Morrisons' car park. The materials proposed are natural stone corner shield, cladding to the main elevations in 'wooden décor' Italian Walnut, vertical 'timber effect' aluminium corner shields, aluminium to the roofline and low level finishes in dark grey engineering brick. There would be glazing in the north, south and eastern elevations. No glazing is proposed in the western side.

3.3 The plans have been revised to remove an outdoor children's play area and replace this with an outdoor seating area to the front of the building, which would also extend around the eastern side of the building. A storage 'corral' is proposed on the western side of the building. This would have a maximum height of 2.6m. A bin store is proposed to the western front side also. Outdoor lighting is proposed on 6m high columns around the site, and on 1.8m high posts around the outdoor seating area. A 3m high acoustic fence is proposed to the north and west boundaries of the site, to the front of existing vegetation. 6 CCTV cameras are proposed to be sited around the building on the external elevations.

4.0 RELEVANT PLANNING HISTORY

4.1 Other applications relating to this development currently being considered include:

App. No: 18/00012/ADV - Advertisement consent for 1 height restrictor (internally illuminated), 7 free-standing signs (internally illuminated), 1 directional sign (non-illuminated) and 14 dot signs (non-illuminated).

App.No: 18/00011/ADV - Advertisement consent for one 8m high internally illuminated totem sign

App. No: 18/00010/ADV - Advertisement consent for 4 internally illuminated fascia signs

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 1999 (SAVED POLICIES)

5.1.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be given to relevant policies according to their degree of consistency with the Emerging Local Plan and the National Planning Policy Framework (NPPF).

5.1.2 The following policies are considered to be of relevance to the determination of this application:

- SP14 Standards of Design and amenity

- ENV13 Development and flood risk

5.2 EMERGING WYRE LOCAL PLAN

5.2.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The Inspector appointed to carry out the examination held a series of hearing sessions in May into the Local Plan, which included consideration of proposed modifications submitted by the Council prior to and during the hearing sessions. The Inspector issued a Post Hearing Advice note to the Council in July which provides a clear direction on key issues arising from the examination and further main modifications that are required to make the Wyre Local Plan sound. The Council published its initial response to the Inspector's note on the 30th July 2018, which sets out how it will be making the necessary amendments required by the Inspector. The proposed Main Modifications (MM) to the 'Publication' draft Wyre Local Plan were considered by Full Council on 6th September and approved for public consultation for six weeks, commencing on the 12th September. Although the draft Local Plan as proposed to be modified does not have the full weight of an adopted Local Plan, it has reached an advanced post hearing stage in the local plan process and is supported by a comprehensive and robust evidence base. Development plan policies contained within the draft Local Plan as proposed to be amended in response to the Inspector's Post Hearing Advice will therefore be given increased weight in determining planning applications depending on the particular circumstances of the case and the extent of any unresolved issues.

5.2.2 Where policies in the new Wyre Local Plan are consistent with the 2012 NPPF, then the (revised) NPPF published in 2018 allows for increased weight to be given to them. Those development plan policies with no unresolved issues will be given significant weight. Alongside these, the policies in the 2018 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.3 The following policies contained within the draft Local Plan are of most relevance:

- SP2 Sustainable development
- SP8 Health and well-being
- CDMP1 Environmental protection
- CDMP2 Flood risk and surface water management
- CDMP3 Design
- CDMP4 Environmental assets
- CDMP6 Accessibility and transport
- EP5 Main town centre uses

OTHER MATERIAL CONSIDERATIONS

5.3 NATIONAL PLANNING POLICY FRAMEWORK

5.3.1 The new National Planning Policy Framework (NPPF) was published by the Government on the 24th July 2018. 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). For decision-taking, this means:

approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless :

- i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.3.2 The following sections/policies set out within the NPPF are relevant to the determination of this application:

- Section 6. Building a strong, competitive economy
- Section 7. Ensuring the vitality of town centres
- Section 8. Promoting healthy and safe communities
- Section 9. Promoting sustainable transport
- Section 11. Making effective use of land
- 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

5.4 NATIONAL PLANNING PRACTICE GUIDANCE

5.4.1 Sections on ensuring the vitality of town centres and flood risk and coastal change are relevant.

5.5 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.5.1 None relevant

6.0 CONSULTATION RESPONSES

6.1 BLACKPOOL COUNCIL - no comments received

6.2 GREATER MANCHESTER ECOLOGY UNIT (GMEU) - no objections but require a condition restricting tree works during the nesting bird season.

6.3 HIGHWAYS ENGLAND - initially required further work to be undertaken by the applicants to enable Highways England to take a final view on this application. A further response based on additional information submitted (an updated Transport Assessment (TA) revision A dated May 2018) recommends that conditions should be attached to any planning permission that may be granted. Satisfied that the assessment methodology is acceptable. Of the view that the proposals would not result in there being a severe impact upon the operation of the Strategic Road Network. Highways England has concerns regarding the safety of the revised proposals in terms of the revised kerblines between the Morrisons store exit arm and Victoria Road West. Therefore, unable to give agreement in principle to drawing ref 3385-08. Their view is that alterations to the layout of the junction are better delivered as part of an envisaged future Highways England or Lancashire County Council scheme to improve the Thornton / Victoria Road junction as a whole. Highways

England does not however have any objection in principle to the applicants offer to improve pedestrian and cycle crossing facilities at the junction contained within the previous drawing reference 3385-07 within the original TA. Require conditions for a scheme for non-motorised user crossing improvements and its implementation, and a travel plan.

6.4 LCC (LEAD LOCAL FLOOD AUTHORITY) - standing advice should have been applied, should not have been consulted. The revised Flood risk Assessment (FRA) suggests that there may be an historical culvert under the proposed site and that further investigations are to be carried out to prove if this is the case or not. If it is proved that a watercourse does exist then under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority to build a culvert or structure (such as a weir) or carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not. For the avoidance of doubt, once planning permission has been obtained it does not mean that land drainage consent will be given.

6.5 LCC (HIGHWAYS) - no objections to original or revised plans. LCC have no objections with regards to the parking provision and the internal road layout proposed within the site. The evidence and plans supplied show that the parking will not be at capacity. With regards to the manoeuvres within the site, the swept path and plans LCC Highways have no concerns. The proposed extension to the footway on Victoria Road West into a shared footway is supported. The LCC adopted highway plan is attached to show the scheme can be delivered within the highway. It should be noted there is a culvert adjacent the footway on Victoria Road West and the structure is maintained by Amey Mouchel. The site should be inspected to check that the 3m width for the shared footway/cycleway can be achieved without interfering with this structure. Extra barriers around the culvert maybe required as the verge is being almost removed to accommodate the shared footway/cycleway. Request further changes on Victoria Road West so that the existing pedestrian refuge is extended to accommodate cyclists with enhanced signs and footway details. This could be constructed with a suitable legal agreement in conjunction with the cycleway works on the Highways England maintained highway. It is requested that the proposed cycle scheme receives a safety audit and LCC Highways would like to be involved with this audit. The existing hedge will require pruning to reduce the encroachment into the proposed shared footway/cycleway.

6.6 ENVIRONMENT AGENCY - original response - object until a satisfactory FRA has been submitted. The proposal is 'less vulnerable' development. In accordance with the NPPF paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF.

Revised response - Satisfied that the revised FRA demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. As such, withdraw their objection. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and/or the mitigation measures identified will require the submission of a revised FRA as part of an amended planning application. General advice given to the local planning authority to formally consider the emergency planning and

rescue implications of new development in making their decision and to the applicant on flood proofing and flood warning scheme.

6.7 UNITED UTILITIES - no objection but require conditions about foul and surface water. UU water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991. The level of cover to the water mains and sewers must not be compromised either during or after construction.

6.8 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY) - no objections. Requested conditions about noise mitigation measures and a specification of the acoustic fencing, hours for deliveries, trading hours, staff parking, outside seating areas, delivery vehicles and metal roll cages. Also a construction management plan should be conditioned. Details of external artificial lighting should be agreed. An odour management plan is required as a condition. Further comments received based on revised plans/information. No objections in terms of noise, provided mitigation measures in the noise assessment are implemented. Requires a condition about the exact specification of the acoustic fence. Plus conditions previously requested. Based on acoustic barrier information submitted no objections and require the barrier is installed. No objections about pest control or waste. Further response dated 13.9.18 requests an air quality assessment.

6.9 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION) - standard condition to be added.

6.10 SERVICE DIRECTOR - PEOPLE AND PLACES (PARKS AND OPEN SPACES) - no comments to add

6.11 SERVICE DIRECTOR - PEOPLE AND PLACES (TREES) - no objection. No replacement tree planting is necessary. Requested a tree protection plan to protect the retained shelter belt.

6.12 WBC HEAD OF ENGINEERING SERVICES - original response - refuse; additional information required. A FRA is required. Site is located over a historic section of Royles Brook watercourse which appears to have been culverted. An 8m easement would be required for the culvert if this still exists. Applicant must confirm that the watercourse no longer exists or has been rerouted. Watercourse should be investigated as means of disposal of surface water. Further response - despite submission of FRA upholds objection on basis of watercourse beneath site and inadequate surface water drainage. Requires confirmation from CCTV survey on whether or not the Royles Brook watercourse has been rerouted. Further response (03/09/18) - additional information (flood risk report) has a number of errors. Riparian Ownership - report states there are no water features within or adjacent to the site. The site has a historical route for Royles Brook watercourse - no evidence has been provided to confirm whether or not this has been rerouted. Flood storage areas - report states that there are no FSA within 500m of the site - there are two FSA close to the site - one next to Morrisons petrol station (approx. 50m from site), the second on Swan Drive (approx. 300m from site). Historical Flooding - report states no flooding within 500m of site. This is incorrect, there has been repeated flooding to properties to the south-east and north-east of the site, including flooding to highways and internal flooding of residential properties. The most recent flooding was 22 November 2017 (after date of report). Also applicant has yet to provide results from CCTV survey to confirm whether or not section of Royles Brook watercourse through the site has been diverted (FRA 2.10). This must be provided prior to any approval.

Final response (14/09/18) confirms no objection in principle. Site inspection did not confirm whether or not the section of Royles Brook watercourse through the site has been diverted. Applicant has yet to provide results from CCTV survey to conclusively prove this. Prior to any construction works, Applicant must undertake works (e.g. CCTV survey or trial excavations) to prove that watercourse does not run underneath proposed building, or must propose plans to build over or reroute it.

7.0 REPRESENTATIONS

7.1 201 public letters of objection received, points raised:

- light pollution
- confusion about the opening hours
- traffic/highway safety
- smells
- inadequate drainage, localised flooding
- will there still be a footpath from Victoria Road West?
- parking issues and congestion
- lack of need for another eating place/takeaway
- noise: traffic, customer, deliveries, children's play area
- anti-social behaviour
- car fumes/pollution/air quality
- loss of privacy
- at the side of the footpath to Victoria Road West is a body of water. If the path is to be used more there is a need for more secure fencing around this. There are warning notices but these are often ignored around water.
- doesn't encourage health eating/obesity
- litter: vermin and insects and seagulls
- fire risk
- excessive development/overdevelopment of area
- impact on wildlife. Should consult Natural England.
- impact on light to houses
- devalue properties
- visual amenity
- Norcross would be better or the defunct petrol station at Norbreck, or Jubilee Gardens
- the Environment Noise Assessment shows a photograph of the location of the microphone used, the caption below the photograph states: "on the ground in the middle of the site, as shown in the photograph below". Whereas the microphone is clearly located in the bushes at the very corner of the site. Questions this methodology.
- Questions methodology of car parking survey
- Signage out of character and overbearing
- adverse impact on local businesses
- loss of trees
- didn't get a letter (18 Knights Close)
- pedestrian access to store would be compromised
- fumes impact on children's play area/safety of play area
- issue with type of employment
- don't want double yellow lines adding to Victoria Road West
- should apply Town Centre Sequential Test/impacts on Town Centre
- neighbouring property lower than site
- asked for 4m high fence
- parking issues on Rowland Lane

7.2 144 public comment letters of support received, points raised:

- job creation
- more people will come to Cleveleys
- give kids an affordable option
- socio-economic benefits
- easier to get to than Blackpool or Fleetwood/convenience
- good to see a play area
- less distance to travel to McDonalds. Save on petrol and less pollution.
- place for young people to gather in a safe environment.
- would reduce traffic flow around the Fleetwood McDonalds

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Revised transport assessment, footway improvement plan and travel plan 10/9/18

8.2 Provided acoustic barrier specification 24/8/18

8.3 Revised flood risk assessment and flood risk sequential test 21/8/18

8.4 Detailed bin store materials and revised town centre sequential test 17/8/18

8.5 Provided barrier plan 1/8/18

8.6 Revised plans to remove play area and include 3m high acoustic fence.
Revised noise assessment 18/6/18

8.7 Revised retail sequential test and flood risk sequential test 1/6/18

8.8 Revised transport assessment 10/5/18

8.9 Revised flood risk assessment 3/4/18

8.10 Submitted flood risk sequential test 30/3/18

8.11 Revised travel plan and transport assessment 7/3/18

9.0 ISSUES

9.1 The main issues in this application are as follows:

- principle of development
- visual impact
- impact on neighbouring amenity
- highway safety and parking
- flood risk and drainage

Principle of development:

9.2 The site is an existing supermarket carpark in the urban area of Cleveleys but outside of the Town Centre. The site is not allocated or designated for any particular purpose under the current Local Plan or the Emerging Local Plan.

Comments have been raised from neighbours that there is no need for another eating place, however need and competition in the market are not matters that can be taken into account. Paragraph 80 of the NPPF requires planning decisions to help businesses to invest, expand and adapt. The site is considered to be in an accessible location being in the urban area near existing development and houses, and accessed off a main trunk road. There is a bus-stop on Victoria Road West approximately 135m away, and therefore the site has access to public transport within walking distance of the site. The existing pedestrian route from Victoria Road West would remain open. Notwithstanding that the format for the development includes a specific service for car borne visitors, the site would be accessible via cycle, and cycle stands are proposed to be provided. This is therefore considered to be a reasonably sustainable location, in accordance with the NPPF. A condition could be used to ensure the provision of the cycle stands prior to first use. Being in the curtilage of a supermarket, it is considered that this land would meet the definition of previously developed land (brownfield). Paragraph 118 of the NPPF encourages the use of brownfield land. As this land is a carpark it is not considered to be of high environmental value. Therefore, its development would be in line with this section of the NPPF.

9.3 The NPPF also aims to protect Town Centres by applying a Sequential Test to planning applications for main town centre uses, which includes restaurants and drive through restaurants. Paragraph 86 states that these uses should be located in Town Centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. Policy EP5 of the Emerging Local Plan is in accordance with this requiring a Sequential Test for main town centre uses outside defined centres. The application site is an out of centre location therefore a Sequential Test has been submitted. This states that McDonalds require in the region of 0.3ha of available space. The application site is 0.17ha in size but would share part of the existing Morrisons' carpark. It is agreed by the Council that any alternative site would have to be able to accommodate the restaurant and drive through, as this is the development proposed. The Sequential Test originally considered 3 sites in Cleveleys. This has been revised based on catchment area details provided to assess a wider area and greater number of sites. Professional advice has been obtained by the Council from specialist retail consultants on the submitted Sequential Test. This advised on a number of sites that should be Sequentially Tested additional to those originally considered by the applicant and that the Town Centre of Poulton-le-Fylde and the district centre at Bispham should be assessed. These have been assessed by the applicant in a revised Sequential Test. Also, the applicant has dismissed the Tesco store on Victoria Road West in Cleveleys that may become available within a reasonable period, as 'the supermarket is approximately 0.1ha and is therefore too small to accommodate the proposal, which requires an approximately 0.3ha site. As the building forms part of a large retail frontage it would be unable to accommodate the drive-thru element of the proposal. It is detailed throughout the sequential test that this element of the scheme is integral to the scheme and cannot be segregated. As such, the Tesco site is unsuitable for the proposed development as it could not accommodate a drive-thru lane'. It is considered that the developer has fully explored opportunities to utilise suitable Town Centre or edge of centre sites but none are presently available, and therefore the proposal passes this Sequential Test.

9.4 A Town Centre impact assessment would not be required as the floor area of the development would be less than 2500sq.m, which is the threshold as set out in paragraph 89 of the NPPF and the Emerging Local Plan for leisure proposals.

9.5 Balancing the above factors, including the gain of making effective use of brownfield land, that the land is not allocated for any particular use under the Adopted and Emerging Local Plans, the site's accessibility and that the application has passed the Town Centre Sequential test, demonstrating that there are not suitable sites for the development in or closer to Town Centres, the proposal is considered to be acceptable in principle. The specific use could be conditioned to prevent a change to a different use class.

Visual Impact:

9.6 The site is an existing car park of a supermarket in an urban area. The main supermarket building is to the south, there is a petrol forecourt to the east and residential dwellings that are two-storeys high to the north and west. In this location it is considered that the development would be viewed with other built form and would not stand out as isolated or obtrusive. At a maximum height of 8.7m, the height and scale of the building would be in keeping with the surrounding development. The materials proposed are stone, cladding to the main elevations in 'wooden décor' Italian Walnut, aluminium and low level finishes in dark grey engineering brick. There would be glazing in the north, south and eastern elevations. The overall design of the building would be coherent and the materials would be modern and of a variety to add visual interest. A condition could be added that the materials be used as shown on the plans. Adjacent to a petrol forecourt and supermarket, it is not considered that this development would be out of keeping or visually harmful. The site would not appear overdeveloped with plenty of space around the building and from nearby properties. Part of the building would be visible when looking down the residential street of Osbourne Avenue in an easterly direction, however, being set at the end of the road and with an approximate gap of 22m from the main building, it is considered that the development would be viewed separately from the street so as not to be harmful to its existing character.

9.7 Externally, a 'drive thru' is proposed along with parking, and outdoor seating areas. It is considered that these features would be in keeping with the appearance of the building and would not stand out in the wider area as obtrusive or visually harmful. Most of the outdoor areas would be paved over as is the existing carpark, with small areas of turf and low level shrubs. The outdoor seating area would be enclosed with 1.1m high fencing with 1.8m high lamps. This would be visually acceptable. 3m high acoustic fencing is proposed to the north and western boundaries and 0.45m high post and rail fencing to the western boundary. These would be visually acceptable, however, the details of the materials for this can be controlled through a condition. Customer order displays are proposed to the western side of the building. These would be a maximum of 2.1m high. They would be of an appropriate scale and in keeping with the rest of the development. A bin store is proposed to the front of the building at the western side. This would be 2.6m high, enclosed with panel cladding and dark grey gates to one side. This would be of an appropriate scale and appearance. This would be in wooden decor cladding, which would be visually appropriate. 6m high lighting columns are proposed around the site. It is not considered that these would be visually unacceptable in this location and at this scale, however, a condition would be required for their detail to be agreed also for amenity reasons (discussed below). A barrier is proposed along the access into the supermarket and proposal. This would be visually appropriate in this setting, next to the entrance to a supermarket and adjacent to a petrol forecourt. CCTV cameras are proposed on the building. These would be visually appropriate being small-scale secondary features.

9.8 The existing and proposed land levels are shown on a plan. The site would slope up towards the building from around 5.0m AOD to 5.48m AOD. It is currently relatively level at around 5.0m AOD. The proposal would not result in significant level changes over the existing situation and would not be visually harmful. A condition could be used to ensure the levels stated on the application are implemented.

Impact on the neighbouring amenity:

- noise/disturbance/odour

9.9 There are residential properties adjacent to the site. Neighbour objections have been received raising concerns of odour, noise, car fumes, litter and anti-social behaviour. There is already activity on the site with it being a supermarket car park. Cars are at present coming and going to and from this area on a frequent basis. The restaurant/takeaway use would be open from 6am to 11pm everyday as set out on the planning application form. The outdoor children's area originally proposed has been removed and replaced with an outdoor seating area. The council's environmental health officers have been consulted on the application and have no objections provided that conditions are included about noise mitigation measures and a specification of the acoustic fencing, hours for deliveries (7am-7pm), trading hours (6am-11pm), staff parking, location and screening of outside seating areas, delivery vehicles and use of metal roll cages (7am-11pm). Also a construction management plan should be conditioned. The required noise mitigation measures would include the use of silencers on extraction, a 3m high acoustic fence to northern and western boundaries and customer order displays with volume control. It is considered that through the use of these conditions there would not be unacceptable noise and disturbance to neighbouring properties. Notwithstanding the lighting details provided, environmental health require details of all external artificial lighting to be agreed through a condition to ensure that this meets required standards and prevents unacceptable glare into neighbouring properties. An odour management plan is required through a condition, which would prevent unacceptable odour to neighbouring properties. The conditions requested by environmental protection are considered to be appropriate, except the one concerning the outdoor seating area as these details are provided, therefore require no further condition. A delivery management plan can be conditioned to control the delivery vehicles. As the acoustic barrier details have been provided and are considered appropriate by environmental protection, this can be conditioned to be installed prior to the first use of the development. With these conditions attached to any planning permission granted, it is not considered that the proposal would have an unacceptable impact on neighbouring amenity through noise, disturbance, light or odour. Neighbour comments have been received on anti-social behaviour and litter. A person's behaviour in this way cannot be controlled through the planning system; this would be the responsibility of the site operator and any individuals involved. Matters on health are discussed below. Comments have been received that the proposal would attract vermin and seagulls. Environmental health state there will be sufficient receptacles on site for the disposal of waste generated on site. These will include external bins for the outside eating area and lidded bins for waste generated from the kitchens. The bin store provision can be conditioned. Comments have been received from neighbours about the impact on air quality from the cars using the site, in particular the 'drive-thru'. The site is already used for car parking, however a 'drive thru' would have the potential for more standing traffic. Environmental health have recently requested that an air quality assessment be submitted with the application. This has been requested from the applicant and is awaited. The results will be reported to members on a committee update sheet.

Overlooking

9.10 No windows are proposed in the western side of the building, with this side facing residential dwellings. The windows in the south would face the existing supermarket carpark and the windows in the east would face the petrol forecourt, which would not cause unacceptable overlooking. The proposed first-floor glazing in the rear (north) of the building would be over 20m to the boundary with the residential properties to this side and over 30m to the main windows of the houses. These separation distances are considered to be sufficient to prevent unacceptable overlooking. Some screening would also be provided by the existing vegetation to the boundaries. The users of the drive thru and outdoor areas would be screened from neighbouring properties by a 3m high acoustic fence, which would prevent overlooking. This will be conditioned to be provided.

Light

9.11 A two-storey building is proposed with a maximum height of 8.7m, with land level increases of around 0.5m to part of the site. With the separation distances mentioned above, it is not considered that there would be an unacceptable impact on light to neighbours or that the proposed building would be overbearing to the neighbours to the north. To the western side, the nearest neighbour would be around 25m away from the main building and 20m away from the outdoor coral. With secondary side windows facing the site, this would be adequate separation for the building not to have an unacceptable impact on these neighbours in terms of light or overbearing. The outlook from the windows of the neighbouring houses would change, with a currently relatively open area being built on, however, with the spacing to be provided, it is not considered that looking at a building would have an unacceptable impact on the amenity of the occupiers. As an example, many residential developments have properties closer to each other than this proposal would be from the houses. The proposed 3m high fence would be adequate distance from the main windows of neighbouring properties to not be overbearing to them.

Highway Safety and Parking:

9.12 The site would be accessed via the existing access to Morrisons from Amounderness Way. It would be on part of the existing Morrisons' car park and there would be an overall loss in the number of parking spaces. Neighbour objections have been received on impacts on highway safety, parking and traffic generation. A Travel Plan and Transport Assessment have been submitted with the application. LCC Highways have been consulted on the application and have no objection. They state that they are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. They have no objections to the loss of parking and the proposed layout. They support the footway extension to a shared 3m wide footway on Victoria Road West subject to appropriate protection of an adjacent culvert if required. They also request that the existing pedestrian refuge is extended to accommodate cyclists with enhanced signs and footway details. This has been shown on a revised plan and full details can be secured by condition. An informative can be added about the culvert and carrying out these works under a S278 agreement. It is also considered to be appropriate by the planning officer to require the parking shown to be laid out and cycle stands to be in place prior to first use of the development through a planning condition. As Amounderness Way (A585) is a trunk road, Highways England have been consulted on the application. Their initial response requested further information, which has been submitted and Highways England were reconsulted. They are satisfied that the proposals would not result in a severe impact upon the operation of the Strategic

Road Network. They require conditions about the provision of a scheme for non-motorised user crossing improvements and its implementation, and a travel plan. No request for financial contributions towards the improvement of the highway network has been made from either LCC Highways or Highways England. With conditions and based on the professional advice obtained, it is not considered that the proposal would have an unacceptable impact on highway safety or traffic generation. Neighbour comments have been received that they do not want double yellow lines adding to Victoria Road West. This would be a matter for Lancashire County Council Highways.

Flood Risk and drainage:

9.13 The site falls within Flood Zones 2 and 3. The Environment Agency have no objections to the revised Flood Risk Assessment and require that this be implemented. A condition could be added to ensure this. The Flood Risk Assessment states the finished floor levels would be set at 5.5m AOD, around 400mm above existing ground levels. It also states the existing ground levels vary between 4.9m AOD and 5.3m AOD. A topographical survey has been provided showing existing and proposed ground levels and the proposed finished floor levels. The levels would have to be raised to slope up to the building. The land would not be raised higher than the land surrounding the site, so there would not be an unacceptable impact on surface water flows. The council's drainage engineer has raised that there are two flood storage areas close to the site - one next to Morrisons petrol station (approx. 50m from site), the second on Swan Drive (approx. 300m from site). The Environment Agency have no concerns about these, as they are not Environment Agency owned or operated. Also, they state that they understand that recent flooding was not from tidal or fluvial sources. Informatives could be added about flood proofing and The Environment Agency flood warning scheme.

9.14 A Sequential Test for flooding is required in accordance with the NPPF because the development is in Flood Zones 2 and 3, and consideration should be given to providing the development in a lower risk flood zone. In paragraph 158 of the NPPF it states 'development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'. The site is not allocated for development under the Emerging Local Plan, therefore has not been sequentially tested under the Strategic Flood Risk Assessment, and a Sequential Test should therefore be carried out by the applicant. The Council's Flood Risk Sequential Test guidance note (which is a material planning consideration) lists sources of evidence for comparator sites. Also, it states 'applicants will normally be required to consult professional property agents with demonstrable knowledge and understanding of the local land and property market in Wyre. It is recommended that a minimum of three agents who individually or collectively cover the agreed area of search are used'. The Council considers that the geographical area for the flood risk Sequential Test should be in line with the Town Centre Sequential Test (detailed under the principle section above), as this is the catchment area for the proposal. A revised Flood Risk Sequential Test has been submitted. This has looked at sites in the area of search for the Town Centre Sequential Test. Sites have been considered from a variety of sources, including 3 property agents. No sites suitable for the development at a lower risk of flooding have been found. Within the Morrisons' Carpark itself there are no suitable areas for the development at a lower risk of flooding. The proposal is therefore considered to pass the Flood Risk Sequential Test.

9.15 The Exceptions Test does not need to be applied in this case as the proposal is for less vulnerable development. This is in accordance with the NPPF.

9.16 On the application form it is stated that foul and surface water would go into the mains. The submitted FRA details further drainage proposals. The Council's drainage engineer has been consulted on the application. Following a site inspection by the drainage engineer, earlier objections have been removed subject to the applicant further investigating a watercourse understood to run across the site before commencement of development. However, LCC Flood comment that 'consent from the Lead Local Flood Authority (LLFA) is needed to build a culvert or structure (such as a weir) or carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not. For the avoidance of doubt, once planning permission has been obtained it does not mean that land drainage consent will be given.' Therefore, separate consent would be required if there is found to be a watercourse on the site which would be affected by the development. A condition is therefore not considered to be necessary or reasonable, as this would be dealt with through other legislation, including requiring consent from the LLFA. An informative on this can be added. United Utilities have no objections, but require conditions about surface and foul water details. It is considered that there can be a suitable drainage solution for the site, which can be secured by condition.

Other Issues:

9.17 Some trees would be required to be removed to the site boundaries as shown on the existing site plan. None of the trees are protected by Tree Preservation Orders. The Council's tree officer has been consulted on the application and has no objections nor requires any replacement tree planting. It has been recommended that a tree protection plan is submitted to ensure the retained trees are protected. This could be conditioned. On this basis it is not considered that there would be loss or harm to trees of significance. It is not considered that the tree removal would have an unacceptable landscape impact.

9.18 Environmental health have requested a condition about gas protection measures so as to protect the environment and human health. This would be suitable.

9.19 The site is an existing car park to a supermarket and is in itself not considered to have features of biodiversity importance being an area of hardstanding where cars park. There are trees and vegetation outside the boundaries of the site. Some trees would have to be removed, which the Council's tree officer has no objections to. Other trees would be retained to these areas outside the site. As a precaution a condition could be added that trees and vegetation are not removed during the bird nesting season, so as to protect nesting birds. An informative could be added about protected species as a precaution. This would suitably address the matter of biodiversity and is based on advice from GMEU.

9.20 Comments from neighbours have been raised about the health impacts of the proposal. Section 8 of the NPPF covers healthy and safe communities. This includes promoting social interaction, which the proposal would do, and aiming for places that are safe and accessible. The site is considered to have a suitable layout so as to be open to the public and create a place that is not of a design that would support crime and disorder, including being well lit with openly visible outdoor areas. Also proposed is external CCTV. The site would be able to be accessed via walking and cycling. Lancashire County Council have published a 'Hot Food Takeaways and Spatial Planning Public Health Advisory Note' which covers how local planning authorities could help to tackle the increasing health issues of excess weight and

obesity within Lancashire, through stricter control of the development of hot food takeaways. One such recommendation in this document is to have a 400m restriction zone on fast food outlets surrounding secondary schools. There are two schools near to the application site (as the crow flies) but they are both further away than 400m walking distance. Furthermore the document does not identify that Wyre has a specific problem in comparison to elsewhere, including other Lancashire authorities, so whilst it is a material consideration it should be given little weight, particularly as Wyre does not have any adopted or emerging local planning policy or guidance controlling fast food outlets.

9.21 Comments have been raised from neighbours about property prices, the types of jobs to be created and energy wastage. These are not material planning considerations. Any comments relating to the proposed advertisements on/around the building have been addressed under the separate Advertisement Consent applications listed above under planning history. An informative could be added about the need for advertisement consent.

9.22 Comments have been raised from neighbours about the fire risk of the proposal being sited next to a petrol station. This is not a planning matter but may be addressed by other legislation, including Building Regulations. A neighbour has also raised that the path from Victoria Road West runs next to a body of water and requests secure fencing around this, although this is not a planning consideration.

10.0 CONCLUSION

10.1 The proposal would be for a restaurant and 'drive thru' to be sited on the existing carpark of Morrisons, Cleveleys. The land in question is not allocated for any particular purpose under the Adopted and Emerging Local Plans. The site is outside the Town Centre of Cleveleys and a Town Centre Sequential Test has been carried out and has been passed. The proposal would therefore be acceptable in principle. It has been assessed that through the use of planning conditions the proposal would be visually acceptable in this urban area and would not unacceptably harm neighbouring amenity. Advice from Lancashire County Council Highways and Highways England supports that there would not be unacceptable harm from the proposal through traffic generation, or on highway safety or parking. The site is in Flood Zones 2 and 3. The Environment Agency consider the submitted Flood Risk Assessment to be acceptable. The proposal has passed the Flood Risk Sequential Test, as it has been demonstrated that there are no suitable sites available for the development at a lower risk of flooding. Conditions can be added to ensure the installation of a suitable drainage scheme. The proposal is considered to be acceptable with regards to all other relevant material planning considerations. Subject to conditions the proposal is considered to comply with the NPPF and the relevant policies of the Adopted and Emerging Wyre Local Plans, and is acceptable.

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 16 January 2018 including the following plans/documents:

- Location plan Revision E
- Proposed site plan Revision H
- Proposed internal layout
- Proposed building elevations Revision A
- Proposed levels Drawing No: 4170778-100 Rev I1
- Landscape Plan Revision E
- Proposed bin store Revision A
- Proposed barrier plan Revision A
- Block plan Revision D
- Typical barrier and lamp post details
- Poteau Lampadaire SB99
- Ensemble Cloture
- Terrace equipment Range Euroline 3 - Mix 2015
- COD DT Order Post 1:20
- BXMW/GS/Sheffield-Stand
- Absorptive modification to Jakoustic fencing (Drawing No. J7/04177)
- Jacksons Fencing Acoustic barriers

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 premises shall be used for a restaurant with hot food takeaway and drive thru only and for no other purpose.

Reason: The use of the premises for any other purpose would require further consideration by the Local Planning Authority in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

4. The development shall be carried out using those materials specified on the approved plan(s), unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

5. Prior to first use of any part of the development hereby approved, the secure cycle storage provision shown on the approved plans (Proposed Site Plan Revision H) and sheffield cycle stand specification shall be provided and thereafter maintained and retained.

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

6. Prior to the first use of the development hereby approved a 3m high (from ground level) acoustic barrier shall be erected around the boundary of the development as indicated on the approved site plan (Revision H) and based on the physical properties and acoustic specification outlined in the submitted plan (Drawing No. J7/04177) and in the Jackson Fencing: Acoustic Barriers documentation. Notwithstanding the details provided with this application, details of the external appearance of the fencing and the materials to be used, shall be submitted to and agreed in writing with the Local Planning Authority prior to its erection. The approved details shall thereafter be maintained and retained in good working order and in good repair.

Reason: In the interests of the appearance of the locality and the residential amenity of neighbours in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

7. The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved plans (proposed levels drawing No: 4170778-1100 REV I1).

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 SP14 and ENV15 of the Adopted Wyre Borough Local Plan (July 1999).

8. Prior to use of the development hereby approved, the scheme of noise mitigation measures set out in sections 6 and 7 of the supporting Noise Assessment submitted with the application [project reference 6814/puja date 15/6/18] shall be implemented. The approved noise insulation measures shall thereafter be retained.

Reason: To avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

9. There shall be no deliveries or collections of goods (including waste and recycling) to or from the development hereby permitted outside the hours of 07.00 and 19.00.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with the provisions of Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

10. The premises shall not be open to the public outside the hours of 06.00 and 23.00.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

11. Outside the hours of 06.00 and 23.00, staff using the site shall only park their vehicles in the designated parking spaces shown on the proposed site plan Revision H.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

12. Prior to the first occupation or use of the development hereby approved, a delivery management plan shall be submitted to and agreed in writing with the Local Planning Authority. The operation of the premises shall be carried out in full accordance with the agreed delivery management plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

13. No metal roll cages shall be used at the development outside of the hours of 07.00 and 23.00.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

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

Procedures for maintaining good public relations, including complaint management, public consultation and liaison.

Arrangements for liaison with the Councils Environmental Protection Team

The intended hours of work. It should be noted that the standard permitted hours of operation expected in relation to all works and ancillary operations (including deliveries to and removal of plant, equipment, machinery and waste), which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, are :

- Between 08.00 hours and 18:00 hours, Monday to Friday
- Between 08.00 hours and 13:00 hours on Saturdays
- At no time on Sundays and Bank and Public Holidays

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

Measures for controlling the use of site lighting whether required for safe working or security purposes

Procedures for emergency deviation of any agreed element within the Plan

The construction of the development including any demolition works shall be carried out in accordance with the approved CMP.

Reason: Such details were not submitted with the application and need to be in place throughout the construction period in the interests of the amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

15. 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 scheme shall demonstrate that light intrusion into the windows of any sensitive premises will not exceed 10 Lux before 23.00, and 2 Lux after 23.00 (Environmental Zone E3). 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 in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (1999) and paragraphs 17 and 125 of the National Planning Policy Framework.

16. The use hereby approved shall not commence until a scheme for the control of odours has been submitted to and approved in writing by the Local Planning Authority. To include technical specifications, construction and precise location/siting of the extraction vents/external flues. The approved scheme shall be implemented in full prior to first use and thereafter maintained in good working order at all times.

Reason: Such details were not submitted with the application and are necessary to minimise the risk of pollution that may cause nuisance and harm to the amenity and/or health of occupiers of nearby buildings, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

17. No part of the development hereby approved shall be open for business to the public until the full 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 and to be agreed 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.
- An independent Stage 1 & Stage 2 Road Safety Audit carried out in accordance with current departmental standards and current advice notes.

No part of the development pursuant to this planning approval shall be open for business to the public until the approved scheme has been constructed and completed in accordance with the approved scheme details.

Reason: To protect highway safety in accordance with the NPPF and Policy SP14 of the Adopted Wyre Local Plan.

18. Prior to the construction of the development hereby approved, a Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Highways England and Lancashire County Council.

The agreed Travel Plan shall be in place and be in force from the point which the development first becomes operational for a minimum period of five years.

Reason: To protect highway safety in accordance with NPPF and Policy SP14 of the Adopted Wyre Local Plan.

19. 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 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 (March 2012).

20. Prior to the commencement of the development hereby approved a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, 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, 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. 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. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with Policy ENV15 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

21. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) [Issue 3: 15 August 2018 Ref: MD4170778/KLJ/001] and the mitigation measures detailed within the FRA.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with saved policy ENV15 of the Wyre Borough Local Plan (1999) and the National Planning Policy Framework.

22. Prior to the commencement of development, including any demolition or tree works, a Tree Protection Plan for the retained tree(s) as shown on the approved landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. This shall indicate the methods and positioning of tree protection measures such as ground protection (where necessary), Heras protective fencing and details of any specialist demolition or construction methods if appropriate.

The measures contained within the approved Tree Protection Plan with respect to those trees shown as being retained shall be implemented in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of 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.

Reason: In order to protect trees from damage or loss in the interests of the amenity of the area in accordance with saved policies SP14 and ENV7 of the Adopted Wyre Borough Local Plan (July 1999). The details are required to be approved prior to commencement of development to ensure timely tree protection measures are in place.

23. The development hereby approved shall not be first occupied or brought into use until the parking/turning area(s) shown on the approved plan [proposed site plan Revision 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 SP14 of the Adopted Wyre Borough Local Plan (July 1999).

24. 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 SP14 of the Adopted Wyre Borough Local Plan (July 1999)

25. The landscaping works shall be carried out in accordance with the approved details [landscape plan Revision E] 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.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

26. No part of the development shall be first used until the refuse storage provision shown on the approved plan [proposed bin store Revision A] has been provided, and the refuse storage 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 and neighbours, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

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 2/3. 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. It is an offence to disturb, harm or kill any species specifically protected under the Wildlife and Countryside Act 1981. In the event of any such species being unexpectedly encountered before and during site clearance or development work, then work shall stop immediately until specialist advice has been sought from a suitably qualified Ecologist regarding the need for additional survey(s), a license from Natural England and/or the implementation of necessary mitigation measures.

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

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.

7. The site is located over a historic section of Royles Brook watercourse which appears to have been culverted. An 8m easement would be required for the culvert if this still exists. The Applicant will be required to confirm that the watercourse no longer exists or has been rerouted. If it is proved that a watercourse does exist then the applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

For the avoidance of doubt, the response from the Lead Local Flood Authority does not mean that the development can connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The response from the Lead Local Flood Authority does not grant permission to connect to the highway drainage network. Neither does it cover the suitability of any highway drainage proposal. The highway drainage proposal and the suitability for future highway adoption under Section 38 of the Highways Act 1980 is for the Local Highway Authority to comment on.

8. This grant of planning permission will require an appropriate legal agreement to be entered into with Lancashire County Council as the Local Highway Authority. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. Before any works begin Lancashire County Council should be contacted to ascertain the details of such an agreement and the information to be provided by telephoning

0300 123 6780 or writing to Lancashire Highways Services, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.