

**Planning Committee**

**7 March 2018**

<b>Item No</b>	<b>Site/ Video/ Photos</b>	<b>Application Number</b>	<b>Location</b>	<b>Proposal</b>	<b>Rec.</b>	<b>Decision</b>
1	S	17/01154/FULMAJ	Land Off Hardhorn Road Poulton-le-Fylde Lancashire FY6 8DH	Residential development comprising the erection of 30 dwellings with associated works including access and landscaping (resubmission 16/00981/FULMAJ)	PER	
2	S	17/00177/FULMAJ	Former LCC Depot Green Lane West Garstang Lancashire	Erection of eight new B2 units (following demolition of existing units)	PER	
3	S	17/00210/FUL	Former District Council Depot Green Lane West Garstang Lancashire	Erection of two industrial units (B2 Use)	PER	

arm/rg/pla/cr/18/0703nc4

## **Committee Report**

**Date: 07.03.2018**

<b>Item Number</b>	<b>01</b>
<b>Application Number</b>	<b>17/01154/FULMAJ</b>
<b>Proposal</b>	<b>Residential development comprising the erection of 30 dwellings with associated works including access and landscaping (resubmission 16/00981/FULMAJ)</b>
<b>Location</b>	<b>Land Off Hardhorn Road Poulton-le-Fylde Lancashire FY6 8DH</b>
<b>Applicant</b>	<b>Wainhomes (North West) Ltd</b>
<b>Correspondence Address</b>	<b>c/o Emery Planning Partnership Ltd FAO: Mr Stephen Harris 2-4 South Park Court Hobson St Macclesfield Cheshire SK11 8BS</b>
<b>Recommendation</b>	<b>Permit</b>

## **REPORT OF THE HEAD OF PLANNING SERVICES**

### **CASE OFFICER - Miss Lucy Embery**

#### **1.0 INTRODUCTION**

1.1 This application is before the Committee at the request of Councillors Berry, Birch and Bridge.

1.2 This application is a re-submission of application 16/00981/FULMAJ which originally sought planning permission for a residential development comprising the erection of 38 dwellings with associated works including access and landscaping'. This was later amended to 'Residential development comprising the erection of 30 dwellings with associated works including access and landscaping'. The application was refused in August 2017. An appeal has now been lodged which is presently due to be heard via a public inquiry in June.

#### **2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site is approximately 2km south of Poulton-le-Fylde town centre and comprises approximately 1.5ha of open grazing land on the east side of Hardhorn Road. There is a hedge along the western boundary of the site facing Hardhorn Road and on the opposite side of Hardhorn Road there are large detached houses set behind high hedges and trees. To the north there is a partial hedge separating the site from houses in Linderbreck Lane. On the east boundary there is a post and wire fence and a few trees beyond which is open farmland. To the south there is a line of trees just outside the site boundary separating the site from Foxes Farm Stables which includes the Grade II Listed Fox's Farmhouse.

2.2 The adopted Local Plan proposals map identifies the site as being within the countryside area. The land on the opposite side of Hardhorn Road, including the frontage houses, is part of the Green Belt. The application site was identified in the June 2015 Wyre Local Plan Issues and Options paper as a potential housing development site (IO\_34) and in the July 2017 Strategic Housing Land Availability Assessment (SHLAA) as Final Site PFY\_62. (A "Final Site" is a site without planning permission or a "minded to approve" decision which is considered to be suitable and available for residential development but for which there is no assurance that it will be allocated for development in the local plan or that a future planning permission for housing will be granted). Since 2015 the site has not become an allocated site in the publication local plan.

### 3.0 THE PROPOSAL

3.1 The application is a resubmission of application 16/00981/FULMAJ which was refused on highway grounds, and seeks full planning permission for a residential development of 30no. 2-storey dwellings with associated access and landscaping.

3.2 The application proposes the same access as the previous application with a new access off Hardhorn Road. The proposed site access would be from a single access point midway along the site boundary onto Hardhorn Road. The access road would extend to a T-junction with one arm going north and one south both then extending into shared access ways which would wrap around the central blocks of houses. The access road off Hardhorn Road would be 6.75m wide narrowing to 5.5m and then 4.5m wide. There would be 2m wide pavements throughout except in the shared access ways where gardens would extend over service strips alongside the carriageway. The applicant has stated that is intended to achieve highway adoption standards throughout.

3.3 The dwellings proposed to be laid out around the internal access road and would be built along the north, east and south boundaries and in two central blocks parts of which would face Hardhorn Road. Eight different house types are proposed which would vary in size from two bedroom properties up to five bedroom properties. The houses would comprise 21 detached, 6 semi-detached, and 3 terraced properties. The application proposes 21 open market and 9 affordable dwellings.

3.4 The submitted elevations show that the dwellings would have a variety of elevational features including gabled roofs, bay windows, porches and canopies. Details of the materials proposed have not been confirmed, except that the roofing material would be tile. Some of the plans state that the elevations would be brick/artstone.

3.5 The indicative landscaping plan shows tree and shrub planting to front gardens. In addition there would be hedgerow planting along Hardhorn Road and along the first part of the main access road into the site. There would also be two areas of public open space, one in the north-west corner of the site and one leading to the field entrance halfway along the eastern boundary between plots 15 and 16.

### 4.0 RELEVANT PLANNING HISTORY

#### Application Site

4.1 16/00981/FULMAJ - Residential development comprising the erection of 30 dwellings with associated works including access and landscaping - Refused. Appeal lodged.

## Neighbouring site

4.2 Adjacent site to the south: 17/00220/FUL - Land at Foxes Farm Hardhorn Road - Application for the erection of 3 detached dwellings with associated access and landscaping (following the demolition of existing buildings). Permitted, January 2018.

## 5.0 PLANNING POLICY

### 5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1.1 The NPPF was published by the Department of Communities and Local Government on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision".

5.1.2 Within the NPPF, the following paragraphs and sections are of most relevance:

- o Paragraphs 14 and 17 - Achieving sustainable development
- o Section 4: Promoting sustainable transport
- o Section 6: Delivering a wide choice of high quality homes
- o Section 7: Requiring good design
- o Section 10: Meeting the challenge of climate change, flooding and coastal change
- o Section 11: Conserving and enhancing the natural environment
- o Section 12: Conserving and enhancing the historic environment

### 5.2 NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

5.2.1 The NPPG provides advice on Government policy. Within the NPPG, the following sections are of most relevance:

- o Conserving and Enhancing the Historic Environment
- o Design
- o Flood risk and coastal change
- o Natural environment
- o Noise
- o Open space, sports and recreation facilities, public rights of way and local green space
- o Planning Obligations
- o Rural housing
- o Travel plans, transport assessments and statements

### 5.3 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.3.1 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 NPPF.

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

- o SP13: Development in the Countryside
- o SP14: Standards of Design and Amenity
- o ENV7: Trees on Development Sites
- o ENV10: Listed Buildings
- o ENV13: Development and Flood Risk
- o ENV15: Surface Water Run-Off
- o H13: Open Space in new Housing Developments
- o CIS6: Securing adequate servicing and infrastructure
- o CIS7: Wastewater Management

5.3.3 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 minor amendments deal with clarification matters or errors raised at the public consultation and they do not alter the substance of the 'Publication' draft Wyre Local Plan. The 'Submission' stage is an advanced stage in the local plan process. It confirms the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. This stage is a further advancement in the local plan process. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document. As the draft Local Plan has now advanced to 'submission' the weight to be given in the planning balance has increased depending on the particular circumstances of the case.

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

- o SP1: Development Strategy
- o SP2: Sustainable Development
- o SP4: Countryside Areas
- o SP7: Infrastructure Provision and Developer Contributions
- o CDMP1: Environmental Protection
- o CDMP2: Flood Risk and Surface Water Management
- o CDMP3: Design
- o CDMP4: Environmental Assets
- o CDMP5: Historic Environment
- o CDMP6: Accessibility and Transport
- o HP1: Housing Land Supply
- o HP2: Housing Mix
- o HP3: Affordable Housing
- o HP9: Green Infrastructure in New Residential Developments

5.3.5 The draft Local Plan is prepared on the basis of the completed housing evidence. This includes the Strategic Housing Market Assessment (including the 2017 Addendum 3) which confirms that the figure of 479 dwellings remains a robust and appropriate objectively assessed need (OAN) figure. However the local plan sets an annual housing requirement of 411 dwellings for the period 2011 to 2031. The evidence supporting the Local Plan shows that the full OAN cannot be delivered. The 'Publication' draft Wyre Local Plan indicates that Wyre can only deliver 8,224 dwellings due to various constraints. It is considered that the identified annual housing requirement represents a robust and sound figure for the local plan within the context of constraints in the borough.

## 5.4 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

5.4.1 The following Supplementary Planning Guidance (SPG) is considered to be of relevance to the determination of this application:-

- o SPG2 - Trees and Development
- o SPG4 - Spacing Guidance for New Housing Layouts
- o SPG9 - Designing out Crime

## 5.5 WYRE AFFORDABLE HOUSING VIABILITY STUDY (OCTOBER 2010)

5.5.1 This study identified that the level of viability for residential developments across the Borough could sustain a maximum of 30% affordable dwellings, although in some areas and for smaller developments it would be a lesser percentage.

## 5.6 FYLDE COAST STRATEGIC HOUSING MARKET ASSESSMENT (2014) AND ADDENDUMS 2 AND 3

5.6.1 This document was produced for the Fylde Coast Authorities (Wyre, Fylde and Blackpool) to provide evidence as to how many dwellings of different tenures may be needed over the next 15 years and beyond. The report presents an understanding of the sub-regional housing market and identifies a need for new housing across the Fylde Coast. The 2014 Fylde Coast SHMA and Addendums 1, 2, and now 3, represent the most up-to-date assessment of Objectively Assessed Need (OAN) for Wyre. Addendum 3 completed in 2017 takes account of the latest data available (household projections and updated economic growth projections) to inform each stage of the methodology for calculating the OAN. The SHMA Addendum 3 indicates that Wyre's OAN lies with a minimum of 457 dwellings per annum, and an upper limit of 479 dwellings per annum from 2011 - 2031. It recommends that the OAN figure should be at the upper end of the range. The Council has accepted 479 dwellings per annum as the OAN figure for the Local Plan which has recently been submitted.

5.6.2 Addendum 2 estimated need for 300 affordable homes per year over the next 5 years. Addendum 3 now estimates an annual need of 134 affordable dwellings per year over the next five years (2017-2022). The greatest need currently exists for smaller affordable homes, particularly 1-bedroom properties. However, Addendum 3 also estimates that beyond 2022 there will be a need of 189 affordable homes per annum, and that affordable housing of all types will be needed.

## 6.0 CONSULTATION RESPONSES

6.1 HIGHWAYS ENGLAND - no objection to the application.

## 6.2 LANCASHIRE COUNTY COUNCIL HIGHWAYS

6.2.1 Whilst there is natural link traffic flow variability, the junction in question has not been subject to traffic growth when previous survey data is compared to the latest 2018 traffic data. In 2017 WYG modelled the junction to maximise movement, with no bias towards the Garstang Road East (the mainline). Whilst this is not theoretically incorrect, the approach taken by the county council from an operational perspective would be different; limiting delay on the mainline, maintaining its reliability and status. Thus reducing queuing on the mainline at the expense of the side roads.

6.2.2 Considering data collected by the county council, there would be some net increase in overall traffic, however it would be modest. The level of increase with the proposal having regard to the lack of traffic growth would not result in a severe

residual cumulative impact. As highlighted queue lengths were observed at the junction based on the existing layout and signal timings, it was noted that they did not extend beyond Hodgson Place at a length of around 290m at the start of the count and reduced to 100m at the end.

6.2.3 A number of highway changes have been secured to improve the Hardhorn with Garstang Road East junction, and other locations in the vicinity, from 2 developments which will improve this situation. These are highlighted and referred to in the Poulton Mitigation strategy. With this in mind, having regard the scale of development and the current observed traffic conditions, the impacts can be mitigated by the provision of suitable s278 and s106. County Highways would be satisfied if the applicant was to support the delivery of the mitigation strategy at the same level pro rata to that secured from others; this equates to £60,000 (30 units at £2,000 each). The funding would be used for the town centre strategy and other changes on Hardhorn Road between Garstang Road East and the junction of High Cross Road. Changes would be used to improve reliability and network operation for all modes as a direct result from this development.

6.2.4 In addition other changes would be required and delivered under a s278 agreement including;

- o Site access as per drawing P001 (subject to technical approval).
- o Upgrade 2No. bus stops to include raised boarding area, road marking and associated signing (Quality Bus Stop standards) and bus shelter for northbound service.
- o Provide new footway at junction of Hardhorn Road and Longhouse Lane junction and tactile paving at crossing point.
- o Widen / reclaim footway to minimum of 2m along site frontage.

6.2.5 Having regard to the changes that have occurred since the application was last considered and assuming the above is agreed with Wainhomes this would be sufficient to alter the highway authority's position of objecting to the proposal for reasons previously highlighted.

### 6.3 LANCASHIRE COUNTY COUNCIL EDUCATION

6.3.1 A contribution of £71,086.55 is required from this development in respect of the pupil yield of 5 primary school places from this development. A contribution of £64,269.81 would be required from the developer in respect of the full pupil yield of 3 secondary school places from this development. Therefore a total contribution of £135,356.36 is required from this development.

### 6.4 LANCASHIRE COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY

6.4.1 No objection subject to conditions requiring the following;

(a) an appropriate surface water scheme to be submitted prior to commencement, which should include;

- confirmed discharge rates and volumes and temporary storage facilities,
- demonstrate that the surface water run-off rate must not exceed the pre-development run-off rate 5 l/s.
- any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution
- flood water exceedance routes on and off-site
- a timetable for implementation
- evidence of an assessment of site conditions and site investigation and test result to confirm infiltration rates

- details of water quality controls
- construction of pond/ attenuation basin
- (b) completion of the sustainable drainage scheme in accordance with submitted details
- (c) no commencement of development until submission of an appropriate management and maintenance plan for sustainable drainage for the lifetime of the development.

6.4.2 An informative has also been suggested to advise the applicant that Land Drainage Consent would be required from Lancashire County Council before any works commence, and that their response does not grant permission to connect to the highway drainage network.

## 6.5 LANCASHIRE CONSTABULARY

6.5.1 No objections. A number of security measures have been recommended to be incorporated into the building design. These would be communicated to the applicant in the form of an informative should the application be approved.

## 6.6 UNITED UTILITIES

6.6.1 No objection subject to a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment (Ref: No. HYD045\_HARDHORN.ROAD\_FRA&SDA). No surface water will be permitted to drain directly or indirectly into the public sewer.

6.6.2 United Utilities wishes to minimise the risk of a sustainable drainage system having any detrimental impact upon the public sewer network should the surface water and sewer systems interact. Therefore it is also recommended that the Local Planning Authority consult with the Lead Local Flood Authority for suitable wording of a condition requiring a sustainable drainage management and maintenance plan for the lifetime of the development. United Utilities would not be involved in discharging any such condition. General water comments on meter supplies have also been provided for the applicants' information.

## 6.7 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.7.1 No objections subject to conditions. Advice was provided on the previous application at the site 1600981/FULMAJ and the same ecological survey has been submitted with the current application. GMEU's comments therefore remain largely unchanged. The conclusion within the report that "there is no risk of the development impacting on any designated sites", is still valid. The survey found no evidence of protected species on the site but did identify habitats that could be used by certain species. The ecology assessment makes a number of recommendations for the retention and protection of ecological features and species on site.

6.7.2 A condition is recommended requiring a construction environmental management plan (CEMP: biodiversity) to be submitted prior to commencement of development. A condition is also recommended to ensure that no removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive.

## 6.8 WYRE BOROUGH COUNCIL CONSERVATION OFFICER

6.8.1 Comments that provided that the application is supported by a heritage statement as required by paragraph 128 of the Framework, to include the aforementioned statement on the impact of the proposed development on the setting of the heritage asset - Foxes Farm - this application can be determined by the local planning authority, but not before.

6.8.2 Based upon the information available at the present time the proposed development is considered to be acceptable, subject to conditions. It will preserve the setting and appearance of the listed building known as Foxes Farm located adjacent and to the south of the proposed development site and as such is considered to be in conformity with S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.8.3 Consequently the proposed development is considered to sustain the significance of this designated heritage asset and to therefore be in conformity with the above mentioned paragraphs of the Framework and saved policy ENV10 of the Adopted Wyre Local Plan 1999.

## 6.9 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE)

6.9.1 No objections subject to conditions requiring the submission of a construction management plan prior to commencement of development, to include details of dust and dirt mitigation measures, control of noise and vibration for the site, hours of construction work, contractors compounds and storage arrangements, provision for parking and turning of construction vehicles within the site, routing of construction traffic, external lighting during construction, erection and maintenance of security hoarding, recycling and disposing of waste, measures to protect watercourses from spillages and pollution. A condition is also recommended to ensure the development would be implemented in accordance with the scheme of noise insulation and mitigation measures set out in the submitted noise assessment to protect the proposed properties from road noise.

## 6.10 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LAND CONTAMINATION)

6.10.1 No objections subject to the same condition proposed suggested to application 16/00981/FULMAJ being attached to any approval. The suggested conditions require a desk study to be carried out prior to commencement of development and further works if shown to be necessary, and details of gas protection measures to be provided.

## 6.11 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AIR QUALITY)

6.11.1 No comments to make in relation to this application.

## 6.12 WBC HEAD OF ENGINEERING SERVICES (COASTAL AND GENERAL ENGINEERS)

6.12.1 No objections in principle. The application states that surface water will discharge to mains sewer; note that surface water in this area is served by private piped watercourse. The drainage strategy, including run-off rates and attenuation should be in accordance with the Flood Risk Assessment rev 4.

#### 6.13 WBC SERVICE DIRECTOR PEOPLE AND PLACES (TREES)

6.13.1 There appear to be no issues with this resubmitted application. The comments relating to 16/00981/FULMAJ are also applicable in regard to the current application.

#### 6.14 WBC SERVICE DIRECTOR PEOPLE AND PLACES (PARKS AND OPEN SPACES)

6.14.1 No response received, however no objections were raised to application 16/00981/FULMAJ provided a conditions was attached relating to management details of the open space.

### 7.0 REPRESENTATIONS

7.1 Six letters of objection have been received. The issues raised can be summarised as follows;

- o Increase in traffic and congestion in the area, particularly at peak times.
- o There would be insufficient infrastructure to cope with the traffic.
- o Increase in rat-running through residential areas, such as Oldfield Carr Lane, Carr Head Lane, Lindsey Avenue, Westby and Hodder Way
- o The County Council rejected the previous application on the ground of increased traffic. This submission is no different. This impact cannot be mitigated and the decision should be upheld.
- o There are concerns about highway safety as the road emerging from the site would be concealed from traffic, horse riders and pedestrians on the B5266 by the T-junction and hedgerows.
- o The applicant is not offering any pavement improvements as there is already a 2m wide pavement on the side of the road.
- o There are drainage concerns as drains on Hardhorn Road regularly flood with only a small amount of rain leading to flooding and standing water on the highway.
- o Increase in surface water run-off from the site, and increased impact of this upon existing properties and gardens surrounding the site which already flood.
- o Direct overlooking would occur as the houses proposed at plots 23-25 are between 1 and 2 metres above those on Linderbreck Lane.
- o Overbearing upon properties on Linderbreck Lane as the site is higher than existing properties on Linderbreck Lane.
- o The proposed dwelling at plot 22 would be built on higher ground next to 17 Linderbreck Lane and would result in loss of light to this property and shadowing over the garden area.
- o The proposed development would not be sustainable as it would lead to a significant increase in car usage as there are limited facilities within walking distance.

### 8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Further information has been requested from the applicant in the form of a Heritage Statement. There have also been contact with the applicant and agent, regarding progress on the planning application to resolve highway issues.

## 9.0 ISSUES/ASSESSMENT

9.1 The main issues in this application are as follows:

- Principle of Development
- Sustainability
- Impact of development on character of the area
- Impact on the local highway network and safety
- Impact on residential amenity
- Affordable Housing
- Public Open Space
- Flood Risk
- Education
- Ecology and Trees

### Principle of development

9.2 Saved local plan policy SP13 seeks to prevent new dwellings within the countryside area subject to specific exceptions, none of which apply to this development proposal. The application site located on the southern edge of Poulton-le-Fylde within an area designated as a Countryside Area on the Local Plan Proposals Map. As such the proposal is contrary to Policy SP13.

9.3 With regard to the countryside the NPPF says at paragraph 17 that one of the core principles of planning involves "recognising the intrinsic character and beauty of the Countryside and supporting thriving rural communities within it." At paragraph 55 the NPPF says that isolated new homes in the countryside should be avoided unless there are special circumstances, none of which apply in this case. The application site is not considered to be in an isolated location being on the edge of the existing settlement of Poulton-le-Fylde. NPPF paragraph 49 says that where a Council cannot demonstrate a five year supply of deliverable housing sites policies relating to the supply of housing must be considered out of date in accordance with of the NPPF.

9.4 The Council does not currently have a 5 year supply of deliverable housing land. The relevant policies for the supply of housing are therefore considered to be out of date. Proposals for housing are therefore currently considered against Paragraph 14 of the Framework. This means that planning permission should be granted for this proposal unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against NPPF policies taken as a whole or there are specific policies in the Framework that indicate that permission should be refused. Although the proposed development is contrary to saved local plan policies SP1 and SP13 it must therefore be considered further in terms of its sustainability and against other NPPF policies, which is done as a whole in this report.

9.5 Paragraph 112 of the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. The application site is assessed as Grade 3a and was used for grazing horses according to the applicant's submitted Agricultural Land Use Assessment. The loss of this area of land is of modest size and its loss would not be considered contrary to the NPPF.

## Sustainability

9.6 Paragraph 7 of the NPPF sets out three dimensions of sustainable development: economic, social and environmental. In assessing this development the benefits need to be weighed against these dimensions. In addition there are locational aspects to sustainability. At paragraphs 17 and 29-41 the NPPF encourages the fullest possible use of sustainable transport modes, including public transport, walking and cycling, and the focusing of development on sustainable locations.

9.7 In terms of sustainable transport, whilst there is a good provision and range of services and facilities within Poulton-le-Fylde town centre, the application site is 2km away from the main town centre and the railway station. The nearest school, Baines School and Sixth Form Centre on Highcross Road is 1.1km away and the nearest primary school is 1.25km away on Carr Head Lane. A local centre is 0.6 km away from the site. On this basis the location can be considered to be reasonably sustainable. However, in terms of the sustainability of its location, the situation is little worse than for the nearby residential properties to the immediate north, west and south. The nearest footways are narrow but the applicant proposes to widen the footways to 2m and improve two adjacent bus stops. The applicant has highlighted that there is a no. 75 Fleetwood-Poulton-Kirkham-Preston bus service along Hardhorn Road (running hourly during the peak periods Monday to Friday and every two hours off-peak and Saturdays), and a no.2 Cleveleys-Poulton-Blackpool bus service along Highcross Road (running every 30 minutes Monday to Saturday and every hour on Sundays). In addition there is a no. 648 school bus to Poulton Hodgson Academy and Poulton Baines School which stops on Hardhorn Road. Train services are available from Poulton Station which though 2km from the site is accessible by bus. In their consultation response LCC Highways advise that the 75 bus service operates every two hours Monday to Saturday with no evening service and this is the only service within 400 metres of the site.

9.8 To support their argument that the site is sustainable, the applicant in their previous application 16/00981/FULMAJ cited an LCC report and case histories from nearby sites and further afield in support of their argument that this is a sustainable location. The LCC report is the February 2017 report on the 'Implications for Housing Developments within the Proposed Wyre Local Plan' which used a threshold of 1.6km to local centres, medical centres and primary schools to determine whether locations are accessible and on this basis the applicant claims that the site is sustainable. Case histories cited include the example locally of application 14/00429/OUTMAJ for 14 new houses at Fairfield Nurseries, Puddle House Lane, which was approved and is to the south of the current application site. Here the officer's delegated report said that although the site was not favourable in terms of connectivity to services this was outweighed by the contribution to the housing supply. The report also referred to a planning appeal decision relating to a residential caravan development at another nearby site, Fairfield Road in Fylde, where the Secretary of State agreed with the Inspector's remarks that it would be unreasonable to require the provision of a footpath link to Hardhorn village or bus stops. (That appeal was dismissed but not for reasons relating to the sustainability of the location).

9.9 Looking at the dimensions of sustainability, the proposed development would result in both direct and indirect economic benefits including the creation of construction jobs and additional household spending within the wider economy. There would also be a New Homes Bonus and council tax receipts associated with the proposed residential development. In terms of social benefits, the proposed development would provide both market and affordable housing to help towards

meeting the Borough's objectively assessed housing need. With regard to the environment, adverse impacts would include the loss of, and impacts upon, the countryside and the generation of more private car usage with consequential environmental impacts through noise and pollution. The applicant's ecological assessment notes that the site has potential for wildlife enhancement opportunities for bats, birds, hedgehogs and invertebrates.

9.10 The proposed development would conflict with saved local plan policy SP13. However, the council cannot demonstrate a 5 year supply of housing land. In accordance with the NPPF policies which restrict housing development must therefore be considered out-of-date. Consequently the presumption in favour of sustainable development applies unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against NPPF policies taken as a whole or specific policies in the NPPF indicate development should be restricted. These environmental considerations are assessed below.

Impact of the proposal upon the character of the area  
- Countryside and impact on the greenbelt

9.11 The development site falls within the countryside area where paragraph 17 of the NPPF states that such locations should be recognised for their intrinsic character and beauty. Saved Local Plan Policy SP14 seeks to apply consistent principles and high standards of design and amenity. However, the application site is an urban fringe site and the character and visual quality of the land within the site is considered to be relatively low as grassland. Its contribution to visual amenity along Hardhorn Road is currently minimal as the majority of the site is screened from wider views by the existing high hedge which acts as a retaining feature to the land.

9.12 The land on the opposite side of Hardhorn Road is within the Green Belt but the application site is screened from the rest of the Green Belt by the frontage housing developments and their garden trees. The proposal is therefore not considered to have any unacceptable impacts on the Green Belt. It is, however, accepted that the proposed residential development would have a significant impact on the openness of the development site itself, but otherwise the proposals would generally be in keeping with the character of its residential surroundings.

- Density and scale

9.13 The proposed density, though greater than that for the large houses on the opposite side of the road, would be compatible with the wider residential surroundings. The scale of the proposed dwellings and their plot sizes would respect the immediate context of built development, particularly with respect to the form of development around Linderbreck Lane to the north of the site. The proposed landscaping includes provision of two areas of public open space, including one in the north-west corner close to Hardhorn Road, as well as retention of the hedgerow along the Hardhorn Road frontage except where a break is required for the new access. New tree planting would be provided within the frontage hedgerow and in the gardens of properties facing Hardhorn Road. The proposed frontage properties, with one exception, would be set back behind internal access ways within the development itself. All of this would help minimise the impacts on the character of the area and on visual amenity.

9.14 Plot 6 would be sited within the south west corner of the development and closer to Hardhorn Road than any of the other frontage dwellings. Also as the land within the site rises to the south, this dwelling would be at a higher level above the

pavement. The finished floor level of his dwelling would be 17.47m compared to 16.57m for the next frontage property to the north and the distance to the back of the pavement would be 5m compared to 10m. As a consequence it is considered the proposed dwelling would be a dominant feature in the street scene and, owing to the closeness to the break in the hedge at the Foxes Farm entrance immediately to the south, it is considered the dominance and the adverse impact on the street scene and the character of the area would be exacerbated. On balance in the overall context of the development it is considered the impact of this dwelling in the street scene would not be so adverse as to justify the refusal of the application. The site is not in an isolated location and would be viewed against existing buildings in the area, and some already above the level of Hardhorn Road. Nevertheless it is considered that a condition should be attached requiring details of the finished floor levels of the development to be submitted and agreed, and it is considered the agreement of these details would help to mitigate the impacts of the development.

9.15 Whilst there would be a significant impact through the loss of countryside contrary to saved Local Plan Policy SP13 and the NPPF, it is considered this impact would be minimised and the level of harm, including (subject to finished floor level condition) harm to visual amenity, would not be sufficient to merit refusal especially bearing in mind the surrounding residential context and the small size of the site in relation to the remaining surrounding countryside.

#### Impact on the local highway network and safety

9.16 Development criteria in saved local plan policy SP14, Standards of Design and Amenity, include:

D. The proposal should enjoy satisfactory access, parking and servicing facilities which should not prejudice the provision of such facilities for neighbouring properties on an individual basis or as a joint arrangement; and

E. The traffic associated with the development should not have any adverse impact on the local environs nor on the local highway network generally;

9.17 Section 4 of the NPPF is about promoting sustainable transport. Its aims include contributing to sustainable development, achievement of wider sustainability and health objectives, wider use and availability of sustainable modes of transport, reductions in greenhouse gases, and prioritising pedestrian and cycle movements and access to public transport. Paragraph 32 of the NPPF says that decisions should take account of whether cost effective improvements to the transport network can be undertaken to limit significant development impacts. It goes on to say that:

"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

9.18 County Highways objected to the previous application 16/00981/FULMAJ on the grounds that the proposal would have a severe impact upon highway capacity. In particular County Highway's concluded that certain locations on the highway network, including the A586/ Hardhorn Road junction that are so constrained that further improvements cannot be delivered. It was considered there would be no cost effective solution which would avoid severe impacts.

The application was refused for the following reason:

'Contrary to saved Wyre Local Plan Policy SP14 and the NPPF the increase in traffic arising from the proposed development would have severe impacts on highway capacity and safety by reason of additional congestion and queuing at the A586/Hardhorn Road junction and rat-running through surrounding residential areas'

9.19 Since the previous application County Highways has considered more up to date traffic data, and their response is considered in full in section 6.2 of this report. In summary County Highways concludes that there would be some net increase in overall traffic, however it would be modest, and level of increase with the proposal having regard to the lack of traffic growth would not result in a severe residual cumulative impact on the highway network. County Highways considers that provided the applicant agrees to provide £60,000 secured through a Section 106 towards funding for the town centre strategy and other changes on Hardhorn Road between Garstang Road East and the junction of High Cross Road, and agrees to changes to be delivered with a S278 Agreement with County Highways (set out in paragraph 6.2 above) in order to improve the sustainable transport and site accessibility, the proposal would overcome their previous concerns.

9.20 The applicant has agreed to the £60,000 contribution to be secured through a S106 and to the requirement of a S278 (which stands outside of the planning application process) with County Highways. Therefore it is considered that the situation has changed since the refusal of the previous application, and that the proposal would be acceptable in terms of impact upon the highway network in accordance with the requirements of the NPPF.

9.21 In terms of highway safety and access, County Highways raised no concerns with the previous application about the use of a simple priority junction, and also considered the sightlines (visibility) from the site access, and the internal layout, to be acceptable. The current application proposes the same access and layout and therefore the proposal is considered to be acceptable in this regard.

9.22 County Highways has not raised any concerns about the proposed amount of parking on the site. As part of their comments on the previous application it was commented that cycle parking was not fully detailed and that all dwellings should have secure and covered cycle parking, and garages should be a minimum of 6m by 3m to be accepted as a parking space and cycle space. Parking provision would generally be in line with the SPG 4 requirements. This would include the requirements for grouped parking bays to be a minimum of 4.8m by 2.4m with forecourt depths of 6m which applies at plots 11-13 and 19-22. In order to encourage cycling as a sustainable form of transport in line with the requirements of the NPPF all dwellings should have secure and covered cycle parking. For properties with smaller garages or without garages, alternative storage can be provided. This can be controlled through a condition.

#### Impact on residential amenity

9.23 SPG4, Spacing Guidance for New Housing Layouts, sets out standards for spacing between dwellings in order to help protect residential amenity. The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

9.24 Within the layout the space standards are generally in line with the requirements of SPG4 both within the development and in respect of interfaces with the adjoining Linderbreck Lane development beyond the northern boundary. The standards require that there should be a minimum of 21m between front elevations and also between rear elevations and rear gardens should be a minimum of 10.5m long. Along the main access road leading into the site there are two properties on each side of the road where the distances to the main frontages opposite is just over 18m which is less than the 21m requirement. In these cases, however, the windows in the opposing properties are slightly offset which reduces the potential for over-looking

and loss of privacy and overall it is not considered that the impact on amenity would warrant changes to the proposals. The rear garden for plot 16 is just under the 10.5m standard at 10.37m but this is considered acceptable bearing in mind that the garden faces onto the open land to the east and there is therefore no potential for overlooking or loss of privacy.

9.25 The proposals indicate that there is at least 21m between the existing and proposed properties with the exception of plot 22 in the north-east corner which at its closest point would be approximately 7m from the existing Linderbreck Lane property. The rear of the proposed Bell house type at plot 22 would align with the rear of the existing property 17 Linderbreck Lane immediately to the north. There would be no windows in the side gable of the proposed property. There is an existing kitchen window in the facing side of the existing property, however it is a secondary window due to the large glazed window/patio door area serving the neighbours kitchen/dining area. There would therefore be no unacceptable overlooking or loss of privacy between living rooms. Subject to boundary fence details, which can be controlled through a condition, there would be no unacceptable adverse effects in relation to the gardens even though the proposed garden would be at a higher level than the existing property's garden as a consequence of the existing rise in ground levels. Given that the proposed property would be to the south of the existing and at a higher level, there would be some potential for loss of daylight and over-shadowing. However, the separation between the properties exceeds the 2m minimum separation distance in SPG4 and any overshadowing effect would be limited to the afternoon and similar to that experienced by any side by side properties with east facing rear aspects, including those within the proposed development.

9.26 Outside the development site to the south there is a band of trees. This screens the development from the existing Foxes Farm Stables. The Tree Officer has pointed out that this would have shading effects on the proposed dwellings at plots 6 to 13 with plots 7 and 8 affected by heavy shading. The shading however could be considered similar to that affecting other properties which have north facing gardens, or even less problematic in so far as the trees are deciduous and winter sun would be filtered rather than blocked. It is therefore considered that the impact on residential amenity would not be unacceptable.

9.27 In terms of noise, Environmental Health has raised no objections to the proposal subject to conditions requiring the implementation of the noise mitigation measures in the applicant's Noise Impact Assessment and the achievement of specified noise levels, and the submission of a construction management plan to control the impacts of noise and dust during the construction phase. Subject to these conditions it is considered that the proposal would not cause detrimental harm to the amenities of the occupiers of existing properties around the site, or the occupiers of the proposed development.

#### Affordable Housing

9.28 The NPPF at paragraph 50 requires Local Authorities to identify the affordable housing need for an area and then, "set policies for meeting this need on site, unless off-site provision or a financial contribution can be robustly justified and the agreed approach contributes to the objectives of creating mixed and balanced communities." There are no saved policies relating to affordable housing in the adopted Local Plan. However, the Council's affordable housing viability study which forms part of the evidence base for the emerging Local Plan, states that for developments to come forward provision of 30% affordable housing ensures that the site remains viable.

9.29 The 2014 SHMA indicated an annual need of 61 affordable units per annum in the sub-area of Poulton and Carleton to which this application would contribute. This figure has not been re-assessed since that time. Addendum 3 (2017) to the 2014 SHMA has revised down the number of affordable houses needed across the whole of Wyre Borough per annum from 300 in 2014 to 134. Therefore the need for affordable housing has reduced but only to a certain extent and is expected to rise again in the future.

9.30 The application contains some information in relation to affordable housing, setting out that 9no. affordable houses are proposed. The housing schedule demonstrates that these would be a mixture of 2 and 3 bedroom properties. However the application is silent on the type and tenure of affordable housing. Notwithstanding this, this application is a re-submission of application 16/00981/FULMAJ. During consideration of that application the Affordable Housing Officer confirmed that applying the 30% threshold to a scheme for 30 units would generate a requirement for 9 affordable dwellings. It was recommended that the tenure split of the affordable units should be as follows:

- \* 4 two-bed houses for affordable rent subject to a local lettings plan

- \* 2 three-bed houses & 3 two-bed houses for discount sale. These units to be marketed at 80% of open market value (OMV) in perpetuity and subject to local connection criteria to be agreed with the developer.

9.31 It is considered that this ratio of affordable rent and discount sale units would be in line with other recent planning applications in the locality and the mixed tenure affordable element would improve the housing offer to those living in the immediate area.

It is considered that the provision of 9no. affordable dwellings would comply with the required level of affordable housing, and that should the same mix, type and tenure of affordable housing be proposed, this would be considered acceptable in this case. The applicant has been asked to confirm these details.

9.32 The applicant has originally requested that the affordable housing provision be controlled by condition. However it is considered that without the full details of the type and tenure of the affordable housing, and in order to control the tenure of the discount market sales properties, the most appropriate mechanism to deliver the affordable housing would be through a S106 Agreement. The applicant has agreed to the delivery of the affordable housing through a S106 Agreement. Therefore it is considered that the proposal would be acceptable in terms of amount of affordable housing provision and that it could be adequately secured.

#### Public Open Space

9.33 Saved local plan policy H13 requires 0.004ha per dwelling of amenity space which equates to 0.12ha for the proposed 30 dwellings. The proposed layout plan indicates a total of 0.128ha of on-site public open space provision in two separate areas. One area of 0.083ha is proposed in the north-west corner and one of 0.040ha halfway along the eastern boundary leading to an access gate to the adjacent fields. Whilst the level of provision meets the total space requirement of 0.12 ha, Policy H13 says that where possible the space should be provided in areas not less than 0.1ha, that roadside landscaping is not counted and that consideration should be given to incorporating ecological features, footpath and open space network linkages and that neighbour nuisance should be avoided.

9.34 In this case neither of the separate open space areas proposed achieve the 0.1ha size preference, but the overall provision on the site would be policy compliant. Whilst the proposals do meet the absolute requirements of the policy, there are some concerns about the location of the open space proposed adjacent to the field access and therefore whether it would be adequately retained and maintained. However the parks officer did not object to application 16/00981/FULMAJ where the open space was proposed in the same location provided that the confirmation of management arrangements was controlled through a condition. Furthermore it is considered that neither of the two areas proposed would be classed as roadside open space as one parcel would be to the east of the site furthest away from the roadside, and the other would be to the north-west corner but adjacent to an area of off-site footpaths and a small green. The provision would also be fully on-site. Therefore subject to the suggested condition it is considered that adequate public open space would be provided and would be adequately managed and maintained in accordance with Policy H13. It is considered the proposal would be acceptable in terms of open space provision.

#### Flood Risk

9.35 Paragraph 100 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. It also states that Local Planning Authorities should ensure flood risk is not increased elsewhere.

9.36 The proposal is located within Flood Zone 1 with a low probability of flooding and therefore there is no requirement for the applicant to demonstrate accordance with the sequential or exceptions tests with regard to flood risk. However, as the site exceeds 1ha in area, a Flood Risk Assessment (FRA) has been submitted.

9.37 Objectors have raised concerns about existing problems with flooding in the area and that the proposal could result in increased flooding, surface water, and drainage onto the highway. The relevant bodies have been consulted on the application and advised that objections have been received. Lancashire County Council as Lead Local Flood Authority (LLFA), United Utilities and WBC Drainage Engineer are satisfied that the proposal would be acceptable in terms of drainage subject to conditions requiring relating to discharge rates and controls with rates not to exceed Greenfield runoff rates, and management and maintenance, plus informative advice regarding surface water drainage. It is considered that subject to these conditions the proposal would be acceptable in terms of drainage and would comply with the provisions of the NPPF.

#### Education

9.38 Lancashire County Council as the Local Education Authority has adopted a methodology for claiming education contributions against those housing developments which are projected to create a shortfall of school places within the local area. In this case the contributions sought are £71,086.55 for 5 primary school places and £64,269.81 for 3 secondary school places, giving a total contribution requirement of £135,356.36. The contributions could be secured through a section 106 agreement.

## Ecology and Trees

9.39 The majority of the site comprises grassland with low quality hedgerows to the west, north and east and with a few trees around but outside the site periphery including a band of poplar trees to the south. The landscaping plan indicates that additional tree and shrub planting is proposed. The Council's tree officer has stated that his comments to application 16/00981/FULMAJ are still relevant to this application. His original comments were that he accepts the findings in the submitted tree survey report but raised concerns about overshadowing effects from the trees to the south as previously discussed in this report. The tree officer recommends a tree protection condition. This would be in order to protect trees and hedgerows to be retained. This includes trees which are outside the site (but overhang the site boundaries). Nevertheless a condition requiring protection of trees during the works is considered appropriate.

9.40 The applicant has provided a tree shadowing plan which shows that shadowing would occur to the gardens of the properties along the south boundary of the site, but that the dwelling houses would not be affected. In light of this it is considered that the impact of shadowing from existing trees to the proposal properties would be minimal. It is considered that the proposal would be acceptable in terms of impact on trees, and the impact of these trees on the proposed properties.

9.41 The applicant has submitted an Ecology Survey as part of the application and GMEU have been consulted. The submitted survey found no evidence of protected species on the site but did identify habitats that could be used by certain species. The ecology assessment makes a number of recommendations for the retention and protection of ecological features and species on site. In line with their previous comments conditions would be necessary to require a construction environment management plan, no vegetation clearance during the bird nesting season, provision and implementation of a lighting design strategy, and implementation of the survey recommendations in respect of bat, bird and landscape biodiversity improvements. Subject to these conditions the development is considered to be acceptable in terms of ecology and protected species.

## Contamination

9.42 The NPPF states that where a site is affected by contamination, responsibility for securing a safe development rests with the developer/ landowner. The National Planning Policy Guidance (NPPG) also states that local authorities should use conditions to secure the adequate remediation of contaminated land. Adequate information should be submitted by the applicant to show that the site is suitable for its new use.

9.43 Environmental Health have no objections to the application subject to conditions requiring a desk study to be carried out prior to commencement of development and further works if shown to be necessary, and details of gas protection measures. Subject to these conditions it is considered the proposal would be acceptable in terms of ground conditions and would comply with the provisions of the NPPF.

## Other issues

### - Safety and Security

9.44 Paragraph 58 of the Framework states that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

9.45 The Designing out Crime Officer at Lancashire Constabulary has provided comments that in order to reduce the risk of crime, disorder and anti-social behaviour on the proposed housing development a number of security measures such as boundary fencing, security fitted windows and doors, and lockable external sheds, should be incorporated into the development. Full details of the measures suggested would be attached as an informative should the application be approved and therefore it is considered the proposal would be acceptable in terms of safety and security and would comply with the NPPF.

### - Conserving and Enhancing the Historic Environment

9.46 Regard has been had during the assessment of this application to the impact upon the historic environment. The applicant has submitted a Heritage Statement as part of the application. The Council's conservation officer considers the proposal would preserve the setting and appearance of the listed building known as Foxes Farm located adjacent and to the south of the proposed development site. As such it is considered the proposal would comply with the provisions of the NPPF.

## 10.0 CONCLUSION

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

10.2 Objections have been received in relation to this application. These objections have been taken into account. It is however considered that these objections have been addressed either through consultation responses from statutory consultees or are not of such weight that planning permission should be refused. County Highways has no objections to the proposal, and it is considered the development would have adequate access and be unlikely to significantly impact upon the highway network.

10.3 The NPPF supports the presumption in favour of sustainable development, and looks at the 'economic role', 'social role', and 'environmental role'. The application site is not an allocated housing site, nor is it within an existing settlement. However due to its close proximity to the main settlement of Poulton-le-Fylde, and its location immediately adjacent to the existing and proposed road network, it is considered that the proposal would represent sustainable development in terms of its links and easy access to the highway network and facilities.

10.4 In terms of the economic role, the proposed development would provide economic investment and employment in Poulton-le-Fylde through the delivery of additional housing. It would also bring inhabitants to a location with good links to an existing settlements and this would support local facilities. The scheme would also provide a new homes bonus.

10.6 In terms of social role, the proposed development would provide 30% affordable housing in the form of 9 units which would help to meet an identified social need.

10.7 In terms of the environmental role, the proposed development would be on a site within the countryside area as defined by the Policies Map of the Adopted Local Plan 1999. The proposal would not cause detrimental harm to protected species. It would also provide a development with energy efficient homes.

10.8 It is considered there are no significant adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and no specific policies in the NPPF that indicate development should be restricted. It is considered that in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be approved.

## 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 That the application be approved subject to conditions and a S106 legal agreement to secure appropriate financial contributions towards local education and Affordable Housing. That the Head of Planning Services be authorised to issue the decision on the satisfactory completion of the s106 agreement.

### **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 18/12/2017 including the following plans/documents:

sa 440801 (Site Location Plan)  
0001 Rev M (Proposed Site Layout)  
SS02 (Site Sections)

3.217/P(EG)/BU/L10/300 Rev # (Baird House Type)  
5.335/P1/L10/300 Rev # (Beaufort House Type Floor Plans)  
5.335/P2/L10/300 Rev # (Beaufort House Type Elevations)  
2.213/P/B/L10/300 Rev # (Bell House Type)  
5.340/P/B/L10/300 Rev C (Cavendish House Type)  
4.343/P/B/L10/300 Rev # (Eton House Type)  
4.309/P/B/L10/300 Rev B (Oxford House Type)  
5.236/P/B/L10/300 Rev A (Richmond House Type Floor Plans)

5.236/P/B/L10/300 Rev B (Richmond House Type Elevations)  
4.344/P/B/L10 300 Rev # (Whitemoor House Type)  
DGL/3.0/1/B Rev # (Double Garage Pyramid Roof Elevations and Plan)  
PGL/2.0/2/B Rev # (Single Garage Working Drawings)

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. Building work shall not commence on any building until details of the materials to be used in the construction of the external surfaces of that building (including the external walls, roof, and windows) have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). The details are required prior to the commencement of the development because they were not submitted with the application.

4. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:

a) Confirmed discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development Greenfield runoff rate 5l/s. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

d) Flood water exceedance routes, both on and off site;

e) A timetable for implementation, including phasing as applicable;

f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

g) Details of water quality controls, where applicable.

h) Construction [and Operation] of Pond/Attenuation Basin prior to main construction phase.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: This information is required prior to commencement to ensure that the proposed development can be adequately drained, that there is no flood risk on or off the site resulting from the proposed development, and that water quality is not detrimentally impacted by the development proposal in accordance with the National Planning Policy Framework.

5. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reasons: This information is required prior to commencement to ensure that the drainage for the proposed development can be adequately maintained, and that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system in accordance with the National Planning Policy Framework.

6. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

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

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: This information is required prior to commencement to ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

7. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. HYD045\_HARDHORN. ROAD\_FRA&SDA, Dated 5 April 2017 which was prepared by Betts Hydro. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with the National Planning Policy Framework.

8. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To secure the protection/maintenance of biodiversity in accordance with the National Planning Policy Framework.

9. No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In order to ensure that nesting birds are not unacceptably affected, in accordance with the National Planning Policy Framework.

10. Prior to occupation, a "lighting design strategy for biodiversity" for all areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To secure the protection/maintenance of biodiversity in accordance with the National Planning Policy Framework.

11. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted in writing and approved by the Local Planning Authority and shall include the following:-

- (a) dust and dirt mitigation measures during the construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (b) control of noise and vibration emanating from the site during the construction period and control of noise at night from plant such as generators; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (c) Hours and days of construction work for the development, expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturdays with no work on Sundays and Bank Holidays.
- (d) contractors' compounds and other storage arrangements
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- (f) arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (h) external lighting of the site during the construction period
- (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (j) recycling / disposing of waste resulting from construction work
- (k) measures to protect watercourses against spillage incidents and pollution

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

Reason: This information is required prior to commencement as 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).

12. Prior to first occupation of the residential use of the development hereby approved, the scheme of noise insulation and mitigation measures set out in the supporting Noise Assessment submitted with the application by M A Kenyon of Martec Environmental Consultants Ltd, dated 22nd December 2016 as revised on the 29th January 2016 Ref: 20160129 7594 Hardhorn 8233-3, shall be implemented. The approved noise insulation measures shall thereafter be retained.

Reason: To ensure provision of adequate on site mitigation to safeguard living conditions for future residents.

13. The development hereby approved shall be implemented and retained in full accordance with the biodiversity enhancement measures set out in sections 5.3.10-5.3.11 (bats), 5.4.4-5.4.8 (birds) and 5.6 (landscape planting) of the Ecological Survey and Assessment (ERAP Ltd ref: 2015\_294) dated June 2016 submitted with the planning application 17/01154/FULMAJ.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 and section 11 of the National Planning Policy Framework (March 2012).

14. Notwithstanding the submitted plans, no development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

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

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

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 11 of the National Planning Policy Framework. The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development in the interests of the visual amenity of the area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). [DELETE FROM ABOVE AS APPROPRIATE]

15. No development approved by this permission shall be commenced until details of the proposed ground, slab and finished floor levels have been submitted to and approved in writing by the Local Planning Authority.

The ground, slab and finished floor 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 SP14 and ENV15 of the Adopted Wyre Borough Local Plan (July 1999). The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

16. Public open space shall be provided on site in accordance with drawing 0001 Rev M as two parcels of 0.083 hectares and 0.040 hectares respectively to achieve the total requirement of 0.12 hectares of public open space in accordance with the requirements of saved Policy H13 of the Adopted Wyre Borough Local Plan, or any subsequent replacement Local Plan policy for the provision of public open space, and shall be provided and available for use, and shall thereafter be retained and maintained for use by the public.

Prior to the first occupation of the development or any phase of the development whichever is the sooner for its permitted use, an Open Space Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all areas of open space, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be implemented in accordance with the approved details during the lifetime of the development.

Reason: To ensure the long term management and maintenance of open space within the site in the interests of visual amenity and the health and wellbeing of occupants in accordance with Policies SP14 and ENV7 of the Adopted Wyre Borough Local Plan (July 1999).

17. Prior to the commencement of development, including any tree works, an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan for retained trees, particularly to the south of the development, 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 Arboricultural Impact Assessment, Method Statement and 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.

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

Reason: The development is for a sensitive end use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

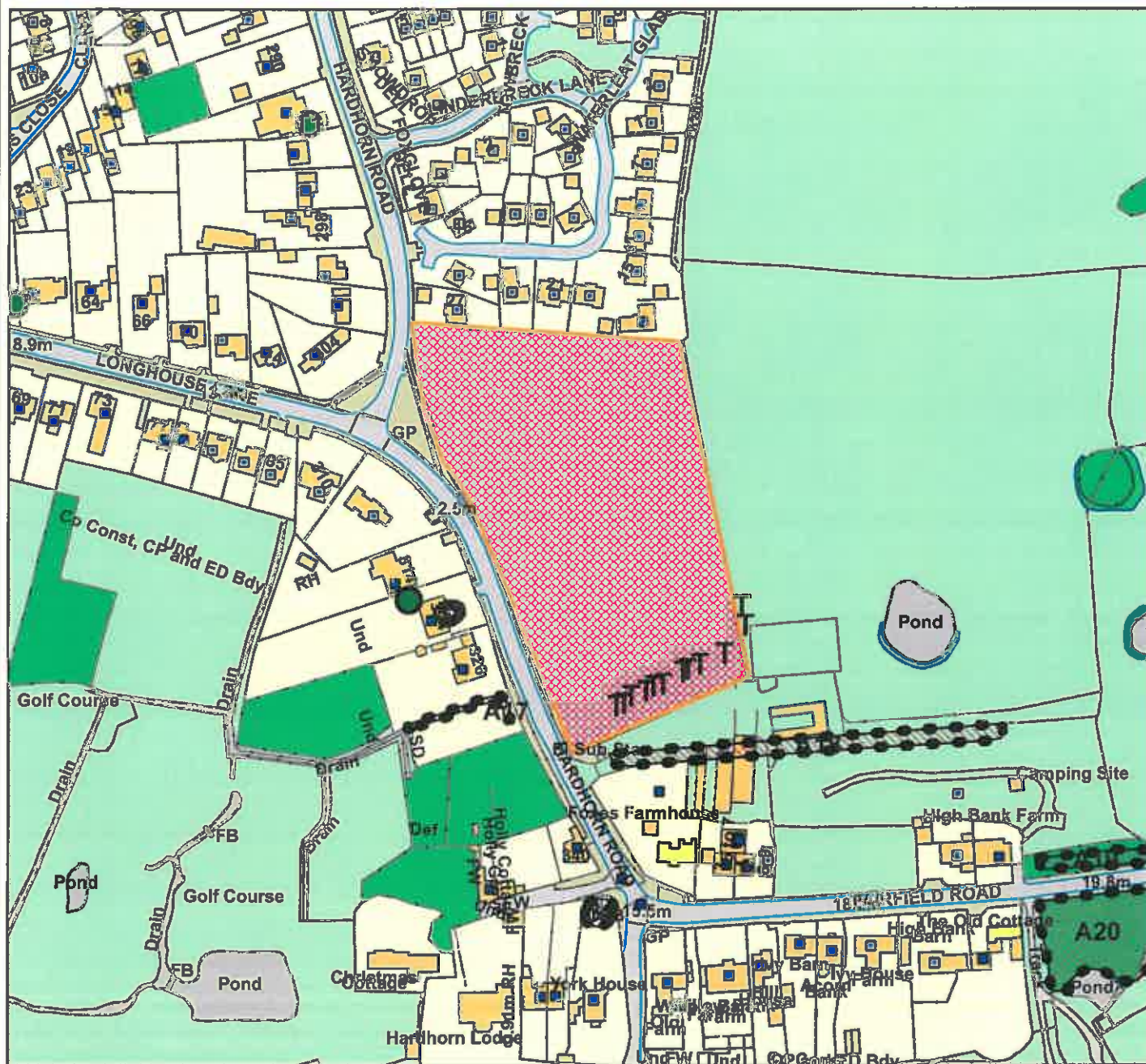
19. The development shall incorporate suitable gas protection measures, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The measures shall include as a minimum: ventilation of confined spaces within the building, 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 development is within 250m of a closed landfill site. 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).

arm/rg/pla/cr/18/0703hh1



17/01154/FULMAJ - Land off Hardhorn Road, Poulton-le-Fylde



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Organisation	Wyre Council
Department	Planning Department
Comments	Item 01
Date	21/02/2018
MSA Number	100018720

## **Committee Report**

**Date: 07.03.2018**

<b>Item Number</b>	<b>02</b>
<b>Application Number</b>	<b>17/00177/FULMAJ</b>
<b>Proposal</b>	<b>Erection of eight new B2 units (following demolition of existing units)</b>
<b>Location</b>	<b>Former LCC Depot Green Lane West Garstang Lancashire</b>
<b>Applicant</b>	<b>Garstang Truck Bodies</b>
<b>Correspondence Address</b>	<b>c/o M L Planning Ltd 5 Bobbin Mill Cottages Stubbins Lane Claughton On Brock Preston PR3 0PL</b>
<b>Recommendation</b>	<b>Permit</b>

## **REPORT OF THE HEAD OF PLANNING SERVICES**

### **CASE OFFICER - Miss Lucy Embery**

#### **1.0 INTRODUCTION**

1.1 This application is before the Committee at the request of Councillor Lady Atkins.

#### **2.0 SITE DESCRIPTION AND LOCATION**

2.1.1 The application site is a former County Council Depot on the north side of Green Lane West, Garstang. The site currently contains 4no. buildings (offices, store and workshop) and is located within the rural settlement of Garstang as identified on the Policies Map of the Adopted Wyre Borough Local Plan. It is also within an existing employment area as defined by the Policies Map of the draft Local Plan.

2.1.2 The site is immediately adjacent to existing buildings in employment use to the east, west and south on the opposite side of Green Lane West. An existing dwelling known as Sunset view is also immediately to the west of the site. To the north is a parcel of land also formerly part of the County Council Depot which is the subject of current application 17/00210/FUL and proposes the erection of 2no. industrial units for B2 employment use to be accessed by the same internal access road.

#### **3.0 THE PROPOSAL**

3.1 The application proposes the erection of 8no. industrial units (B2 use) following the demolition of the existing units on the site. The existing units comprise four buildings; a store, offices, workshop, and a row of offices which make up one linear block.

3.2 The application proposes one large unit (described as unit 8 for the purposes of this report) measuring 21.9m in width on the western part of the site, and 7 smaller units (units 1-7) in an inverted L-shape attached to each other along the eastern and southern boundaries of the site. The application states that it is intended the largest unit would be used by Garstang Truck bodies.

3.3 An internal access road would lead from the existing access point off Green Lane West, and then between unit 8 and the linked units 1-7. The east elevation of the unit 8 would be sited 9m back from the route of the internal access road. Parking is proposed to the south of this large unit and either side of the proposed access road near the entrance to the site.

3.4 The walls of the units would be constructed of concrete blocks to the lower expanse of walls and Juniper green box profile sheeting above. The roofing would also be constructed of Juniper green sheeting with GRP (glass reinforced polyester resin) roof lights. Doors would be roller shutter style and constructed of galvanised steel. There would be no windows in the walls of the proposed buildings, however roof lights are proposed within the mono-pitch sloping roof areas on the east and south roofs of units 1-7, and the east and west roof of the larger unit.

3.5 In addition to the plans illustrating the proposal the application is supported by:

- o Design and Access Statement
- o Drainage Strategy
- o Ecology Report
- o Noise Report

#### 4.0 RELEVANT PLANNING HISTORY

Application site

4.1 91/00893 - Erection of an industrial unit. Approved August 1991.

Adjacent land

4.2 17/00210/FUL - Erection of two industrial units (B2 Use). Pending consideration.

4.3 16/00437/FUL - Erection of one dwelling and formation of new vehicular access with dropped kerb. Approved December 2016.

#### 5.0 PLANNING POLICY

##### 5.1 National Planning Policy Framework (NPPF)

5.1.1 The NPPF sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision". Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.1.2 Twelve core principles are identified. These include supporting sustainable economic development to meet local need; securing high quality design and a good standard of amenity; recognising the different roles and characters of different areas; accounting for flood risk; conserving and enhancing the natural environment; encouraging the effective use of land and mixed use developments; actively managing patterns of growth to maximise use of sustainable transport modes; and delivering sufficient community and culture facilities and services to meet local needs.

The most relevant sections of the NPPF to the determination of this application are considered to be:

- o Section 1 - Delivering sustainable development
- o Section 4 - Promoting sustainable transport
- o Section 7 - Requiring good design

## 5.2 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.2.1 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 NPPF.

- o Policy SP5: Definition Of Main Rural Settlements
- o Policy SP14: Standards of Design and Amenity

## 5.3 EMERGING WYRE LOCAL PLAN

5.3.1 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 minor amendments deal with clarification matters or errors raised at the public consultation and they do not alter the substance of the 'Publication' draft Wyre Local Plan. The 'Submission' stage is an advanced stage in the local plan process. It confirms the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. This stage is a further advancement in the local plan process. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document' As the draft Local Plan has now advanced to 'submission' the weight to be given in the planning balance has increased depending on the particular circumstances of the case.

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

- o Policy SP1: Development Strategy
- o Policy SP2: Sustainable Development
- o Policy CDMP3: Design
- o Policy EP1: Employment Land Supply
- o Policy EP2: Existing Employment Areas

## 6.0 CONSULTATION RESPONSES

6.1 GARSTANG TOWN COUNCIL: No objections to the application, but if the application were to be approved, in light of comments made by residents, the Town Council requests a condition that suitable hedging be reinstated along the boundary of the site.

6.2 CABUS PARISH COUNCIL: Comments awaited.

6.3 LANCASHIRE COUNTY COUNCIL (HIGHWAYS):

Original response

6.3.1 No objections in principle. The internal layout of the site raises no concerns that cannot be addressed. However none of the car parking spaces are identified as mobility spaces, and the site plan shows 37 parking spaces, 2 of which should be made available for the mobility impaired. This can be achieved by designating 2 end spaces. There are no objections to the number of proposed car parking spaces. No spaces for motorcycle or bicycles are shown to be provided, however, there is sufficient space within the site for this to be provided. Cycle parking should be secure and covered. No turning head is provided, however, each unit has a forecourt that if kept clear of obstruction would provide sufficient space for the manoeuvring of service vehicles. As such it should be conditioned that no external storage be permitted. Revised plans should be submitted to address the issues raised.

6.3.2 Whilst two applications have been submitted they share a common access. The development proposals (including application 17/00210/FUL) represent a significant increase in the size of the buildings however, given the previous use of the site LCC highways do not consider that traffic from the two development proposals would be significantly different. As such in terms of traffic generation the impact of these developments on the A6 corridor are considered to be no greater than that what would be generated by the existing highways depot. Therefore LCC raise no objections to the quantum of development proposed (individually or combined).

Follow up response following the submission of amended plans;

6.3.3 The plans show a pedestrian route through the site which County Highways are satisfied can be delivered and as such a planning condition can be imposed to cover it. Turning within curtilage as also shown and is acceptable.

6.3.4 However, the major concern is how the pedestrian route connects to the existing footway on Green Lane West. The plan does not adequately show this. The existing access is kerbed and provide a carriageway width of approximately 6m where the gates are. County Highways is content with this width for vehicular access but not if pedestrians use it as well, therefore the access needs widening to accommodate pedestrians and a footway constructing adjacent to the access. This needs to be clearly shown on plans in order for it to be conditioned. If necessary a slight reposition of the access would be acceptable. Also the first 2 spaces into the site appear to go through where the existing site fencing is splayed again this is not acceptable and needs revising.

6.3.5 The plans do not show that safe pedestrian access is available from the existing footway on Green Lane West adjacent to the site into the site. The revised plan now shows a footway across the access, which is not acceptable.

Response following further amendments;

6.3.6 The amended plans (ML/JG/5622) now address County Highways concerns and the previous objection is withdrawn. Conditions must be imposed on any permission granted to ensure the car parking is surfaced or paved in accordance with a scheme to be first agreed with the Local Planning Authority and the car parking

spaces and manoeuvring areas marked out before the use becomes operative, and to ensure the development is not occupied until the pedestrian access tying into Green Lane West has been constructed and made available for use. An informative is also suggested to ensure the applicant is aware that an appropriate legal agreement will be required with the County Council for any works within the highway.

#### 6.4 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.4.1 No objections to the application on nature conservation grounds. GMEU agrees with the assessment that the buildings on the site have negligible potential for bats and the remainder of the site is not of substantive ecological value.

#### 6.5 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE AND LIGHT POLLUTION)

6.5.1 No objection subject to the following conditions to prevent an adverse impact on the health and quality of life of the occupiers of nearby sensitive premises;

- o control of maximum noise levels from the development,
- o control of the instantaneous noise levels in the evening and at night (19:00-07:00) so as not to exceed 60da(A),
- o control of hours of operation to between 07:00 - 18:00 Monday to Friday, 07:00 - 13:00 on Saturdays, and with no hours of use on Sundays and Bank Holidays.
- o limit hours of deliveries and collections to 7am to 6pm Monday to Friday, with none at weekends or on Bank/Public Holidays to avoid significant adverse effect on nearby residents due to noise
- o submission and agreement of a construction management plan prior to commencement of development which should include procedures for maintaining good public relations, including complaint management, public consultation and liaison, arrangements for liaison with Environmental Protection, the intended hours of works and ancillary operations during construction, measures to control dust, noise and vibration, site lighting, and the procedures for any emergency deviation from any agreement, and
- o submission and agreement of an artificial lighting assessment prior to commencement.

#### 6.6 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LAND CONTAMINATION)

6.6.1 No objections subject to conditions requiring a desk study to be carried out prior to the commencement of development.

#### 6.7 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ODOUR)

6.7.1 A condition should be attached to any permission granted requiring the submission and agreement of an odour management plan (OMP) prior to the first use of any B2 unit for the purposes of food storage or food processing. The OMP shall include odour control measures for the delivery, storage and processing of food, and the disposal of food waste and associated material. The OMP shall be designed and implemented such that odour from food or food waste is not detectable outside the development boundary.

## 6.8 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.8.1 Originally objected on the grounds of insufficient information. Following the submission of further drainage information there are no objections to the proposal.

## 6.9 LANCASHIRE COUNTY COUNCIL (FLOOD AUTHORITY)

6.9.1 Withdraws its objection to the proposed development following the submission of further drainage information, subject to conditions requiring the following:

- o The submission and agreement of final details of the design and implementation of an appropriate surface water sustainable drainage scheme, including drainage for the lifetime of the development.
  - o A surface water lifetime management and maintenance plan to include the arrangements for adoption, arrangements for appropriate funding, and means of access for maintenance and easements where applicable.
- Advice on sustainable drainage systems has also been provided and should be attached as an informative should the application be approved.

## 6.10 UNITED UTILITIES

6.10.1 No objections subject to conditions requiring separate systems of foul and surface water drainage, and full details of foul and surface water drainage prior to commencement of development. General drainage comments have been provided which would be passed on to the applicant in the form of an informative.

## 7.0 REPRESENTATIONS

7.1 One letter of objection has been received and raises the following concerns:

- o Loss of light and overshadowing to the existing property of 9 Meadow Park.
- o The visual impact of the development would be unacceptable.
- o The 8 individual units would result in noise pollution and disturbance to local residents.
- o There is a risk of unpleasant odour being omitted from the site and reducing the quality of life and amenity for local residents.
- o The proposal would result in overdevelopment. The density would be inappropriate and the development overbearing and out of scale.

Issues have been raised, such as whether there is an economic justification for the number of units proposed, and whether the site could be used for alternative developments other than that applied for, such as housing, which are not material planning considerations and therefore cannot be taken into account in the assessment of this application.

7.2 Three letters have been received which comment on the application but neither object to it nor support it. The points raised can be summarised as follows:

- o It is queried what the use of the rear of the site would be closest to Meadow Park.
- o Tree planting, landscaping and fencing should be incorporated to provide both screening and security for neighbours.
- o The Design and Access Statement is incorrect as it mentions the wrong property as being adjacent. Colin Cross Printers (Pressworks), and the residential bungalow at Sunset are actually adjacent to the site.

## 8.0 CONTACT WITH APPLICANT/AGENT

8.1 Dialogue has been maintained throughout the application process. Additional information, including amendments to provide mobility parking spaces and cycle parking has been requested, and progress updates have been provided.

## 9.0 ISSUES/ASSESSMENT

9.1 The main planning issues are considered to be:

- Principle of development
- Visual Impact/ Design/ Impact on the Street Scene
- Amenity impact
- Accessibility, highway safety and parking
- Flood risk and drainage

### Principle of development

9.2 Policy SP5 of the Adopted Local Plan defines Garstang as a main rural settlement. The application site lies wholly within the settlement boundary as identified on the policies map of the Adopted Wyre Borough Local Plan. It is also located within an existing employment area as outlined within the policies map of the draft Local Plan.

9.3 The application site is brownfield being formerly used for employment purposes. It is located within an established industrial estate and the proposal would be adjacent to existing employment uses, with the exception of residential properties further to the north, and the property of Sunset View to the west. The employment use of the site would be maintained and the principle of the development would be acceptable subject to the matters discussed below.

### Visual Impact / Design / Impact on the streetscene

9.4 From the southern side of Green Lane West the existing buildings on the site are screened at lower levels by existing shrubbery, scrub, and tree planting. Therefore only the roofing and eaves levels of the existing buildings are visible from this position. From closer views immediately adjacent to the southern boundary, the site is much more visible and has a rather disorganised appearance, with various types of buildings, including some with the appearance of temporary cabins, and ageing industrial units. The existing site does not currently contribute positively to the visual amenity of the area, but neither does it have an overall negative impact.

9.5 The proposal would result in a development of buildings with a higher quality design and appearance to those currently on the site. The buildings would have a simple design and appearance as is common for industrial units. The appearance and finish with Juniper Green metal sheeting would be similar to existing industrial buildings in the surrounding area, particularly those to the southern side of Green Lane West, and those to the west of the site (west of Colin Cross Printers).

9.6 In terms of scale the proposed buildings would be higher than the existing buildings proposed to be demolished. However they would be similar in height and scale to existing industrial units viewed in the street scene on Green Lane West. Therefore it is considered that the proposed scale and design of the proposed units is acceptable and commensurate to the size of the existing built form and similar units in use for industrial purposes in the immediate area.

9.7 An objector has raised concerns that the proposal would represent over-development of the site. It is acknowledged that the proposal would intensify the use of the site as it proposes 8no. units in comparison to the existing 4no. on site. However, many of the proposed units would be small in footprint, and smaller than existing units in the immediate surrounding area. The proposed larger building would be sited over the footprint of the largest existing building on the site. The proposed 8no. units would be accommodated on the plot together with the required parking provision, access, and external forecourt manoeuvring space. Furthermore in terms of scale, the units would contain one floor of accommodation, and would be no taller in height than existing similar units on Green Lane West. The units would not significantly project above the existing built form along Green Lane West or appear dominant in the street scene. They would be set back a minimum of 5m from the southern site boundary and a minimum of 9m from the carriageway of Green Lane West. These distances would be greater the further westwards the buildings would extend within the site. The buildings would also be set further back from the southern boundary with Green Lane West than neighbouring industrial buildings to the west in the street scene. For these reasons it is considered that the proposal would not result in over-development of the site either through amount of development or scale.

9.8 In general it is considered that the scheme is acceptable in terms of design subject to the imposition of relevant conditions. No unacceptable visual impacts are anticipated and the appearance of the proposed buildings is considered to be acceptable.

#### Noise and Impact on residential amenity

9.9 Paragraph 17 of the NPPF states that one of the core principles of the planning system is to seek a good standard of amenity for all existing and future occupants of land and buildings.

9.10 Objectors have raised concerns that the proposed B2 units would result in noise and disturbance to residents. The nearest residential property is located 6m to the west of the site (Sunset View) and is currently surrounded by industrial development. At present there is a block of industrial units on the west side of the application site up to the boundary with Sunset View. The existing largest unit is set back to the north east of this existing property and its curtilage.

9.11 The proposal would remove the existing block of development that adjoins the boundary of Sunset View. The proposal would improve the current relationship between the existing dwelling and buildings on the application site by moving development further away from this property and off the existing joint boundary, and also enabling better light gain to this dwelling. Unit 8 would be sited marginally further forward of the existing large building on the site and would extend northwards away from Sunset View. This unit would still be sited to the north-west of Sunset View and would not have any further impact upon the existing residential property than the existing building.

9.12 There are existing residential properties at Meadow Park located 31m away from the application site at their nearest point. The boundary of the curtilage of these properties is 20.5m north of the application site. These dwellings are sited within a north-west to south-east orientation and therefore would not directly look towards the proposed 8no. units. The units would however be visible from the garden areas of these dwellings but at a distance (this would not be the case should application 17/00210/FUL proposed 2 industrial units closer to these dwellings be approved). Although the proposed units would be 6m tall, due to the distance between the units

and the existing dwellings on Meadow Park it is considered that the proposal would not result in loss of light and overshadowing of these existing dwellings.

9.13 Representations from local residents have also raised concerns that the proposal would result in noise pollution and disturbance. The application site has long been established as a depot and used for employment purposes. However the proposal is likely to increase the level of activity at the site beyond the current situation due to the number of employment units proposed, and associated comings and goings. Concern has also been raised by residents about the potential for unpleasant odour being omitted from the site.

9.14 The Head of Environmental Health has raised no objections to the proposal subject to conditions. These conditions seek to control the maximum noise levels from the proposed development during the day, evening and at night, and also to control the working hours of the premises and the hours of deliveries in order to protect neighbouring residential amenity. A condition is also suggested requiring a construction management plan for the construction phase of the development should the application be approved. It is considered that subject to these conditions the proposal would be acceptable and would not result in unacceptable adverse harm through noise to the occupiers of neighbouring residential properties.

9.15 A condition has also been suggested requiring the submission of an odour management plan prior to the first use of any of the units for the purposes of food storage or food processing. This condition is considered to be appropriate as it would enable the control, management and mitigation of odours from the site, particularly as the end users of the units are not yet known at this stage, other than Unit 8 which would be used by Garstang Truck Bodies.

9.16 For these reasons, and subject to the suggested conditions it is considered that the proposal would not unacceptable adverse harm to neighbouring residential amenity, and would comply with the above policies.

#### Impact on Highway / Parking

9.17 The NPPF sets out that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. The application site has been used as a long established depot and the proposal would make use of the existing access off Green Lane West. Lancashire County Highways has raised no objection to the proposal in principle and has stated that although the site as existing has a lower amount of employment floor space than that proposed, at times the level of traffic to the site was significant. County Highways has considered the development proposal together with that of the proposal for 2no. industrial units on the northern section of the site (17/00210/FUL) and considers that the traffic generation would be no greater than that generated by the depot on the site. Therefore it is considered that the development proposed (individually and combined) would not result in severe harm to the capacity of the highway network.

9.18 County Highways raised no objections in principle to the proposal subject to amendments to improve the internal parking and turning layout, and pedestrian access provision. The applicant has submitted plans to amend the internal layout and County Highways is satisfied that a pedestrian route through the site can be delivered and a planning condition should be imposed to cover it. The proposed turning area within the curtilage is also considered to be acceptable. However, further amendments were requested to the pedestrian route and how it connects to Green Lane West, as County Highways considered that although the access would be wide

enough for vehicles (6m width) it would be too narrow to provide for both vehicles and pedestrians. Further amendments were requested from the applicant to widen the access to Green Lane West and to remove the footway crossing the site entrance. Amended plans have been submitted and County Highways now considers that the amendments address their concerns and their objection is withdrawn. Therefore it is considered that the proposal would be acceptable in terms of highway safety.

9.19 In terms of parking provision County Highways considers that the proposed development provides a level of car parking that is commensurate with the total employment floor space that would be created by the development. Therefore the proposal is considered acceptable in terms of parking provision.

#### Flood Risk and drainage

9.20 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing the risk of flooding elsewhere. The application site is within Flood Zone 1 on the Environment Agency's flood risk mapping service and therefore has the lowest probability of flooding. It is considered that the proposal is acceptable in terms of flood risk and would not be at risk of fluvial flooding, nor would it exacerbate the flood risk to surrounding development.

9.21 In terms of localised surface water flooding and drainage, the applicant has submitted a drainage strategy which states that surface water would discharge into a public combined sewer on Green Lane West. Consultees originally raised concerns that insufficient surface water drainage information had been submitted as there is an existing public combined sewer on Green Lane West and an alternative means of drainage to that proposed should be investigated. The applicant has provided further drainage information and United Utilities, the County Council as Local Flood Authority and Wyre Council's Head of Engineering Services have no objections to the proposal subject to drainage conditions relating to surface water management and flow levels. It is considered that the suggested conditions are necessary and appropriate in this case and should be attached should the application be approved.

#### Ecology

9.22 The application site is considered to have low ecological potential and the existing buildings on the site have negligible potential for bats. Therefore no ecological issues have been identified and no conditions are considered necessary in this case.

#### Contamination

9.23 Paragraphs 120 and 121 of the NPPF and the NPPG state that Local Planning Authorities should ensure that proposed development is appropriate for its location and located on sites suitable to accommodate the new use, taking into consideration ground conditions and land stability, including any former uses of the land and that any required mitigation measures are secured.

9.24 The Head of Environmental Health has no objections to the proposed development provided that a condition is attached to ensure a desk study is carried out and submitted to and agreed by the Local Planning Authority prior to the commencement of development. Subject to this condition it is considered the

proposal would be acceptable in terms of ground contamination and would comply with the policy provisions of the NPPF and NPPG.

## Waste Management

9.25 The National Planning Policy for Waste seeks to ensure that new development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities, for example by ensuring there is discrete provision for bins to facilitate a high quality, comprehensive and frequent collection service.

9.26 The end users of each of the proposed units is not known, however the industrial use proposed would be likely to generate some level of waste. It is suggested that to ensure adequate storage and collection of waste from the development, a condition should be attached to require details and measures for the storage and collection of waste for each unit to be submitted prior to first occupation. Subject to the proposed condition the proposal would fulfil the requirements of the provisions of the National Planning Policy for Waste.

## 10.0 CONCLUSION

10.1 The proposal is for the development of industrial units within an existing industrial/employment area. The development is therefore acceptable in principle subject to any identified impacts. Objections have been received which have been taken into consideration in the assessment of this application. It is considered that the proposal would be acceptable and would not result in detrimental harm to residential amenity subject to the conditions suggested. The proposal is also considered acceptable in terms of design, scale and siting, drainage and contamination, ecology, waste management, and highway safety, capacity and parking.

10.2 The proposal would be located within the rural settlement of Garstang and proposes an employment use within an existing employment area along Green Lane West. Due to its close proximity to the facilities of Garstang and its location immediately adjacent to the existing road network, it is considered that the proposal would represent sustainable development in terms of its links and easy access to the highway network and facilities.

10.3 With regard to the NPPF, in terms of the economic role, the proposed development would provide economic investment and employment in Garstang through the delivery of a number of units for industrial use. In terms of the social role the proposal would create a built environment with new modern buildings that would improve the current appearance of the site and remove existing buildings which are not considered to contribute well to the visual amenity of the area at present. For those employed at the site local services would be accessible in the immediate area. It is considered that the proposal would have a limited impact upon the environment but that any pollution would be mitigated through the imposing of conditions to control noise and odour. Overall it is therefore considered the proposal would represent sustainable development.

## 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 27th February 2017 including the following plans/documents:

ML/JG/5622 (As proposed site plan) received by the Local Planning Authority on 13th February 2018,

ML/JG/5621 (Elevations as proposed) received by the Local Planning Authority on 24th February 2017,

Site Location Plan received by the Local Planning Authority on 24th February 2017.

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

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

3. The development shall be carried out using those materials specified on the approved plans and application form received by the Local Planning Authority on

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

4. Prior to use of any B2 unit hereby permitted for the purposes of food storage or food processing, an odour management plan (OMP) shall be submitted and agreed in writing by the LPA, and shall be implemented thereafter. The OMP shall include odour control measures for the delivery, storage and processing of food, and the disposal of food waste and associated material. The OMP shall be designed and implemented such that odour from food or food waste is not detectable outside the development boundary.

Reason: In order to minimise odour emanating from the operation and maintenance of the units, in the interests of protecting the amenity of nearby residents, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999 and the NPPF.

5. The rating levels for cumulative noise from the development shall not exceed the existing background level (LA90) at the nearest noise sensitive premises, as assessed in accordance with British Standard 4142: 2014 Methods for rating and assessing industrial and commercial sound. Alternative levels and monitoring locations may be used subject to the prior written agreement of the Local Planning Authority.

Reason: To avoid demonstrable harm to the amenities of the surrounding area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999.

6. The Maximum Instantaneous Noise Levels (LAFmax) from the development shall not exceed 60 decibels (measured in dB(A)) evening (19.00-23.00) and night-time (23.00-07.00) at the façade of the nearest noise sensitive premises. Alternative levels and monitoring locations may be used subject to the prior written agreement of the Local Planning Authority. The evening standard LAFmax will only apply where the evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence (several times per hour).

Reason: To avoid demonstrable harm to the amenities of the surrounding area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999.

7. The operation of the development shall be restricted to the hours of 07.00 to 18.00, Monday to Friday, 07.00 to 13.00 on Saturdays, and not on Sundays and Bank Holidays.

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).

8. There shall be no deliveries or collections of goods (including waste) to or from the development outside the hours of 07.00 to 18.00, Monday to Friday, 07.00 to 13.00 on Saturdays, and not on Sundays and Bank Holidays. This shall include that no delivery or collection vehicle shall enter the development site outside of these hours.

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).

9. No development shall commence (including any demolition works), until a site specific Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:

- o Procedures for maintaining good public relations, including complaint management, public consultation and liaison
- o Arrangements for liaison with the Council's Environmental Protection Team
- o 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 :
  - o Between 08.00 hours and 18:00 hours, Monday to Friday
  - o Between 08.00 hours and 13:00 hours on Saturdays

- o At no time on Sundays and Bank and Public Holidays
  - o Measures for controlling and monitoring:
  - o Noise and vibration
  - o Dust and air borne pollutants having regard to the location of nearby sensitive receptors and industry best practice
  - o Measures for controlling the use of site lighting whether required for safe working or security purposes
  - o Procedures for emergency deviation of any agreed element within the Plan
- The approved plan shall be strictly adhered to throughout the demolition/construction period, unless otherwise permitted by the Local Planning Authority in writing.

Reason: This information is required prior to commencement to ensure that the preparation and construction phases through to the completion of the development do not adversely affect the amenity of the area or local residents in accordance with the National Planning Policy Framework.

10. Prior to commencement of the development, 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 standards for 'Environmental Zone E3' as described within the Institute of Lighting Professionals' Guidance for the Reduction of Obtrusive Light, GN01:2011' in that the light intrusion into the windows of any nearby sensitive premises from the development shall not exceed 10 Lux before 23.00, and 2 lux after 23.00. All artificial lighting to the development, (including fixed flood lighting to buildings and vehicle parking areas), shall be designed such that it is not intrusive to nearby sensitive premises.

Reason: This information is required prior to commencement for the avoidance of doubt and to ensure that any external lighting installations do not cause harm to neighbouring residential amenity in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999.

11. There shall be no external storage to the units hereby approved.

Reason: In order to prevent the potential for harm to the visual amenity of the area in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

12. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with the policy principles of the NPPF.

13. Prior to the commencement of development, details of the foul and surface water drainage schemes (inclusive of how the schemes shall be maintained and managed after completion) shall be submitted to and approved in writing by the local planning authority.

The foul and surface water drainage schemes shall provide details of measures required to mitigate any risks to groundwater and public water supply from the development.

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

Reason: This information is required prior to commencement to promote sustainable development, secure proper foul and surface water drainage and to manage the risk of flooding and pollution, in particular to groundwater and public water supply. The site lies within a Groundwater Source Protection Zone 2 for a nearby public water supply abstraction, and as such the site is considered to be particularly sensitive to the input of pollutants at the surface. This condition is imposed in accordance with Policies ENV16 and ENV17 of the Adopted Wyre Borough Plan 1999, the NPPF and NPPG.

14. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change - see EA advice <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
- b) The drainage scheme should demonstrate that surface water run-off must not exceed the existing pre-development runoff rate for the corresponding rainfall event and must not exceed 15.5 litres per second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required on or off-site to ensure the adequate discharge of surface water without causing flooding or pollution (which should include the refurbishment or removal of any existing watercourses, culverts, headwalls or unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing where applicable;
- f) Site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that surface water can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development and to ensure that water quality is not detrimentally impacted by the development proposal, in accordance with Policies ENV16 and ENV17 of the Adopted Wyre Borough Plan 1999, and the policy provisions of the NPPF.

15. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

- i. on-going inspections relating to performance and asset condition assessments
- ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system, in accordance with Policies ENV16 and ENV17 of the Adopted Wyre Borough Plan 1999, and the policy provisions of the NPPF.

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

Reason: The potential for contamination must be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

17. No part of the development hereby approved shall be occupied or opened for trading until the pedestrian access tying into the existing footway on Green Lane West (and requiring the removal of existing fencing as shown on plan ML/JG/5622) has been constructed and is available for use.

Reason: To separate pedestrian and vehicle movements at the site access in the interests of highway safety.

18. The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan ML/JG/5622, before the use of the premises hereby permitted becomes operative.

Reason: To allow for the effective use of the parking areas and provide a safe pedestrian route through the car park.

19. Prior to the first occupation of each unit within the development hereby permitted, full details of the provision for and location of bin storage and details of waste collection for that unit, shall be submitted to and agreed in writing by the Local

Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: For the avoidance of doubt, to ensure that bin storage would not interfere with any public footway or cause harm to pedestrian safety, and to ensure that the units would be provided with sufficient provision for waste storage and collection, and that the proposal would fulfil the requirements of the National Planning Policy for Waste.

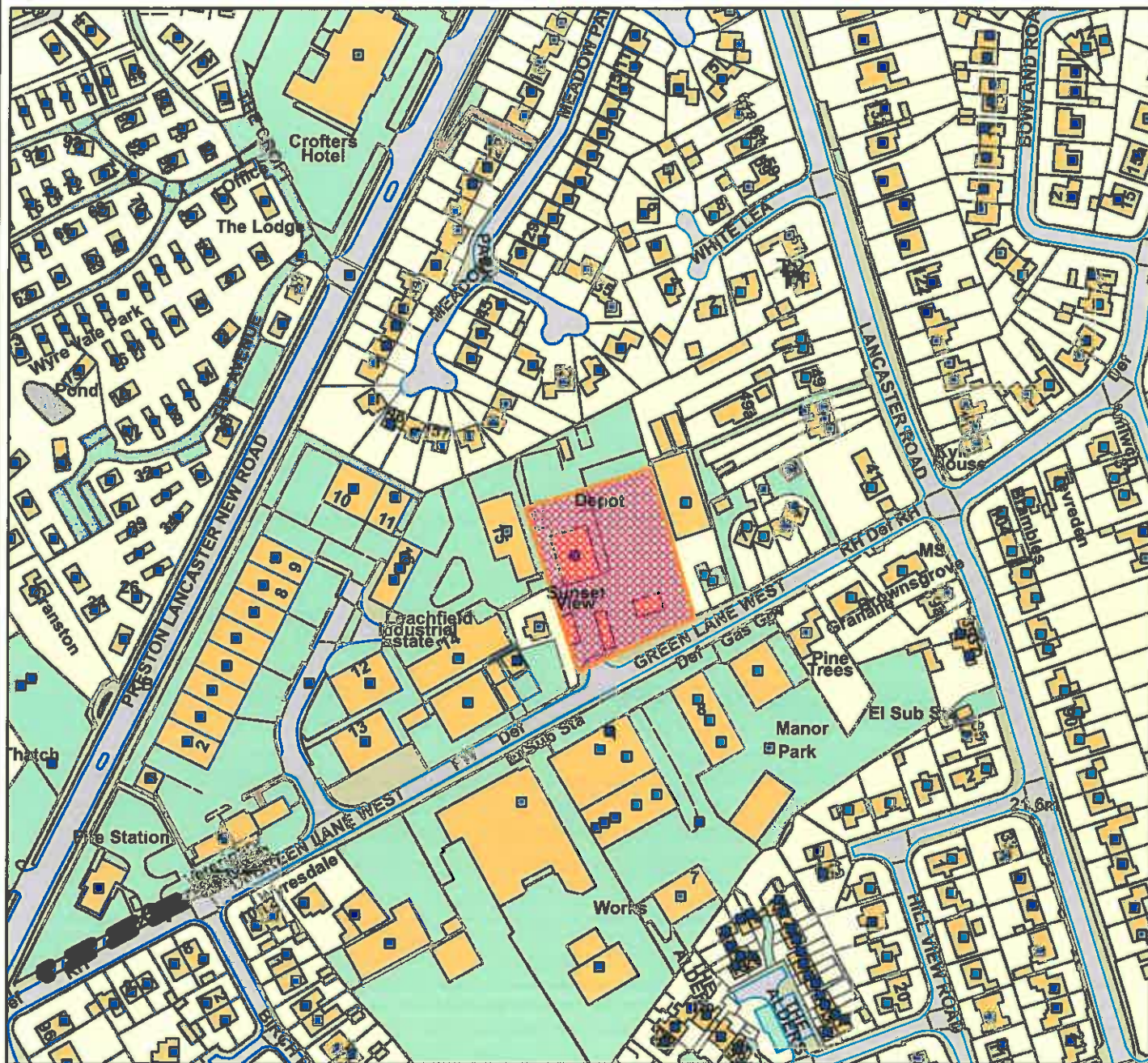
**Notes: -**

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council in the first instance to ascertain the details of such an agreement and the information to be provided.

arm/rg/pla/cr/18/0703hh2



17/00177/FULMAJ - Former LCC Depot, Green Lane West, Garstang



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Organisation	Wyre Council
Department	Planning Department
Comments	Item 02
Date	21/02/2018
MSA Number	100018720

## **Committee Report**

**Date: 07.03.2018**

<b>Item Number</b>	<b>03</b>
<b>Application Number</b>	<b>17/00210/FUL</b>
<b>Proposal</b>	<b>Erection of two industrial units (B2 Use)</b>
<b>Location</b>	<b>Former District Council Depot Green Lane West Garstang Lancashire</b>
<b>Applicant</b>	<b>Messrs Pugh</b>
<b>Correspondence Address</b>	<b>c/o M L Planning Ltd 5 Bobbin Mill Cottages Stubbins Lane Claughton On Brock Preston PR3 0PL</b>
<b>Recommendation</b>	<b>Permit</b>

## **REPORT OF THE HEAD OF PLANNING SERVICES**

### **CASE OFFICER - Miss Lucy Embery**

#### **1.0 INTRODUCTION**

1.1 This application is before the Committee at the request of Councillor Lady Atkins.

#### **2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site is a former County Council Depot on the north side of Green Lane West, Garstang. The site is located within the rural settlement of Garstang as identified on the Policies Map of the Adopted Wyre Borough Local Plan, and within an existing employment area as defined by the Policies Map of the draft Local Plan.

2.2 The site is immediately adjacent to existing buildings in employment use to the south, east and west. To the north are existing residential properties on Meadow Park. There are also existing residential properties further east on Green Lane West and Lancaster Road.

#### **3.0 THE PROPOSAL**

3.1 The application proposes the erection of 2no. industrial units for Class B2 (General Industrial) use, comprising one larger unit and one smaller unit. The larger unit would be used to expand the applicant's existing piglet business based at Bowgreave House Farm. The unit would be used for the processing raw meat and would contain offices, staff facilities, fridge rooms, freezer room and a preparation room. This unit would measure 18m width by 15m depth, and 5.8m height to the roof ridge.

3.2 The smaller unit would be of mono-pitch design with a roof sloping downwards to the rear. This unit would contain open plan workspace and would measure 12.1m width, 7.5m depth, 3.6m to the eaves, and 6m in height to the highest point. The application states that the occupier of this unit is not yet confirmed but it is intended for B2 use.

3.3 The buildings would be sited with the largest building to the west of the site, and the smaller building to the east. The front elevation of the largest building would face south, and the front elevation of the smaller building would face west. Access to the buildings would be from an existing access off Green Lane West and along an internal access road leading to a parking and turning area between the two proposed buildings.

3.4 Both of the units would be constructed of Juniper green box profile sheeting to the roof and walls. Doors would be roller shutter style and constructed of galvanised steel. No windows are proposed.

3.5 In addition to the plans illustrating the proposal the application is supported by:

- o Design and Access Statement
- o Drainage Statement

#### 4.0 RELEVANT PLANNING HISTORY

##### 4.1 Application site

91/00893 - Erection of an industrial unit. Approved August 1991.

85/00516 - Change of use to food processing. Withdrawn.

82/01603 - Advertisement hoarding. Approved.

##### 4.2 Adjacent land

16/00437/FUL - Erection of one dwelling and formation of new vehicular access with dropped kerb. Approved December 2016.

12/00638/FUL - Two storey rear extension, garage conversion and new attached garage. Approved November 2012.

#### 5.0 PLANNING POLICY

##### 5.1 National Planning Policy Framework (NPPF)

5.1.1 The NPPF was published by the Department of Communities and Local Government on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision". Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.1.2 Twelve core principles are identified. These include supporting sustainable economic development to meet local need; securing high quality design and a good standard of amenity; recognising the different roles and characters of different areas; accounting for flood risk; conserving and enhancing the natural environment; encouraging the effective use of land and mixed use developments; actively

managing patterns of growth to maximise use of sustainable transport modes; and delivering sufficient community and culture facilities and services to meet local needs. The most relevant sections of the NPPF to the determination of this application are considered to be:

- o Section 1 - Delivering sustainable development
- o Section 4 - Promoting sustainable transport
- o Section 7 - Requiring good design

## 5.2 WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.2.1 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 NPPF.

- o Policy SP5: Definition Of Main Rural Settlements
- o Policy SP14: Standards of Design and Amenity

## 5.3 EMERGING WYRE LOCAL PLAN

5.3.1 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 minor amendments deal with clarification matters or errors raised at the public consultation and they do not alter the substance of the 'Publication' draft Wyre Local Plan. The 'Submission' stage is an advanced stage in the local plan process. It confirms the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. This stage is a further advancement in the local plan process. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document' As the draft Local Plan has now advanced to 'submission' the weight to be given in the planning balance has increased depending on the particular circumstances of the case.

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

- o Policy SP1: Development Strategy
- o Policy SP2: Sustainable Development
- o Policy CDMP3: Design
- o Policy EP1: Employment Land Supply
- o Policy EP2: Existing Employment Areas

## 5.4 BRE (BUILDING RESEARCH ESTABLISHMENT) STANDARDS

5.4.1 The Building Research Establishment is a former UK government national laboratory which covers all aspects of the built environment. Its standards are still used by Government bodies to determine the quality of the built environment. It specifically looks at energy efficiency, in the form of BREEAM standards, but also provides guidance on matters such as loss of light. The guidance (which is merely indicative) on overshadowing and loss of light has been used in the assessment of this application.

## 6.0 CONSULTATION RESPONSES

### 6.1 GARSTANG TOWN COUNCIL

6.1.1 No objections but it is requested conditions be attached requiring an odour management plan for the processing of raw meat, limiting delivery hours to between 7am - 6pm Monday to Friday, and the installation of planting or fencing on the boundary adjoining Meadow Park.

6.2 CABUS PARISH COUNCIL: Comments awaited.

### 6.3 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

Original response:

6.3.1 No objections in principle subject to appropriate conditions and a revised plan to address the internal layout issues. The internal layout raises concerns that need to be addressed. The plans show vehicle turning for a car, however the design and access statement indicated that vehicles of 18T will make deliveries, therefore vehicle turning for an 8m vehicle need to be provided. In addressing this the car parking layout may require amending. The plan shows 9 car parking spaces although 7 would be acceptable. No pedestrian route is shown.

6.3.2 Whilst two applications have been submitted they share a common access. The development proposals (including application 17/00177/FUL) represent a significant increase in the size of the buildings, however given the previous use of the site LCC highways do not consider that traffic from the two development proposals would be significantly different. As such in terms of traffic generation the impact of these developments on the A6 corridor are considered to be no greater than that which would be generated by the existing highways depot. Therefore LCC raise no objections to the quantum of development proposed (individually or combined).

Response following the submission of amended plans;

6.3.3 The plans show a pedestrian route through the site which County Highways are satisfied can be delivered and as such a planning condition can be imposed to cover it. Turning within the curtilage is also shown and is acceptable. However, the major concern is how the pedestrian route connects to the existing footway on Green Lane West. The plan does not adequately show this. The existing access is kerbed and provides a carriageway width of approximately 6m where the gates are. County Highways is content with this width for vehicular access but not if pedestrians use it as well, therefore the access needs widening to accommodate pedestrians and a footway constructing adjacent to the access. This needs to be clearly shown on plans in order for it to be conditioned. If necessary a slight reposition of the access would be acceptable. Also the first 2 spaces into the site appear to go through where the existing site fencing is splayed again this is not acceptable and needs revising. The plans do not show that safe pedestrian access is available from the existing footway on Green Lane West adjacent to the site into the site. The revised plan now shows a footway across the access, which is not acceptable.

Response following further amendments;

6.3.4 The amended plans (ML/JG/5622) now address County Highways concerns and the previous objection is withdrawn. Conditions must be imposed on any permission granted to ensure the car parking is surfaced or paved in accordance with

a scheme to be first agreed with the Local Planning Authority and the car parking spaces and manoeuvring areas marked out before the use becomes operative, and to ensure the development is not occupied until the pedestrian access tying into Green Lane West has been constructed and made available for use. An informative is also suggested to ensure the applicant is aware that an appropriate legal agreement will be required with the County Council for any works within the highway.

6.4 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY): No comments to make.

#### 6.5 UNITED UTILITIES

6.5.1 No objections subject to conditions requiring separate systems of foul and surface water drainage, and full details of foul and surface water drainage prior to commencement of development. General drainage comments have been provided which would be passed on to the applicant in the form of an informative.

6.6 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE): Originally objected on the grounds of insufficient information. Following the submission of further information there are no objections to the proposal.

#### 6.7 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE POLLUTION)

6.7.1 No objection subject to a condition restricting the hours of operation to 7am to 6pm Monday to Friday, with no operation at the weekends. The deliveries to the proposed pig meat processing unit are proposed as early as 5.30am and this is considered to be unacceptable in terms of the potential significant adverse effect on nearby residents due to noise and resultant sleep loss. A condition should be attached to limit hours of deliveries and collections to 7am to 6pm Monday to Friday, with none at weekends or on Bank/Public Holidays. A construction management plan, and an artificial lighting assessment should also be required by condition.

#### 6.8 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LAND CONTAMINATION)

6.8.1 Standard conditions should be attached to any permission granted requiring a desk study to be carried out prior to the commencement of development.

#### 6.9 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ODOUR)

6.9.1 A condition should be attached to any permission granted requiring the submission and agreement of an odour management plan (OMP) prior to the first use of the development for the purposes of raw meat processing. The OMP shall include odour control measures for the delivery, storage and processing of raw meat, and the disposal of meat waste and associated material.

#### 7.0 REPRESENTATIONS

7.1 Thirteen letters of objection have been received from ten respondents. The issues raised can be summarised as follows:

- o Odour impact upon, and proximity to, neighbouring residential amenity.
- o An odour management plan has not been produced.

- o There is concern about noise pollution to residential properties due to delivery vehicles, particularly in the early morning.
- o There is concern that artificial lighting would be required due to the operating hours proposed and that this would be disruptive to the residents of neighbouring properties.
- o There is concern the proposal would result in loss of natural daylight, shadowing, and loss of privacy to the occupiers of neighbouring dwellings of 39 Meadow Park.
- o The proximity of the proposal to adjacent dwellings and gardens (including 39 Meadow Park) would result in overbearing.
- o There would be an impact upon the quiet enjoyment of the garden of 41 Meadow Park, and an impact upon the security of this property.
- o The lack of landscaping would have a negative visual impact upon residential properties in Meadow Park. Boundary planting and fencing should be provided and retained.
- o Lack of clarity on the storage and removal of waste from the site.
- o Concerns that meat waste would attract vermin, pose a health risk to residents, and result in land contamination, and contamination of boreholes for drinking water and water extraction.
- o Ecological concerns about nesting ducks in the local area
- o The proposed use of the building would be different to the trade counter style units along Green Lane West.
- o The proposed use would not be compatible with residential housing.
- o This proposal together with a further 8 units (application ref: 17/00177/FULMAJ) would represent overdevelopment and be out of scale with the area.

Issues have been raised, such as impact upon the value and sale of properties, loss of view/outlook, and use of the site for alternative uses other than that proposed, which are not material planning considerations and therefore cannot be taken into account in the assessment of this application.

7.2 One letter has been received which comments on the application but neither objects to, nor supports it. The points raised can be summarised as follows:

- o The site should be secured by appropriate fencing or tree planting as the proposed buildings would be sited about 10m away from existing housing.
- o Confirmation should be provided about the disposal of waste.

## 8.0 CONTACT WITH APPLICANT/AGENT

8.1 Dialogue has been maintained throughout the application process. Additional information, including amendments to the parking and turning layout, and provision of a pedestrian route through the site has been requested, and progress updates have been provided.

## 9.0 ISSUES/ASSESSMENT

9.1 The main planning issues are considered to be:

- Principle of development
- Visual Impact/ Design/ Impact on the Street Scene
- Amenity impact
- Accessibility, highway safety and parking
- Drainage

## Principle of development

9.2 Policy SP5 of the Adopted Local Plan defines Garstang as a main rural settlement. The application site lies wholly within the settlement boundary as identified on the policies map of the Adopted Wyre Borough Local Plan. It is also located within an existing employment area as outlined within the policies map of the draft Local Plan. The application site is brownfield being formerly used for employment purposes. It is located within an established industrial estate and the proposal would be adjacent to existing employment uses, with the exception of residential properties to the north. Therefore the employment use of the site would be maintained and the principle of the development would be acceptable subject to the matters discussed below.

## Design / Visual Impact/ Impact on the streetscene

9.3 The proposed buildings would be typical of modern utilitarian industrial buildings with a simple design and appearance. They would be sited adjacent to similar industrial units. It is considered that the appearance, design and materials would be in keeping with the character of existing industrial buildings along Green Lane West, some of which have been constructed of the proposed Juniper Green box profile sheeting, and would blend into the existing industrial built form. Both of the proposed buildings would contain facilities at ground floor level. The larger unit would be 5.8m in height but with a longer footprint, and the smaller building 6m in height to its highest point due to the mono-pitch design. The scale and height of the buildings is considered to be commensurate to the existing neighbouring industrial buildings to the east and west, and also to the south, including those across Green Lane West. The proposed buildings would also be similar in height to the nearby residential properties on Meadow Park.

9.4 The proposed buildings would be sited set back away from Green Lane West and behind existing industrial buildings and a larger portion of land that has been used for employment purposes. This adjacent land is the subject of a separate application (ref: 17/00177/FULMAJ). Due to the existing buildings to the south between the proposal and Green Lane West the proposed development would not be up to the road or widely visible in the street scene. The existing buildings south of the site are proposed to be demolished and new buildings erected under application 17/00177/FULMAJ. Regardless of whether the existing buildings to the south are demolished, it is considered that the two proposed units subject to this application would not appear unduly dominant in the street scene due to the distance of the units from Green Lane West.

9.5 In general it is considered that the scheme is acceptable in terms of design subject to the imposition of relevant conditions. No unacceptable visual impacts are anticipated and the appearance of the proposed buildings is considered to be acceptable in accordance with saved Policy SP14 of the Adopted Local Plan.

## Impact on residential Amenity

9.6 The NPPF states that one of the core principles of the planning system is to seek a good standard of amenity for all existing and future occupants of land and buildings. Although the proposal is not for a residential development, SPG4 can be used as an aid to assessing the acceptability of the proposals and the impact upon existing residential properties. The guidelines of this document are set out in paragraph 5.4.1 of this report.

9.7 Objectors have raised concerns about loss of light, overbearing, overlooking (loss of privacy), noise and odour. These matters are considered in turn below;

#### Overbearing

9.8 The nearest residential properties to the application site are to the north of the application site on Meadow Park. The curtilage of properties 39, 41, 51 and 53 Meadow Park bound the application site (from east to west respectively). The rear elevation of 39 Meadow Park is 12.1m away from the northern elevation of the proposed smaller unit at its closest point, and 16m away at its furthest point. Therefore although the rear of this property would face towards the side of the proposed smaller unit the proposal would comply with the guidelines of SPG4 in that there would be a 12m separation distance between the existing dwelling and proposed building.

9.9 No. 41 Meadow Park is orientated to face north-south and its rear elevation would therefore face towards the proposed area of hardstanding between the two industrial units, and the north-east corner of the larger unit. Its rear elevation would be 15.8m away from the north boundary of the application site, and 20m from the rear elevation of the larger unit. The rear garden of 51 Meadow Park runs diagonally between this dwelling and its curtilage and the application site.

9.10 No. 51 and 53 Meadow Park are orientated to face south east to north-west. The rear elevation of No. 51 would face past the proposed larger building towards the proposed area of hardstanding between the two buildings. No. 53 would face towards the area of hardstanding but also the north-east corner of the larger unit at a distance of 23m.

9.11 As the proposed smaller unit would be sited with the side elevations nearest the rear elevations of neighbouring dwellings, and the distance between this building and these dwellings would be 12m or greater it is considered the proposal complies with the distancing guidelines of SPG4. Due to the orientation of numbers 41, 51 and 53 Meadow Park it is considered that the 21m guidance distance between rear elevations would not apply in this case as the rear elevations of the existing and proposed buildings would not directly face each other. It is also therefore considered that due to the proposed siting of the buildings and the orientation of existing properties that the proposal would not result in unacceptable adverse impact to residential amenity by means of overbearing or dominance.

#### Overlooking

9.12 The proposal would not result in any harm by overlooking to existing residential properties as no windows are proposed within the elevations of the buildings. It is therefore also considered that the proposal would not result in loss of privacy to the occupiers of the existing dwellings.

#### Loss of light and overshadowing

9.13 BRE standards indicate that impact on skylight, daylight (natural light) and sunlight should be taken into account when assessing proposals for new development. The main factors that can affect the amount of overshadowing are the height, distance to the boundary, the size of plot, the orientations of existing and proposed buildings, and topography. Where land levels are the same between existing and proposed development which would directly face each other, a distance of 10m is required to prevent overshadowing.

9.14 In this case the proposed development would not directly face existing residential properties (i.e. front elevations). In respect of the physical dwelling houses themselves, the rear elevation of No. 39 Meadow Park would directly face the side elevation of the smaller proposed unit and at a similar land level to this proposed unit. The proposed buildings would be sited at a distance greater than 10m away from existing dwellings, including 39 Meadow Park, and the smaller unit would be 6m in height but on the east elevation, and therefore it is considered that the proposal would not cause loss of skylight, daylight or sunlight, and therefore would not result in detrimental overshadowing to existing dwellings.

9.15 In respect of the garden curtilages, as the proposed units would be 6m in height and sited to the south and close to the curtilage boundaries of neighbouring residential properties the proposal would result in loss of sunlight to the gardens of these residential properties. Therefore some overshadowing of neighbouring gardens would occur. Shadows can be determined at various times of the day (tracking the sun moving from the east in the morning, to the south at midday, and to the west morning to evening) and also in different seasons. Shadows will be shorter in the summer months when the sun is higher in the sky. This would be the case in particular to 39 Meadow Park as it is orientated with its rear elevation and garden area directly north of the proposed smaller unit. The smaller unit would be due south of this property and therefore shadowing of the garden would be most likely to occur at midday, particularly in the winter months when the sun would be lower in the sky. However due to the separation distance of 12.1m, and taking into account that the proposed building would be lower than 6m along the boundary with this neighbouring garden (the highest point of the building would face east), shadowing would not be significant or over a large proportion of this garden area.

9.16 The gardens of 51 and 53 Meadow Park would be affected to a lesser degree due to their orientations facing away from the proposed larger unit, and the distance to the proposed smaller unit. Their gardens are long and linear, especially the garden of No. 51. Neither of the gardens would be affected by overshadowing in the early morning due to their location in comparison to the proposed units. There would be some overshadowing to the garden area of No. 53, and its neighbour No. 55, in the later morning, particularly in the winter months when the sun is lower in the sky. However this would only affect the end portion of the garden area of No. 53, and to a lesser extent for a very limited time of day as the sun tracks round. Shadowing would occur to the very end sections of both gardens serving 51 and 53 north of the larger unit at midday, however this would still leave a large proportion of their gardens unaffected. There would be very limited overshadowing of the garden of No.41 as this garden area directly faces the hardstanding area between the two proposed buildings.

9.17 In conclusion, the existing properties would not be detrimentally affected by loss of light or overshadowing, however the proposal would impact through shadowing upon the amenity space of neighbouring properties, particularly No. 39. However, as the shadowing would be to garden areas rather than the properties themselves, and would be more likely to happen in winter, late autumn and early spring, it is considered that the impact would not be so significant to warrant refusal of the application.

## Noise

9.18 The proposal would result in an increase in noise to surrounding premises above that of the current situation since the demolition of the former units on the site. However, the Head of Environmental Health (noise) has no objection to the proposals subject to a number of conditions. The suggested conditions include limiting the hours of operation to 7am to 6pm Monday to Friday, with no operation at the weekends, limiting the hours of deliveries and collections to 7am to 6pm Monday to Friday, with none at weekends or on Bank/Public Holidays, and the submission of a construction management plan. Although the applicant's Design and Access Statement states that there would be deliveries at 5:30am, the applicant has advised that they would be agreeable to the condition requiring deliveries to begin at 7am. It is considered that subject to these conditions the proposal could be acceptably operated without causing unacceptable adverse harm to neighbouring amenity through noise, both during the construction phase and operation.

## Odour

9.19 A number of objectors have raised concerns about the potential for impact upon their amenity from odours from the proposed use of the larger unit for meat processing. Environmental Health has raised no objections to the proposal provided that a condition is attached to any permission. The condition requires the submission and agreement of an odour management plan (OMP) detailing measures for delivery, storage and processing of raw meat, and the disposal of meat waste prior to the first use of the development for the purposes of raw meat processing. It is considered that this condition would meet the test of reasonableness and that subject to this condition the proposal would not cause detrimental harm to the amenity of occupiers.

## Impact on Highway / Parking

9.20 The NPPF sets out that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. The application site has been used as a long established depot and the proposal would make use of the existing access off Green Lane West which would remain unaltered. Lancashire County Highways has raised no objection to the proposal in principle and has stated that although the site as existing has a lower amount of employment floor space than that proposed, at times the level of traffic to the site was significant. County Highways has considered the development proposal together with that of the proposal for 8no. industrial units on the southern section of the site (17/00177/FUL) and considers that the traffic generation would be no greater than that generated by the depot on the site. Therefore it is considered that the development proposed (individually and combined) would not result in severe harm to the capacity of the highway network.

9.21 County Highways has raised no objections in principle to the proposal subject to amendments to improve the internal parking and turning layout, and pedestrian access provision. The applicant has submitted plans to amend the internal layout and County Highways is satisfied that a pedestrian route through the site can be delivered and a planning condition should be imposed to cover it. The proposed turning area within the curtilage is also considered to be acceptable. However, further amendments have been requested to the pedestrian route and how it connects to Green Lane West, as County Highways considered that although the access would be wide enough for vehicles (6m width) it would be too narrow to provide for both vehicles and pedestrians. Further amendments have been requested from the applicant to widen the access to Green Lane West and to remove the footway

crossing the site entrance. Amended plans have been submitted and County Highways now considers that the amendments address their concerns and their objection is withdrawn. Therefore it is considered that the proposal would be acceptable in terms of highway safety.

9.22 In terms of parking provision County Highways considers that the proposed development provides a level of car parking that is commensurate with the total employment floor space that would be created by the development. Therefore the proposal is considered acceptable in terms of parking provision.

#### Flood Risk -

9.23 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing the risk of flooding elsewhere. The application site is within Flood Zone 1 on the Environment Agency's flood risk mapping service and therefore has the lowest probability of flooding. It is considered that the proposal is acceptable in terms of flood risk and would not be at risk of fluvial flooding, nor would it exacerbate the flood risk to surrounding development.

#### Contamination

9.24 Paragraphs 120 and 121 of the NPPF and the NPPG state that Local Planning Authorities should ensure that proposed development is appropriate for its location and located on sites suitable to accommodate the new use, taking into consideration ground conditions and land stability, including any former uses of the land and that any required mitigation measures are secured. The Head of Environmental Health has no objections to the proposed development provided that a condition is attached to ensure a desk study is carried out and submitted to and agreed by the Local Planning Authority prior to the commencement of development. Subject to this condition it is considered the proposal would be acceptable in terms of ground contamination and would comply with the policy provisions of the NPPF and NPPG.

#### Ecology

9.25 No issues have been identified. The buildings on this site have previously been demolished. GMEU have raised no objections to application 17/00177/FULMAJ on the land immediately to the south as the site which was identified as having low ecological value.

#### Trees/ Landscaping

9.26 No issues in relation to existing trees have been identified. There are existing soft boundary features along the northern boundary of the application site which it is considered should be retained. However, the applicant now proposes to provide further landscaping along the northern and eastern boundaries of the application site. It is considered that this landscaping would improve the appearance of the site from both within the application site, and also provide a softer edge to the site when viewed from the gardens and rear of neighbouring residential properties. A condition is suggested to ensure that this soft landscaping is provided, and retained following completion of the proposed buildings should the application be approved. Subject to this condition it is considered the proposal would be acceptable in terms of impact upon trees and landscaping.

## Other Issues - Waste Management

9.27 The National Planning Policy for Waste seeks to ensure that new development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities, for example by ensuring there is discrete provision for bins to facilitate a high quality, comprehensive and frequent collection service.

9.28 The applicant has confirmed that the waste created on site from the meat processing unit will be contained in a fridge inside the building. It would be collected from there and removed from site by a third party at suitable intervals. It is stated that there would be no smell associated with this procedure.

9.29 Notwithstanding the submitted information, it is suggested that to ensure adequate storage and collection of waste from the development, a condition should be attached to require details and measures for the storage and collection of waste for each unit to be submitted prior to first occupation. Subject to the proposed condition the proposal would fulfil the requirements of the provisions of the National Planning Policy for Waste.

## 10.0 CONCLUSION

10.1 Objections have been received which have been taken into consideration in the assessment of this application. It is considered that the proposal would be acceptable in principle, and would not result in detrimental harm to residential amenity subject to the conditions suggested, and in particular those relating to noise and odour. The proposal is also considered acceptable in terms of design, scale and siting, highway safety, capacity and parking, drainage and contamination, ecology, and waste management.

10.2 The proposal would be located within the rural settlement of Garstang and proposes an employment use within an existing employment area along Green Lane West. Due to its close proximity to the facilities of Garstang and its location immediately adjacent to the existing road network, it is considered that the proposal would represent sustainable development in terms of its links and easy access to the highway network and facilities.

10.3 With regard to the NPPF, in terms of the economic role, the proposed development would provide economic investment and employment in Garstang through the delivery of units for industrial use. In terms of the social role the proposal would create a built environment with new modern buildings that would improve the current appearance of the site, and for those employed at the site local services would be accessible in the immediate area. It is considered that the proposal would have a limited impact upon the environment but that any pollution would be mitigated through the imposing of conditions to control noise and odour. Overall it is therefore considered the proposal would represent sustainable development.

## 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 10th March 2017 including the following plans/documents:

ML/JG/5622 (As proposed site plan) received by the Local Planning Authority on 13th February 2018,  
ML/RP/5630 (Elevations as proposed) received by the Local Planning Authority on 30th November 2017,  
Site Location Plan received by the Local Planning Authority on 13th March 2017.

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

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

3. The development shall be carried out using those materials specified on the application form received by the Local Planning Authority on 9th March 2017.

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

4. Prior to first use of the development for the purposes of raw meat processing, an odour management plan (OMP) shall be submitted to and agreed in writing by the LPA and be implemented thereafter. The OMP shall include odour control measures for the delivery, storage and processing of raw meat, and the disposal of meat waste and associated material. The OMP shall be designed and implemented such that odour is not detectable outside the development boundary.

Reason: In order to minimise odour emanating from the operation and maintenance of the units, in the interests of protecting the amenity of nearby residents, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999 and the NPPF.

5. The rating levels for cumulative noise from the development shall not exceed the existing background level (LA90) at the nearest noise sensitive premises, as assessed in accordance with British Standard 4142: 2014 Methods for rating and assessing industrial and commercial sound. Alternative levels and monitoring

locations may be used subject to the prior written agreement of the Local Planning Authority.

Reason: To avoid demonstrable harm to the amenities of the surrounding area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999.

6. The Maximum Instantaneous Noise Levels (LAFmax) from the development shall not exceed 60 dB(A) evening (19.00-23.00)\* and night-time (23.00-07.00) at the façade of the nearest noise sensitive premises. Alternative levels and monitoring locations may be used subject to the prior written agreement of the Local Planning Authority. \* The evening standard LAFmax will only apply where the evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.

Reason: To avoid demonstrable harm to the amenities of the surrounding area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999.

7. The operation of the development shall be restricted to the hours of 07.00 to 18.00, Monday to Friday, 07.00 to 13.00 on Saturdays, and not on Sundays and Bank Holidays.

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).

8. There shall be no deliveries or collections of goods (including waste) to or from the development outside the hours of 07.00 to 18.00, Monday to Friday, 07.00 to 13.00 on Saturdays, and not on Sundays and Bank Holidays. This shall include that no delivery or collection vehicle shall enter the development site outside of these hours.

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).

9. No development shall commence (including any demolition works), until a site specific Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:

- o Procedures for maintaining good public relations, including complaint management, public consultation and liaison
- o Arrangements for liaison with the Council's Environmental Protection Team
- o 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 :
  - o Between 08.00 hours and 18:00 hours, Monday to Friday
  - o Between 08.00 hours and 13:00 hours on Saturdays
  - o At no time on Sundays and Bank and Public Holidays
- o Measures for controlling and monitoring:
  - o Noise and vibration
  - o Dust and air borne pollutants having regard to the location of nearby sensitive receptors and industry best practice

- o Measures for controlling the use of site lighting whether required for safe working or security purposes
- o Procedures for emergency deviation of any agreed element within the Plan

The approved plan shall be strictly adhered to throughout the demolition/construction period, unless otherwise permitted by the Local Planning Authority in writing.

Reason: This information is required prior to commencement to ensure that the preparation and construction phases through to the completion of the development do not adversely affect the amenity of the area or local residents in accordance with the National Planning Policy Framework.

10. Artificial lighting to the development, for example, fixed flood lighting to buildings and vehicle parking areas, shall be designed such that it is not intrusive to nearby sensitive premises. Prior to commencement of the development, an Artificial Lighting Assessment shall be approved in writing by the Local Planning Authority. The assessment shall demonstrate that the lighting will be installed in accordance with the standards for 'Environmental Zone E3' as described within the Institute of Lighting Professionals' Guidance for the Reduction of Obtrusive Light, GN01:2011' in that the light intrusion into the windows of any nearby sensitive premises from the development shall not exceed 10 Lux before 23.00, and 2 lux after 23.00.

Reason: This information is required prior to commencement for the avoidance of doubt and to ensure that any external lighting installations do not cause harm to neighbouring residential amenity in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999.

11. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

12. Prior to the commencement of development, details of the foul and surface water drainage schemes (inclusive of how the schemes shall be maintained and managed after completion) shall be submitted to and approved in writing by the local planning authority. The foul and surface water drainage schemes shall provide details of measures required to mitigate any risks to groundwater and public water supply from the development.

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. The site lies within a Groundwater Source Protection Zone 2 for a nearby public water supply abstraction, and as such the site is considered to be particularly sensitive to the input of pollutants at the surface.

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

shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

Reason: The potential for contamination must be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

14. No development shall take place until full details of both hard and soft landscaping works to the north and east boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

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

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

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development in the interests of the visual amenity of the area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

15. No part of the development hereby approved shall be occupied or opened for trading until the pedestrian access tying into the existing footway on Green Lane West (and requiring the removal of existing fencing as shown on plan ML/JG/5622) has been constructed and is available for use.

Reason: To separate pedestrian and vehicle movements at the site access in the interests of highway safety.

16. The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan ML/JG/5622, before the use of the premises hereby permitted becomes operative.

Reason: To allow for the effective use of the parking areas and provide a safe pedestrian route through the car park.

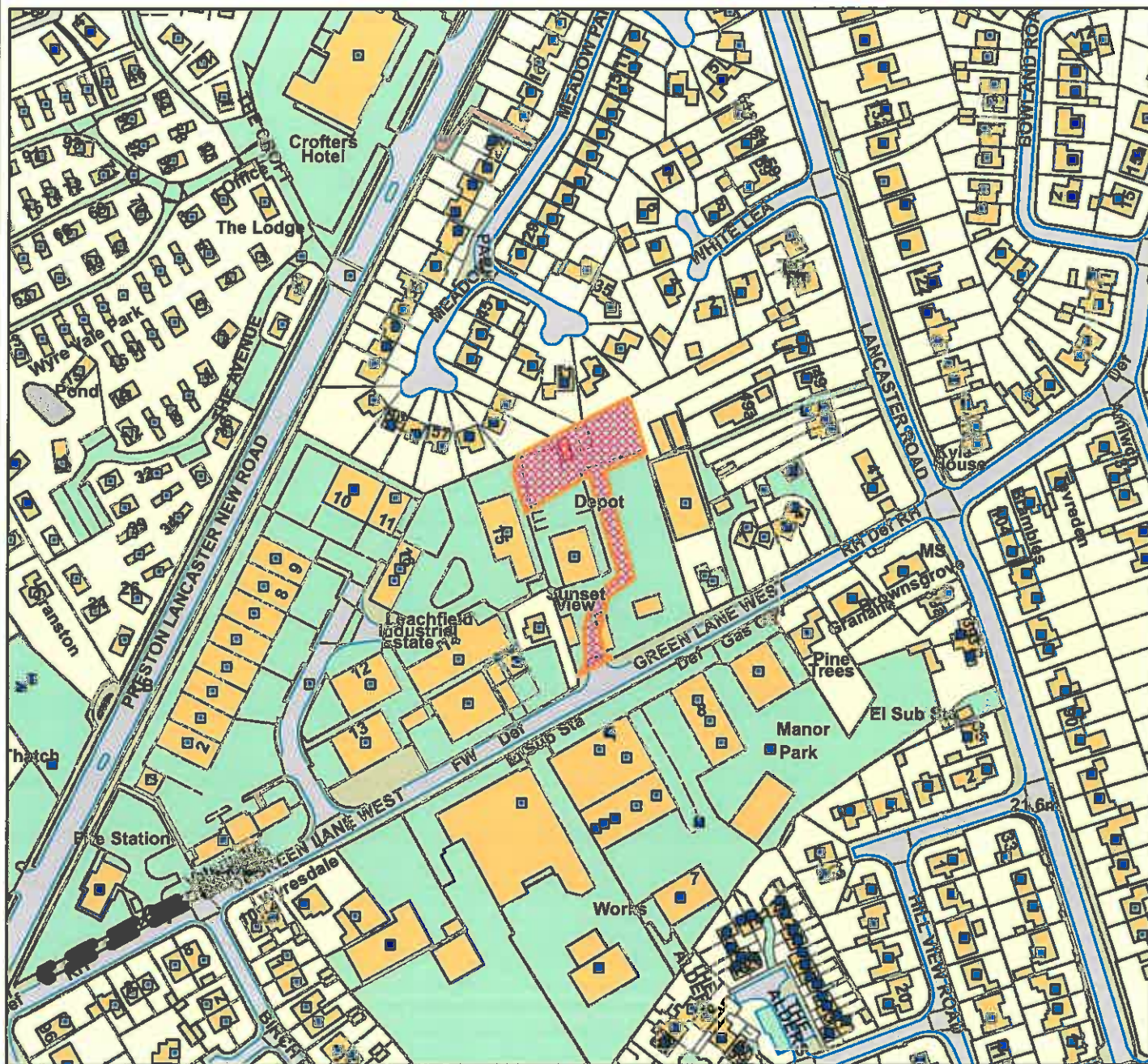
17. Prior to the first occupation of each unit within the development hereby permitted, full details of the provision for and location of bin storage and details of waste collection for that unit, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: For the avoidance of doubt, to ensure that bin storage would not interfere with any public footway or cause harm to pedestrian safety, and to ensure that the units would be provided with sufficient provision for waste storage and collection, and that the proposal would fulfil the requirements of the National Planning Policy for Waste.

arm/rg/pla/cr/18/0703hh3

# Planning Committee

17/00210/FUL - Former District Council Depot, Green Lane West, Garstang



**Scale:** 1:2,500

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 03
Date	21/02/2018
MSA Number	100018720