

Committee Report

Date: 03.04.2019

Item Number	01
Application Number	19/00007/FULMAJ
Proposal	Variation of condition 2 (approved Plans) on application 16/00550/FULMAJ to allow for full demolition of existing building and the erection of a three storey building to provide approx. 1400sqm (gross) of retail floor space (Class A1) and 18 residential apartments with new and re-configured car parking.
Location	Former Garstang Business And Community Centre High Street Garstang Preston Lancashire PR3 1FU
Applicant	Keyworker Homes Ltd
Correspondence Address	FAO Miss Danielle Bassi Keyworker Homes Ltd 8B Darwin Court Hawking Place Blackpool FY2 0JN
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Karl Glover

1.0 INTRODUCTION

1.1 This application is before Members of the Planning Committee at the request of Councillor Atkins. The previous application 16/00550/FULMAJ was also considered by The Planning Committee on the 22nd March 2017 as it was a major development of strategic importance. As such it is also considered appropriate that this Section 73 planning application is also considered and determined by Members of the Planning Committee. A site visit is recommended to enable Members to understand the proposal and its setting beyond the plans submitted and the photos taken by the Case Officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application relates to a 0.7 hectare site that lies immediately to the east of the roundabout at the junction of High Street and Croston Road, Garstang. The site is currently occupied by the former Garstang Business and Community Centre, public car parking and public conveniences. The River Wyre and an area of public open space bound the site to the east and there are residential properties to the north and south. High Street is one of the main roads through Garstang town centre and is characterised by commercial uses to the south of the application site and residential properties to the north. The existing building is in two parts. A two-storey section of period design with a rear outrigger and pitched-roof fronts the main road with a more modern, two-storey, flat-roofed section behind to the south.

2.2 There is a grade two listed building immediately opposite the application site on the western side of High Street. With the exception of the landscaped frontage at

the western end of the site, the site falls within flood zone 2. The very eastern end of the site closest to the river falls within flood zone 3. The eastern end of the site also falls within a Minerals Safeguarding Area. There are no Biological Heritage Sites within close proximity of the site and no trees subject to Tree Preservation Orders. Two public rights of way bound the site, footpath 2-12-FP-3 runs along the southern boundary with footpath 2-12-FP-1 roughly following the line of the river to the east. The site falls within the defined boundaries of the Garstang Conservation Area and Garstang Town Centre.

3.0 THE PROPOSAL

3.1 This Section 73 application seeks consent for the variation of condition 2 (approved plans condition) on previously approved application 16/00550/FULMAJ to allow for the full demolition of the existing building and the erection of a three storey building to provide approximately 1400sqm (gross) of retail floor space (Use Class A1) and 18 residential apartments with new and re-configured car parking provisions.

3.1.1 The previous approved scheme was for the partial demolition of the existing building (which comprises the original building and a later extension added in the 1960s). The front façade and part of the side elevation of the original part of the building was to be retained, with the new build development wrapping around and projecting to the side and rear. This proposal is to fully demolish the existing building in its entirety and to rebuild/replicate the original façade to the same appearance, and using the existing materials. The reasons for seeking to demolish and rebuild the façade are set out in Paragraph 9.5 of this report.

4.0 RELEVANT PLANNING HISTORY

4.1 16/00550/FULMAJ - Erection of 3 storey building following partial demolition of existing building to provide approx. 1400sqm (gross) of retail floor space (Class A1) and 18 residential apartments with associated new and reconfigured car parking - Permitted subject to condition and Section 106 Legal Agreement.

4.2 16/00550/DIS - Discharge of conditions 4 (drainage scheme), 5 (drainage management plan), 6 (Natural England licence), 7 (bat method statement), 10 (lighting), 11 (biodiversity enhancement), 12 (highway works), 13 (Construction Management Plan), 14 (travel plan), 15 (desk study), 22 (tree protection) on application 16/00550/FULMAJ - Split decision issued (Additional information required for conditions 10 and 15).

4.3 16/00550/DIS1 - Discharge of conditions 18 (noise report) and 28 (archaeology) on application 16/00550/FULMAJ - Accepted

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance:

- Policy SP1 - Development Strategy
- Policy SP2 - Sustainable Development
- Policy SP7 - Infrastructure Provision and Developer Contribution
- Policy SP8 - Health and Well Being
- Policy CDMP2 - Flood Risk and Surface Water Management
- Policy CDMP3 - Design
- Policy CDMP4 - Environmental Assets
- Policy CDMP5 - Historic Environment
- Policy CDMP6 - Accessibility and Transport
- Policy HP1 - Housing Land Supply
- Policy HP2 - Housing Mix
- Policy HP3 - Affordable Housing
- Policy EP4 - Town, District, Local and Neighbourhood Centres
- Policy EP5 - Main town Centres

5.1.3 The WLP31 identifies a Local Plan housing requirement of 9,200 dwellings or 460 dwellings per annum. Against this figure, the 5 year land supply including 20% buffer, is calculated as 5.19 years. This reflects the most up-to date housing supply position based on the 31 March 2018 figures. Paragraphs 73(b) and 74 of the NPPF and footnote 38 make it clear that where a local authority has a 'recently adopted plan', it is able to demonstrate a 5 year Housing Land Supply (HLS) for the purposes of the NPPF. Footnote 38 would operate in the present case to maintain the WLP31 status as a 'recently adopted plan' until 31st October 2019. The Inspector's Report into the WLP31 confirms that on adoption the Council will be able to demonstrate a deliverable supply of housing land. This finding is predicated upon the application of a 20% buffer. The effect of the above is that during the period to 31st October 2019 the Council is deemed to be able to demonstrate a deliverable HLS.

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 19th February 2019. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2019 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2 - Achieving sustainable development
- Section 4 - Promoting sustainable transport
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 12 - Achieving well - designed places
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

- Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

6.0 CONSULTATION RESPONSES

6.1 GARSTANG TOWN COUNCIL

6.1.1 Object to the proposal (No reasons for objection was set out in the response)

6.2 NATEBY PARISH COUNCIL

6.2.1 No objections

6.3 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.3.1 No observations received at the time of compiling this report

6.4 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.4.1 Verbally advised that the application proposal does not raise any concerns from a highway and pedestrian safety point of view

6.5 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LAND CONTAMINATION)

6.5.1 No objections subject to the further information required to satisfy the contaminated land condition previously attached to be carried over to this application

6.6 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE)

6.6.1 No objections subject to the agreed conditions on the previous application and as submitted for the discharge of condition application being re attached

6.7 WBC HEAD OF BUILT ENVIRONMENT (ESTATES)

6.7.1 No objections to the proposal

6.8 WBC HEAD OF BUILT ENVIRONMENT (BUILDING CONTROL)

6.8.1 Agree with the valid points raised within the Technical Note and the safest option would be to deconstruct and reconstruct the façade.

This is due to the constraints onsite with ground conditions, new foundation requirements, lack of space and boundary conditions.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there has been 4 letters of objections received and 1 letter of support. The primary reasons for opposition are:

- Impacts upon exiting business and trade and the existing retail uses in the area
- The demolition and rebuild will not protect the heritage of the existing site
- Demolition and re build is not a minor material amendment
- Original Façade should be retained
- Impacts upon neighbouring amenity and existing buildings from pile driving

- This is not a minor amendment and a full application should be submitted

7.1.1 The letter of support highlights that there are no objections to the proposal subject to the rebuild being secured

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Further information and justification has been requested in relation to the full demolition and rebuild. A Structural report has since been submitted by the applicant. Discussions in relation to planning conditions have also been carried out.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Procedural Matters
- Principle of Development
- Impact upon the Conservation Area & Heritage Assets
- Other Planning Matters
- Conditions and Deed of Variation

Procedural Matters

9.2 This application has been submitted under Section 73 of the Town and Country Planning Act 1990 which allows for the variation or removal of conditions attached to previous permissions. In this instance the variation relates to condition 2 attached to permission 16/00550/FULMAJ which requires the development to be carried out in accordance with the list of approved plans. Application 16/00550/FULMAJ permitted an identical scheme to this current proposal however that involved the retention of the front and side facade of the existing building.

9.3 Paragraph 30 of the National Planning Practice Guidance (NPPG) sets out that applicants/agents can apply to remove or change a condition following a decision. In deciding such application (known as a section 73 application), the local planning authority must only consider the disputed condition/s that are the subject of the application and that it is not a complete reconsideration of the application. Paragraph 13 of the NPPG states that one of the uses of a Section 73 application is to seek minor material amendments, where there is a relevant condition that can be varied. Concerns have been raised by residents that the demolition and rebuild is not considered to be a minor amendment and that a new full application should be submitted. However an appeal decision for a comparable scheme in Tottenham Court, London is relevant (appeal ref: APP/X5210/A/14/2219830) where the local planning authority there refused an application on similar grounds and circumstances, stating that the demolition and rebuild could not be considered a minor amendment. However the appeal was allowed and planning permission was granted. Within the Inspectors decision, the following paragraph is of particular relevance with regards to the acceptability of the procedure:

"The NPPG provides advice on s73 applications and says that one of the uses of a section 73 application is to seek a minor amendment where a relevant condition can be varied. The application was submitted on the basis that it sought a minor material amendment. The guidance says there is no statutory definition of a minor material amendment but it is likely to include an amendment where its scale and/or nature results in a development which is not substantially different from the one which has

been approved... I recognise that the Council attach great importance to the retention of the façade to the great weight that should be attached to the conservation of heritage assets, however I am of the opinion that the proposed variation to fully demolish and rebuild the development does not fundamentally change either the scale or the nature of the permitted scheme, and it is not substantially different from what was approved".

9.4 Having regard to this appeal decision, in this instance, the submission of a section 73 application which, if granted would allow for the proposed demolition and rebuild of the building's façade, has been accepted. The submitted plans are identical to the previously approved plans on application 16/00550/FULMAJ with the only exception being that instead of the retention of the front and part of the side elevations, the proposal now seeks full demolition and rebuild.

Principle of Development

9.5 The principle of the development for the erection of a 3 storey building to provide approximately 1400sqm of retail floor space and 18 residential apartments with new and reconfigured car parking has already been established and approved under application 16/00550/FULMAJ where Members of the Planning Committee resolved to grant planning permission subject to conditions and the signing of a Section 106 legal agreement to secure appropriate financial contributions towards local education, affordable housing and sustainable travel/highway improvements. As set out above in paragraph 9.3, Members are advised that there is no scope to re visit the matter of the principle of the development, with the main material planning consideration being whether or not it is appropriate for the building's façade to be demolished and rebuilt like for like as an alternative of it being retained as previously approved.

9.6 Initially the application failed to substantiate or justify why the facade could not be retained and as such further information was requested and subsequently submitted by way of a structural engineers report. Within the supporting information it sets out that following a detailed review the most appropriate way of supporting the proposed building would be to use deep piled foundations due to the existing building being constructed on a strip of foundations believed to be approximately 300mm deep and ground conditions comprising of loose sands and stiff gravelly clay. The report goes on to set out that the safest and most practical construction methodology would be to carefully de construct and re construct the existing facade for the following main reasons:

- Due to the requirement to use pile foundations the internal space of the existing building needs to be clear to allow for the large piling rig as working in close proximity to the existing structures have significantly more risk associated than working on a clear site.
- Due to requiring the internal space to be clear the façade retention system (Supporting brace) would need to be designed to be external to the main building. In this instance there are space restrictions due to the adjacent property and Millennium Gardens to the front of the building and consequently large excavations would be required adjacent to the Millennium Gardens and adjacent properties to support the façade retention structure. This would pose an additional health and safety risk especially given the loose nature of the shallow sands discovered during the site investigation.

9.7 The Council's Building Control section has reviewed the Structural Engineers Technical Note and agree with the findings set out within. They advise that due to the

constraints onsite with ground conditions, new foundation requirements and lack of space the safest option would be to deconstruct and reconstruct the façade. Based on the supporting information provided and the professional observations from the Building Control section it is recommended that the principle of the works proposed to fully demolish and rebuild is considered to be acceptable.

Impact upon the Conservation Area & Heritage Assets

9.8 Policy CDMP5 of the Wyre Local Plan sets out the Council's overall objective in relation to the historic environment and highlights that designated heritage assets shall be protected, conserved and where appropriate enhanced for their Aesthetic and cultural value and their contribution to local distinctiveness and sense of place. New development shall protect, conserve and enhance the historic environment. This approach is also replicated within the general thrust of Section 16 of the National Planning Policy Framework (Conserving and Enhancing the Historic Environment). Within the responses from the neighbouring residents there is concern that the demolition and rebuild will have adverse impacts upon the historic integrity of the building and the wider Garstang Conservation Area. The application has been considered with due regard to the duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which is to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Council's Conservation Officer has advised that given the relatively low significance of the original, early 20th Century element of the building, the fact that the building has previously been recorded (by Allen Archaeology) to satisfy condition 28 on the previous approval, and considering the information submitted in support of this application, it is considered that the proposed amendment to deconstruct and rebuild is considered to be acceptable and support the principles accepted in the previous application. It is not anticipated that there will be any adverse impacts upon the Conservation Area as the rebuilding of the façade will replicate and preserve the historic integrity of the designated heritage asset (Garstang Conservation Area). The supporting information submitted sets out that the existing materials will be utilised and rebuilt in accordance with the photographic building survey recording submitted.

Other Planning Matters

9.9 There is considered no additional impact on residential amenity from full demolition and reconstruction of the façade compared to the extent of demolition that would be undertaken on the previous approved scheme. An approved Construction Environmental Management Plan will protect neighbouring properties during demolition and construction works. As part of the original application (16/00550/FULMAJ) the principle of residential and retail development has been accepted along with matters in relation to design, impacts upon neighbouring amenity, highway safety, access and parking, flood risk/drainage and ecological and environmental matters (noise, pollution, odour). This application is only considering the minor amendment in relation to the building's façade and is not revisiting these elements which have already been assessed and conditioned where necessary in conjunction with any financial obligation necessary to be secured by reason of Section 106 agreement. Having said that, since the previous application the Wyre Local Plan (2011-31) has been formally adopted. It is considered that subject to conditions the proposal fully complies with the policies contained within the newly adopted Local Plan in relation to all other planning matters and that progression from the old policies contained within the former Adopted Wyre Borough Local Plan (1999) does not materially affect this decision.

Conditions and Deed of Variation (Section 106 Legal Agreement)

9.10 Section 73 of the Town and Country Planning Act (Variation of conditions application) allows applications to be made for permission to develop without complying with conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions. In this instance an array of pre commencement (and non pre commencement) conditions were imposed on the original application 16/00550/FULMAJ. Since the previous approval two applications have been submitted by the applicant to discharge a number of conditions (ref 16/00550/DIS and 16/00550/DIS1) which cover matters relating to drainage, ecology, lighting, contamination, construction, noise, archaeology and tree protection. The suggested conditions for this pending application have been worded to reflect the proposed variation of the plan drawing number demonstrating the demolition and reconstruction of the façade, along with the details which have been accepted as part of the discharge of condition applications. If Members are mindful to approve the proposal then a Deed of Variation to the previously signed section 106 agreement will be required to ensure that the financial contributions secured towards local education provision, affordable housing, sustainable travel and highway improvement works are carried over to this new permission.

10.0 CONCLUSION

10.1 The proposed variation to condition 2 to allow for the demolition and re construction of the building's façade is not considered to raise any significant concerns upon the character or amenity of the area and is not seen to have any adverse impacts upon the historic character of the Garstang Conservation Area. The proposal is seen to comply with Policy CDMP5 of the Wyre Local Plan and the provisions of the NPPF.

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 members resolve to grant full planning permission subject to conditions and a deed of variation to the original S106 legal agreement to secure appropriate financial contributions towards local education, affordable housing, sustainable travel and highway improvement works, and that the Head of Planning Services be authorised to issue the decision upon the satisfactory completion of the deed of variation to the S106.

Recommendation: Permit

Conditions: -

1. The development must be begun not later than the expiration of three years from the 31st July 2018

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 15.01.2019, including the following plans:

- Location Plan Dwg No. KW/HSG/LP/01 Rev A
- Proposed Site Plan Dwg No. KW/HSG/SP/02 Rev J
- Proposed Colour Site Layout Dwg No. KW/HSG/CSL/01 Rev J
- Proposed Colour Site Layout Dwg No. KW/HSG/CSL/01 Rev J
- Site Sections Dwg No. KW/HSG/SS/01 Rev B
- Proposed Elevations Dwg No. KW/HSG/E/01 Rev F (Varied Plan)
- Proposed Ground and First Floors Plans Dwg No. KW/HSG/PFP/01 Rev J
- Proposed Second Floor and Roof Plan Dwg No. KW/HSG/PFP/02 Rev G
- Boundary Detail Dwg No. KW/HSG/BD/01
- Landscape Strategy Dwg No. 090.3.01 A
- Hardworks Layout Dwg No. 090.3.02 A
- Softworks Layout Dwg No. 090.3.03 A

The development shall be retained thereafter in accordance with the approved details.

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

3. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: 880917-R1 (02)-FRA, dated June 2016) and FRA Addendum (Ref: 880917/L01/KJ, dated 1 August 2016), and the following mitigation measures detailed therein:

- Limiting the surface water run-off generated so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Demonstration within the FRA that the improvement/protection and maintenance of existing flood defences will be provided.
- Identification and provision
- Finished floor levels are set no lower than 18.87 metres above Ordnance Datum (mAOD).

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

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy CDMP2 of the Wyre Local Plan and the provisions of the NPPF.

4. No part of the development shall be first occupied or brought into first use until the drainage works and levels have been completed in accordance with the approved scheme as submitted in the Scott Hughes Drainage Report (Project number 3396 dated October 2018). Thereafter the approved scheme shall be retained, managed and maintained at all times in accordance with the approved details.

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with Policy CDMP2 of the Wyre Local Plan and the National Planning Policy Framework.

5. The development hereby approved shall be implemented in full accordance with the approved Ecological Appraisal (document titled Dusk Survey Results in Relation to Bats, produced by Tyler Ecological Consultants, dated Oct 2018) including all the mitigation measures set out in that report.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

6. No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, has been submitted to and approved in writing by the Local Planning Authority, demonstrating that nesting / breeding birds have been shown to be absent.

Reason: To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

7. Prior to the installation of any external lighting associated with the development (excluding any lighting of the site during construction, which shall be carried out in accordance with the approved Lighting Management Strategy October 2018 received by the Council on the 6th December 2018) a scheme for the provision of such external lighting together with an Artificial Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' "Guidance Notes for the Reduction of Obtrusive Light GN01:2011", will be oriented and screened to prevent light spillage onto the adjacent residential dwellings and adjacent river, and appropriate lighting management will be in situ to ensure no active lighting of the wider site at night-time beyond what is considered reasonably necessary. The light intrusion into the windows of any sensitive premises shall not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3). The development shall operate in accordance with this approved scheme, which shall thereafter not be varied without the prior written approval of the local planning authority.

Reason: In the interests of public safety whilst protecting the amenity of neighbouring residential properties and nearby ecology in accordance with the provisions of Policy CDMP1 of the Wyre Local Plan and the NPPF.

8. The development hereby approved shall be implemented in full accordance with the approved Ecological Appraisal/Biodiversity Enhancement Scheme (document titled Conditions in respect of planning application 16/00550/FULMAJ produced by Tyler Ecological Consultants dated October 2018) including the approved timescales set out in that report.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

9. No part of the development hereby approved shall be first occupied or opened for trading until the site access and the off-site highway works and improvements (namely Main Site access junction on High Street including provision of dropped kerbs for pedestrians; and 2 No bus stops to Quality Bus Standard on High Street) have been constructed and completed in accordance with the approved scheme details, as set out within the approved Croft Transport Solutions - Highway Improvements and general arrangements plans (dated October 2018) listed below:

- 2444-D001- General Arrangement
- 2444-D002- Site Clearance
- 2444-D003- Construction Materials
- 2444-D004- Signs and Markings
- 2444-D005- Standard Details

Reason: In order to satisfy the Local Planning Authority that the traffic generated by the development does not exacerbate unsatisfactory highway conditions and that the development encourages sustainable travel in accordance with policy CDMP6 of the Wyre Local Plan and the NPPF.

10. The construction of the development including any demolition works shall be carried out at all times in accordance with the approved Construction Environmental Management Plan (CEMP) (Tritan Construction: Construction Management Plan received by the LPA on the 14th March 2019).

Reason: 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 Policies CDMP1 and CDMP3 of the Wyre Local Plan.

11. Prior to commencement of works associated with the construction of the development hereby approved (excluding any demolition works) the written submission of additional gas monitoring results and confirmation of a historic oil spill, as set out within the submitted Geo Environmental Investigation report by Arley Consulting and Nov 18 Addendum report (Submitted March 19th 2019), is required and this shall be agreed in writing by the local planning authority. Validation of the agreed remediation shall then be submitted and agreed in writing by the Local Planning Authority on completion of the works.

Reason: The development is for a sensitive land use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan.

12. The development shall be carried out in accordance with the approved Interim Travel Plan (Croft Transport Solutions received by the Local Planning Authority on the 14th March 2019). The provisions of the Interim Travel Plan shall be implemented in accordance with the timetable contained therein unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development provides sustainable transport options.

13. Prior to first occupation of the residential apartments hereby permitted, the building shall have been constructed or modified to provide effective sound insulation against internally generated noise from the retail use hereby permitted. The sound insulation

works shall be in accordance with the maximum noise standards within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings': Living Rooms 35 dB LAeq, T where T is 16 hours (07.00 to 23.00), and bedrooms 30 dB LAeq, T where T is 8 hours (23.00 to 07.00). Additionally, the sound insulation works shall ensure that the maximum level for single sound events inside bedrooms will not exceed 45 dB LAFmax between the hours of 19.00 and 07.00.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings from the retail use, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

14. The residential apartments hereby permitted shall be designed so that cumulative noise (from industrial, commercial and transportation sources) does not exceed:

- 35dB LAeq (16 hour) from 07.00 to 23.00 within living rooms and 30dB LAeq (8 hour) from 23.00 to 07.00 and 45dB LAFmax from 19.00 to 07.00 for single sound events within bedrooms, or any such level as approved in writing by 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.
- 50dB LAeq (16 hour) from 07.00 to 23.00 to outdoor living areas, or any such level as approved in writing by the Local Planning Authority.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings from cumulative noise from the existing and proposed industrial, commercial and traffic sources, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

15. Prior to first occupation or first use/ trade of the development hereby approved the approved sound proofing details set out within the approved Noise Assessment report (Agility Acoustics- Noise Assessment AA18-1081-R01v2 Jan 19) shall be installed. The development shall be maintained and retained in accordance with the approved sound proofing details at all times thereafter.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings from the retail use, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

16. (a) There shall be no deliveries or collections of goods (including waste) to or from the retail use hereby permitted outside the hours of 08.00 to 20.00 Monday to Saturday, nor at any time on Sundays, Bank or Public Holidays.

(b) No vehicle delivering to or collecting from the retail use hereby permitted, or waiting within any part of the application site, shall operate the vehicle's engine or any mechanical refrigeration unit other than when entering or leaving the site.

(c) Prior to the retail unit hereby approved being first brought into use, a scheme of signage shall be submitted to and agreed in writing by the Local Planning Authority

which shall include clearly legible signs displayed at all times to notify delivery and collection vehicle drivers of the permitted hours for deliveries/collections, the need to switch off vehicle engines and refrigeration equipment, and that they are in a noise sensitive residential area. This agreed signage scheme shall be implemented prior to first use.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings or existing residents from the retail use, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDM1 of the Wyre Local Plan and the provisions of the NPPF.

17. Waste compactors used in connection with the retail use hereby permitted shall not be operated between the hours of 20.00 and 08.00 Monday to Saturday, or at any time on Sundays and Public and Bank holidays.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings or existing residents from the retail use, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

18. The retail use hereby permitted shall not be open to customers outside the following times 08.00 to 20.00, Monday to Saturday, and 10.00 to 16.00 on Sundays and Bank and Public Holidays.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings or existing residents from the retail use, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

19. No development or any site activity associated with the development, including site preparation/clearance and demolition, shall commence until the approved scheme of tree/hedge protection (Bowland Tree Consultancy Tree Protection Scheme October 2018) has been fully implemented. The protection measures shall be retained for the duration of the works, and only removed once the development is complete and all machinery and works material has been removed from the site.

Reason: In order to adequately protect the trees to be retained on site in the interests of the appearance of the site and biodiversity in accordance with paragraphs 17 and 118 of the NPPF and Policy CDMP4 of the Wyre Local Plan.

20. The approved hard and soft landscape works as shown on approved plans Landscape Strategy Dwg No. 090.3.01 A, Hardworks Layout Dwg No. 090.3.02 A and Softworks Layout Dwg No. 090.3.03 A, which includes the relocation of T9: Millennium Tree, shall be carried out as approved prior to first occupation or first use of the development hereby approved or on completion of the development (whichever is the sooner) 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 Policies CDMP3 and CDMP4 of the Wyre Local Plan.

21. Notwithstanding the information shown on the approved plans and prior to the commencement of construction, details of the materials to be used on the external elevations of the building shall be submitted to and agreed in writing by the Local Planning Authority and the development shall then proceed in full accordance with these agreed details.

Reason: In the interests of the appearance of the site and locality in accordance with the provisions of paragraph 17 of the NPPF and Policy CDMP3 of the Wyre Borough Local Plan.

22. Notwithstanding the information shown on the approved plans, section drawings showing the extent to which the windows and doors would be recessed relative to the elevations in which they are set shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation. The development shall then proceed in full accordance with these agreed details.

Reason: In order to ensure that the building benefits from adequate detailing in the interests of its appearance and visual amenity in accordance with the provisions of paragraph 17 of the NPPF and Policy CDMP3 of the Wyre Local Plan.

23. Prior to first occupation of the residential development or first use of the commercial development hereby approved, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority detailing the location and amount of car parking spaces to be dedicated for the residential and commercial elements of the development hereby approved and the location and amount of car parking spaces to be made available for general public use, along with details of operational measures to ensure this parking provision will be made available for such users thereafter. The approved plan / management details shall be implemented in accordance with the approved details.

Reason: In order to ensure that adequate car parking provision exists on site in the interests of the appearance of the site and locality, residential amenity and highway safety in accordance with the provisions of paragraph 17 of the NPPF and Policies CDMP3 and CDMP6 of the Wyre Local Plan.

24. The refuse store for the apartments shown on the approved plans shall be provided before the apartments hereby approved are first occupied and shall thereafter be retained. The refuse store for the retail unit shown on the approved plans shall be provided before the retail unit hereby approved is first in use and shall thereafter be retained.

Reason: In order to ensure that adequate provision is available for the storage of refuse in the interests of residential amenity and the appearance of the site in accordance with the provisions of paragraph 17 of the NPPF and Policies CDMP1 and CDMP3 of the Wyre Local Plan.

Notes: -

1. The Environment Agency (EA) recommends that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points

and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with building control is recommended when determining if flood proofing measures are effective. Recommend that the applicant refers to the EA flood resilience guidance, which is available on the GOV.UK website.

The EA advise that the applicant signs up to the EA flood warning scheme. Further information can be found on the GOV.UK website at: <https://www.gov.uk/sign-up-for-flood-warnings>

The River Wyre adjacent to the site is designated a Main River and the developer may need an Environmental Permit. They should check at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> and contact Flood Risk Officer, Pippa Hodgkins, on 020 302 51397 to discuss EA requirements if a permit or advice is required. The EA has a right of entry to the River Wyre by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. It should be noted that the grant of planning approval does not guarantee that any necessary permissions or consents that are required under separate legislation will be forthcoming.

2. A public sewer crosses this site and United Utilities (UU) will not grant permission to build over or within 3 metres of the centre line of it. The requirement for UU permission is detailed within the guidance that supports Part H4 of the Building Regulations. If the proposals do not meet these specifications a modification of the site layout or a diversion of the public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees shall not be planted within the canopy width (at mature height) of the public sewer and overflow systems. Trees should not be planted directly over sewers or where excavation onto the sewer would require removal of the tree.

3. 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.

4. For the avoidance of doubt, the LCC Lead Local Flood Authority consultation response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. The consultation response does not grant the applicant permission to connect to the highway drainage network. Neither does this response cover the suitability of any highway drainage proposal. The highway drainage proposal and the suitability for future highway adoption under Section 38 of the Highways Act 1980 is for the Local Highway Authority to comment on.

5. The applicant should be aware that the decision is subject to a separate legal agreement.