



Emergency Powers Non-Executive Decisions Minutes

The minutes of the Emergency Powers Non-Executive Decisions meeting of Wyre Borough Council held on Wednesday 06 May 2020 at 2pm via Remote Access.

Councillors present:

Councillors Moon (Chair) and Ballard

Officers present:

Garry Payne, Chief Executive
David Thow, Head of Planning Services
Lyndsey Hayes, Planning Development Manager
Carmel White, Solicitor
Emma Keany, Democratic Services Officer

No members of the public or press attended the meeting.

1 Declarations of interest

None.

2 Emergency Powers Provisions for Planning Committee

Members of the meeting noted the emergency provisions relating to issues normally reserved for the Planning Committee and expressed their desire to keep the democratic process of decision making open during the unprecedented times.

All agreed the process should be kept as similar, as possible, to the normal procedures for the Planning Committee. They felt this was the correct way to deal with decisions taken under the emergency provisions, invoked by an emergency being declared in Wyre, as agreed by Cabinet. This included the process and principles of the public speaking procedure by way of allowing written representations, so that members of the public and others were able to make known their views on an application at the time a decision was to be taken.

3 Appeals

That the position regarding the appeals, as set out on pages 5-45 of the agenda reports pack, be noted and that any Member requiring any further details or clarification on any appeal, should contact the relevant Case Officer.

It was agreed that the appeal decisions for Land off Holts Lane, Poulton-le-Fylde (18/00680/OULMAJ) and Land on the east side of Lambs Road, Thornton-Cleveleys (17/00951/OUTMAJ) would be discussed with Planning Committee members at the first meeting once the committee was able to resume business.

4 Planning applications

The Head of Planning Services submitted three applications and reports to be considered.

5 **Application A- Land To The West Of The A6 (Preston/Lancaster New Road), Bounded By Nateby Crossing Lane & Croston Barn Lane, Nateby, Garstang, PR3 1DY (16/00241/OULMAJ)**

The application was brought to the meeting for determination for a number of reasons including the fact that the application had been considered by the Planning Committee twice before (March 2017 and June 2018).

Prior to the meeting Councillors Moon and Ballard had visited the site to enable them to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

An update sheet with additional information was published on the council's website and made available at the meeting, this information had only become available after the original agenda was published. The attendees considered the update sheet, which included additional representations. A verbal update was also given regarding a further representation that had been received since the publication of the update sheet.

Four members of the public registered to send in objections to the application and Ms Pollard, Mr Lockwood and Mr Lynch sent objections regarding the application and these were considered by the councillors and officers.

Councillors Ballard and Moon considered the application and discussed their views with the officers. They took on board the views of the members of the public and spoke about worries regarding the changes to the highway but stated that the highways authority had no objections to the proposals. They also expressed concerns regarding the Moss Lane and Longmoor junction. Officers responded to the councillors concerns and also mentioned that the amount of retail floorspace proposed was designed to serve the immediate site and would likely not impact Garstang town centre.

The Chief Executive confirmed he had considered the representations submitted and took on board all points raised. He also noted that this was an

application that had been before the Planning Committee twice before and which they had approved both times. He decided that the application be **approved (as per the recommendation)** under the provisions of the Town and Country Planning Act 1990, subject to the conditions as set out below and Section 106 agreement to secure affordable housing provision and an appropriate financial contribution towards local education, health care, sustainable travel and highway improvement works. The Head of Planning Services was authorised to issue the decision upon the satisfactory completion of the Section 106 agreement.

Conditions:

1. a) In the case of any reserved matter, namely appearance, landscaping, layout and scale of the buildings, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission;

(b) the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last matter to be approved.

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. Development shall not begin until a phasing programme for the whole of the application site and a delivery mechanism for all highways and access works (including the decommissioning of and works to that part of the application site currently occupied by the A6 and the connection link between the development and the public open space on the eastern side of the A6), have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing programme(s) and delivery mechanism(s) unless an alternative programme has otherwise been submitted to and approved in writing by the Local Planning Authority.

Reason: To define the permission and in the interests of the proper development of the site.

3. (a) The total number of residential units to be provided on the site shall not exceed 270.

(b) the total amount of employment floorspace to be provided on the site shall be a minimum of 4.68 hectares and this shall comprise of uses within class B1 and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless specified in (c) and (d) below. No more than 5,740sqm of the employment floorspace hereby approved shall be for use within class B1 (a) and B1 (b) of the Town and Country (Use Classes) Order 1987 (as amended).

(c) the total amount of floorspace for a convenience store use within class A1 of the Town and Country (Use Classes) Order 1987 (as amended) shall not exceed 500sq m (gross) with the net sales floorspace not exceeding 375sq m.

(d) the total amount of floorspace for a coffee shop use within classes A1 and A3 of the Town and Country (Use Classes) Order 1987 (as amended) shall not exceed 500sq m (gross) with the net sales floorspace not exceeding 235sq m.

Reason: In the interests of highway safety and capacity and to safeguard the vitality and viability of Garstang Town Centre in accordance with Policy EP5 of the Wyre Local Plan 2011-31 and the provisions of the NPPF.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no change of use of the class A1 retail and A1/A3 coffee shop floorspace hereby approved shall take place, nor shall any mezzanine floor be installed in any of those units, without the express permission of the Local Planning Authority.

Reason: In order to maintain an appropriate mix of uses on the site and to safeguard the vitality and viability of Garstang Town centre in accordance with the provisions of policy EP5 of the Wyre Local Plan 2011-31 and the NPPF.

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

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

6. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (ref. L29212/01/DS/CJS Issue 2A dated May 2014) and the mitigation measures detailed therein. The mitigation measures capable of being 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 2011-31 and the provisions of the NPPF.

7. (a) Prior to the commencement of each phase of the development, the

design of a scheme for the drainage of foul and surface water from that phase, based on the sustainable drainage principles and hierarchy outlined in policy CDMP2 unless demonstrated to be impractical on the site (such as due to ground conditions, in which case the results of the investigation required under part (d) and an assessment of the hydrological and hydrogeological context of the development will be required), shall be submitted to and approved in writing by the Local Planning Authority.

(b) This scheme shall include;

i. information about the design storm period and density (1 in 30 and 1 in 100 year + 30% allowance for climate change)

ii. discharge rates and volumes (both pre and post development and including any discharge through culvert no. 37 under the Lancaster Canal)

iii. temporary storage facilities

iv. means of access for maintenance

v. the methods employed to delay and control surface water discharged from the site

vi. the measures taken to prevent flooding and pollution of receiving surface waters, including watercourses and surface water sewers

vii. details of floor levels in AOD

viii. a quantitative and qualitative risk assessment and mitigation strategy with respect to groundwater protection to manage the risk of pollution to public water supply and the water environment. The risk assessment should be based on the source-pathway-receptor methodology. It shall identify all possible contaminant sources and pathways for the life of the development and provide details of measures required to mitigate any risks to groundwater and public water supply during all phases of the development. The mitigation measures shall include the highest specification design for the new foul and surface water sewerage system (pipework, trenches, manholes, pumping stations and attenuation features);

ix. details of any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts where relevant);

x. floodwater exceedance routes both on and off site;

xi. a timetable for implementation;

xii. a management and maintenance plan for the lifetime of the development which, as a minimum, shall include arrangements for adoption by an appropriate public body or statutory undertaker; management and maintenance by a Residents Management Company; arrangements of

appropriate funding mechanisms for on-going maintenance of the scheme; and details of an inspection programme to assess performance, asset condition, operation costs, and any necessary maintenance and/or remedial works.

(c) The scheme shall demonstrate that surface water run off for the entire site once developed would not exceed run-off from the undeveloped site for the corresponding rainfall event.

(d) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates

(e) Details of water quality controls and appropriate mitigation measures to prevent pollution of ground or surface waters including the Lancaster Canal;

(f) No surface water, highway drainage or land drainage shall discharge to the public combined sewerage system or via an infiltration system unless agreed by United Utilities.

(g) The approved drainage scheme for each phase shall then be implemented in full accordance with the approved details, including the agreed timetable for implementation.

Reason: To ensure a satisfactory form of development, to manage flood risk, to prevent pollution from foul and surface water and to protect drinking water supplies in accordance with Policies CDMP1 and CDMP2 of the Wyre Local Plan 2011-31 and the provisions of the NPPF.

8. No development of any phase shall take place until a Construction Environmental Management Plan (CEMP), for the construction and operation of the that phase of development, is submitted to and approved by the Local Planning Authority. The plan shall detail:

- i. how biodiversity would be protected throughout the construction period
- ii. the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters
- iii. the parking of vehicles of site operatives and visitors;
- iv. loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development;
- vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii. wheel washing facilities to be retained throughout the construction period by which means the wheels of vehicles may be cleaned before leaving

the site;

- viii. a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
- ix. a Management Plan to identify potential ground and water contaminants;
- x. details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction;
- xi. a scheme to control noise during the construction phase,
- xii. a Construction Phase Dust Action Plan that has regard to current best practice provides detail of both the dust mitigation measures to be employed to minimise fugitive dust impacts on localised receptors, and the procedures to be adopted in response to complaints of fugitive dust emissions.
- xiii. the routing of construction vehicles and deliveries to site including the direction of construction traffic away from Cathouse Bridge (bridge no. 64) over the Lancaster Canal in order to minimise risk of damage to this bridge during construction.

The development shall then proceed in full accordance with this approved plan.

Reason: In order to safeguard the biodiversity of the site, protect the water environment and public drinking water supplies, and to maintain the operation and safety of the local highway network, during site preparation and construction, in accordance with Policies CDMP1, CDMP4 and CDMP6 of the Wyre Local Plan and the provisions of the NPPF.

9. (a) No trees shall be felled or vegetation cleared during the bird breeding season (March to July inclusive) unless a report, undertaken by a suitably qualified person, has been submitted in writing to the local planning authority, demonstrating that nesting / breeding birds have been shown to be absent.

(b) No trees shall be felled or vegetation cleared during the main bat activity season (May to August inclusive) unless a report, undertaken by a suitably qualified person, has been submitted in writing to the local planning authority, demonstrating that roosting bats have been shown to be absent.

(c) Any trees to be felled shall be soft-felled whereby tree limbs are cut and left grounded over-night to allow any bats to make their way out.

Reason: In order to safeguard the biodiversity of the site in accordance with the provisions of policy CDMP4 of the Wyre Local Plan and the NPPF.

10. (a) Prior to the commencement of development, a method statement shall be submitted to and approved in writing by the Local Authority giving full

details of how any possible harm to great crested newts would be avoided during the course of development. This approved method statement should be implemented in full.

(b) No groundworks, vegetation clearance, levelling or drainage of the site, or trapping, exclusion or translocation of amphibians should commence until the Local Authority has acknowledged in writing receipt of either:

(i) a licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the specified activity to go ahead; or

(ii) a statement from the relevant licensing body to the effect that it does not consider that the specified activity would require a licence.

Reason: In order to safeguard biodiversity in accordance with the requirements of policy CDMP4 of the Wyre Local Plan and section 18 of the NPPF.

11. Prior to the commencement of each approved phase of the development, a Landscape and Habitat Creation and Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority and this approved plan shall be delivered in accordance with a timetable to be included therein and shall thereafter be retained and managed in accordance with the details of the approved scheme. The plan shall include species rich hedgerow planting; bolstering of existing hedgerows; the creation of ponds; and the provision of bat bricks or tubes, bat and bird boxes, and native tree and shrub planting. The scheme shall also include details of planting along the existing railway line that would support foraging bats.

Reason: In order to safeguard and enhance the biodiversity of the site in accordance with the provisions of policy CDMP4 of the Wyre Local Plan and section 18 of the NPPF.

12. Prior to the commencement of development, a method statement for the protection of trees and hedgerows during construction shall be submitted to and approved in writing by the Local Planning Authority. Development shall then proceed in full accordance with this approved statement. The method statement shall identify the trees and hedgerows to be retained and shall be in accordance with the guidelines set out under BS 5837:2012 'Trees in relation to design, demolition and construction'.

Reason: In order to safeguard existing trees and hedgerows on site in the interests of maintaining and enhancing biodiversity in accordance with policy CDMP4 of the Wyre Local Plan and section 18 of the NPPF.

13. Prior to the commencement of each approved phase of the development:

(a) A revised conceptual site model and risk assessment in respect of

potential land contamination for that phase shall be submitted to and approved in writing by the Local Planning Authority, including (where necessary), detailed proposals for further site investigation work

(b) Any necessary site investigation works in relation to potential land contamination for that phase shall be undertaken in full, strictly in accordance with the approved methodology, and a risk assessment of the findings submitted for approval by the Local Planning Authority, together (where appropriate) with a detailed remediation scheme

Where remediation of any potential land contamination is required for an approved phase, prior to first occupation of any dwelling / first use of any unit within that phase, remediation shall be undertaken strictly in accordance with the approved remediation strategy and a validation report shall be submitted to the Local Planning Authority for approval in writing, confirming full implementation of the approved remediation scheme.

Any changes to the approved elements require the express consent of the Local Planning Authority.

Reason: In order to prevent harm to human health or the environment from land contamination in accordance with the requirements of policies CDMP1 and CDMP4 of the Wyre Local Plan and the NPPF.

14. The development shall incorporate suitable gas protection measures, details of which for each approved phase of the development shall be submitted to and be subject to the written approval of the Local Planning Authority prior to the commencement of that phase of development, unless shown not to be required as detailed below. The measures shall include, as a minimum: ventilation of confined spaces within the building, a well-constructed ground slab, a low permeability gas membrane, minimum penetration (ideally none) of the ground slab by services, and passive ventilation to the underside of the building.

Alternatively, prior to the commencement of each phase of the development, a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures for that phase are not required. Any gas monitoring 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. Results shall be submitted for approval in writing by the Local Planning Authority.

Reason: In order to ensure that the development would be suitably protected against potential gas ingress in order to safeguard the environment and human health in accordance with the requirements of policy CDMP1 of the Wyre Local Plan and the NPPF.

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

- LAeq 50-55 dB 16 hours - gardens and outside living areas, daytime (07.00-23.00)
- LAeq 35 dB 16 hours - indoors, daytime (07.00-23.00)
- LAeq 30 dB 8 hours - indoors, night-time (23.00-07.00)
- LAFmax 45 dB(8 hours - indoors night-time (23.00-07.00)
- LAFmax 45 dB 4 hours - indoors evening (19.00-23.00)*

(B) The Noise Rating Levels for cumulative noise from all plant, machinery and vehicles used in connection with the industrial and commercial uses of the development shall not exceed the background noise level (LA90) at the external façade of each of the proposed dwellings, as assessed in accordance with British Standard 4142 (2014). Alternative levels and monitoring locations may be used subject to the prior agreement of the Local Planning Authority.

(C) The Maximum Instantaneous Noise Levels (LAFmax) from all plant, machinery and vehicles used in connection with the industrial and commercial uses of the development shall not exceed 60 dB(A) evening (19.00-23.00hrs)* and night-time (23.00-07.00hrs) at the external façade of each of the proposed dwellings.

Alternative levels and monitoring locations may be used subject to the prior approval of the Local Planning Authority.

- The evening standard LAFmax will only apply were the evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.

(D) Where noise mitigation measures are required to ensure compliance with the agreed noise levels e.g. acoustic glazing, noise barrier fencing and ventilation, such mitigation details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development demonstrating how they would mitigate noise to the approved levels together with a timetable for implementation. The approved noise mitigation measures shall be implemented in accordance with the approved timescale and shall thereafter be maintained and retained.

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 and CDMP3 of the Local Plan and the provisions of the NPPF.

16. Prior to the occupation of each commercial unit, an Odour and Noise Management Plan for any extraction or air conditioning system in that unit shall be submitted to and approved in writing by the Local Planning Authority. The height of each kitchen extraction flue should be a minimum of 1m above the eaves, and the fixings used to attach the extraction flue to the wall of the building shall be designed so as to prevent vibration. The kitchen extraction system shall be designed in accordance with the Department for

Environment, Food and Rural Affairs (DEFRA) document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. All extraction systems shall be installed and thereafter maintained in full accordance with these approved plans.

Reason: In order to protect the residential amenities of nearby neighbours in accordance with Policy CDMP1 and CDMP3 of the Wyre Local Plan and the provisions of the NPPF.

17. No industrial or commercial unit shall be occupied until a Delivery Strategy for that unit has been submitted to and approved in writing by the Local Planning Authority. No deliveries (to include waste and recycling collections) shall take place outside of the hours specified by the approved Delivery Strategy.

Reason: In order to avoid an unacceptable impact on residential amenity by virtue of noise and to ensure that highway safety is maintained at all times in accordance with Policies CDMP1 and CDMP6 of the Wyre Local Plan and the provisions of the NPPF.

18. Before any of the commercial elements of the scheme hereby approved are first brought into use, the operating hours of those commercial elements shall first be submitted to and approved in writing by the Local Planning Authority and the commercial use shall thereafter operate within those approved hours and at no other times.

Reason: In the interests of the amenity of nearby residents in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

19. No amplified recorded or live music shall be played in the outside areas of the commercial and industrial uses at any time.

Reason: In order 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.

20. Prior to the commencement of each approved phase of the development, an external lighting scheme and Artificial Lighting Assessment for that phase shall be submitted to and approved in writing by the Authority. The assessment shall demonstrate that any external artificial lighting to be provided would be installed in accordance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and would not be intrusive to residential premises. Light intrusion into the windows of any residential premises shall not exceed 10 lux between 0700 and 2300 hours and 2 lux between 2300 and 0700 hours. The assessment shall also demonstrate that the orientation and luminosity of the lighting would not be detrimental to biodiversity.

Reason: In order to avoid an unacceptable impact on residential amenity and biodiversity by virtue of light pollution in accordance with Policies CDMP1 and CDMP4 of the Wyre Local Plan and the provisions of the NPPF.

21. (a) No part of the development hereby approved shall commence until a scheme for the construction of all site access and the off-site works of highway improvement have been submitted to, and approved by the Local Planning Authority in consultation with the Highway Authority together with a timetable for implementation. The site accesses and off-site highway works shall be constructed in accordance with the approved scheme and implementation programme. The following schemes to be covered by this condition include:

(i) The Main Site access junction on re-aligned A6 - roundabout (serving both the employment and residential elements) as per agreed layout drawing ref: 1808903, dated Feb 2019, Proposed Road Alterations Plan.

(ii) 2 No. Site access junctions onto Nateby Crossing Lane as per agreed layout drawing 1600404

(iii) Interim improvement scheme for A6 Preston Lancaster New Road / Croston Barn Road / Green Lane West / B5272 Cockerham Road / Croston Road Signalised Junction to include upgrade to MOVA and a toucan crossing over A6 south approach as per agreed layout drawing 1600401b

(iv) Interim improvement scheme for A6 Preston Lancaster New Road / Moss Lane / Longmoor lane Priority junction in-line with wider scheme to include pedestrian footway and dropped kerbs as per agreed layout drawing 1600403b

(v) Pedestrian Green Link, crossing at grade (Toucan crossing) over A6 (re-aligned), providing high quality connection for sustainable modes (pedestrian/cycle) to Garstang. Scheme details shall include the standard of the link, width and surfacing together with technical information in regard to drainage and future maintenance.

(vi) Pedestrian footway improvements on A6 (east and west side to Longmoor Lane in the south and Croston Barn Lane in the north) as agreed in layout drawings 1600401b, 1808903 and 1600403b.

(vii) Pedestrian footway improvements and traffic calming and Gateway measures on Nateby Crossing Lane as agreed in layout drawings 1600404 and 1600405a.

(viii) Public Transport facilities to quality bus standard on Croston Road and on the new link between A6 and Nateby Crossing Lane with details of the stops to Quality Bus Standard to be agreed.

(ix) Renewal of the carriageway markings at the Nateby Crossing Lane / Croston Barn Lane junction as agreed in layout drawing 1600405a.

(b) No part of the development hereby approved shall commence until a scheme for the off-site highway works associated with the section of A6 to be downgraded following construction of the site access roundabout and

reconfigured links connecting to the existing A6 have been submitted to, and approved in writing by the Local Planning Authority together with a timetable for implementation. These off-site highway works shall be constructed in accordance with the approved scheme and implementation programme. These works include all work necessary to suitably address the proposed downgraded section of A6, any necessary access requirements (services/utilities) and appropriate traffic orders.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site; to enable all construction traffic to enter and leave the site in a safe manner without causing a hazard to other road users and to provide safe access to the site for all users (motorised and non-motorised).

22. The Framework Travel Plan prepared by Hy Consulting and referenced 16004 / March 2016 shall be implemented in full in accordance with the timetable within it unless otherwise approved in writing by the Local Planning Authority. All elements of the Framework Travel Plan shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used for a minimum of at least five years.

Reason: In order to ensure appropriate provision exists for safe and convenient access by sustainable transport modes.

23. The visibility splay identified as that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Nateby Crossing Lane to points measured 120m (for the northerly access) and 90m (for the southerly access) in each direction along the nearer edge of the carriageway of Nateby Crossing Lane, from the centre line of the access, shall be constructed and maintained at footway / verge level in accordance with a scheme to be agreed in writing by the Local Planning Authority prior to commencement of development. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

Reason: To ensure adequate visibility splays are maintained at all time in accordance with policy CDMP6 of the Wyre Local Plan.

24. Prior to the commencement of any of the commercial development hereby approved, a fully detailed Parking Management Strategy for that commercial development shall be submitted to and approved in writing by the Local Planning Authority. The management of the car parking and cycle parking at the site shall be fully implemented in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority. The Parking Management Strategy will include an assessment and strategy to ensure adequate parking provision is delivered for all proposed site uses for

both car parking and cycle parking.

Reason: To ensure that a satisfactory Parking Management Strategy is implemented for the development. This in turn will ensure adequate parking is provided for all uses so that the access to the site is not restricted, resulting in safety and capacity issues.

25. The car parking provision for each commercial unit as identified in the Parking Management Strategy for that unit shall be surfaced, demarcated and made available for use prior to the that unit being first occupied unless otherwise agreed in writing with the Local Planning Authority. The car parking shall then be available at all times whilst that part of the development is occupied.

Reason: To ensure that there is adequate parking for the development proposed when the buildings are occupied and the site is built out.

26. No commercial unit shall be occupied until space and facilities for bicycle parking have been provided in accordance with the Parking Management Strategy for that unit. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason: To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport.

27. No phase of the development hereby approved shall commence until a pedestrian and cycle signing strategy for that phase has first been submitted to, and approved in writing by the Local Planning Authority. The scheme shall satisfy the needs of all elements of the site and be constructed in accordance with the approved details in a timescale agreed in line with the phasing set out in condition 2, and thereafter retained.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the pedestrian and cycle network are acceptable before work commences on site. Also, in order to provide users of the development with appropriate access to sustainable transport options.

28. As part of any reserved matters application where layout is applied for, green infrastructure shall be provided on site in accordance with the requirements of Policy HP9 of the Wyre Local Plan and any Masterplan approved by the Local Planning Authority for the site. Such green infrastructure shall be constructed in accordance with the approved details and in accordance with a timescale to be agreed prior to commencement of development in line with the phasing set out in condition 2. The green infrastructure shall thereafter be retained and maintained for use by the public in accordance with a scheme which shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of any dwelling on the site.

Reason: In order to ensure adequate provision and delivery of green

infrastructure in accordance with the provisions of the NPPF and Policy HP9 of the Wyre Local Plan.

29. No part of the development hereby approved shall commence until a scheme for the construction of the internal link road between A6 Preston New Road and Nateby Crossing Lane and other internal access roads, cycleway and footway networks has been first submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme shall satisfy the needs of all elements of the site and be constructed in accordance with the approved details before the development is occupied or in accordance with a phased delivery programme to be agreed in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and in order to provide a safe access to the site and ensure that users of the development have appropriate access to sustainable transport options.

30. As part of any reserved matters application where layout is applied for, the mix of residential units shall be provided on site in accordance with the requirements of Policy HP2 of the Wyre Local Plan 2011-2031 and the Fylde Coast Strategic Housing Market Assessment - Wyre Addendum 3 Supplementary Note (May 2018) or any subsequent replacement Local Plan policy or evidence base document concerned with size and type of housing needed in Wyre.

Reason: In order to ensure that an appropriate mix of house types is provided to meet identified local needs in accordance with Policy HP2 of the Wyre Local Plan (2011-31) and the provisions of section 5 of the NPPF.

31. Prior to the commencement of above ground residential development a scheme to demonstrate how at least 20% of the dwellings shall be of a design suitable or adaptable for older people and people with restricted mobility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, retained and maintained thereafter in accordance with the approved details.

Reason: To meet the needs of the ageing population and people with restricted mobility in the borough in accordance with Policy HP2 of the Wyre Local Plan (2011-31) and the provisions of section 5 of the NPPF.

Notes: -

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

2. 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 the County Council at County Hall, Preston PR1 0LD, in the first instance, to ascertain the details of such an agreement and the information to be provided.

3. Traffic Regulation Orders, diversions of Public Rights of Way, Stopping Up of existing highway, changes to public transport scheduling/routing and other activities require separate statutory consultation processes beyond the planning application process. The applicant will be obliged to meet all the costs associated with these of works and ensure that any works which rely upon them do not commence until all legal processes have been satisfactorily completed.

6 **Application B- Land South Of West End And Pinfold House, Great Eccleston (18/00540/FULMAJ)**

The application was brought to the meeting for determination at the request of Councillor Catterall.

Prior to the meeting Councillors Moon and Ballard had visited the site to enable them to better understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

An update sheet with additional information was published on the council's website and made available at the meeting, this information had only become available after the original agenda was published. Attendees considered the update sheet which included additional information regarding consultation responses, contacts with the applicant/agent and additional representations, which lead to additional considerations for 9.7, 9.33 and 9.37 of the main report and revisions to conditions 2, 22 and 23. Additional text was also inserted to the recommendation at 12.1 of the main report to ensure clarity.

Mr Keohane and Mrs Keohane, members of the public, sent objections regarding the application. Mr Frost, agent for the applicant (Mr Lever), sent in support for the recommendation as set out in the agenda reports pack. These views were considered by the councillors and officers.

Councillors Ballard and Moon considered the application and discussed their views with the officers. They took into account the views of the members of the public and agent. Both spoke of concerns regarding access and the roads around the site, drainage from the site and the plans for a junction table. Officers responded to the councillors concerns.

The Chief Executive confirmed he had considered the representations submitted and took on board all of the points raised. He decided that the application be **approved (as per the recommendation)** under the provisions of the Town and Country Planning Act 1990, subject to the conditions, including a revision to Condition 13, as set out below to address the concerns about the junction table and Section 106 agreement to secure on site Affordable Housing and Green Infrastructure provision and appropriate

financial contributions towards local education, health care, affordable housing, and community hall infrastructure. The Head of Planning Services was authorised to issue the decision upon the satisfactory completion of the Section 106 agreement.

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 31 05 2018 including the following plans/documents:

Illustrative street scenes Drg No 02 REV E
Street scenes/sections Drg No 10
Proposed site location plan Drg No 00 Rev B
Boundary treatment & materials layout Drg No 03 Rev H
Tree removals, retention and protection Dwg No 02 Rev F
Proposed garage details Drg 07
Proposed garage details Drg 05 Rev B
Proposed garage details Drg 06 Rev B
Ellwood_Floor Plans & Elevations_Plot 13 Dwg HT_04-REV_02
Ellwood_Floor Plans & Elevations Dwg HT_03-Rev_02
Proposed Belfry House Type CB/XXXXX/009 REV B
Winchester_Floor Plans & Elevations Dwg - HT_07
Windsor_Elevations Dwg HT_06 - Rev_02
Windsor_Floor Plans HT_05 - Rev_02
3 bed Semi Detached_Elevations Dwg - HT_08
Proposed boundary treatment details Drg No 04 Rev B
Planning layout Drg No 01 Rev K
Open space plan Drg 09

Arboricultural survey 18/10/17
Arboricultural Impact Assessment (DEP Landscape Architecture Ltd June 2018)
Bat survey report June 2018
Executive statement February 2020

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

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

3. Prior to the commencement of the development hereby approved, a Landscape and Habitat Creation and Management Scheme, including a timetable for implementation, shall be submitted to and approved in writing by

the Local Planning Authority. The Scheme shall identify the opportunities for biodiversity enhancement on site including (but not limited to):

- Native tree and shrub planting
- Hedgerow planting
- Bolstering of existing hedgerows
- Bird Boxes
- Bat Boxes/bat features in buildings

The Landscape and Habitat Creation and Management Scheme shall be carried out in accordance with the approved details.

Reason: Such a scheme was not submitted with the application but is necessary to secure opportunities for the enhancement of the nature conservation value of the site in the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

4. Within the time period of 3 months prior to commencement of development hereby approved, a pre-construction survey for badgers which establishes the presence or otherwise of this species shall be carried out, submitted to and approved in writing by the Local Planning Authority. If the presence of this species is confirmed to be present the report shall include a method statement and mitigation measures, including timescales, to avoid and/or mitigate any possible harm to the species. Those approved method statement and mitigation measures shall then be fully implemented.

Reason: To prevent possible harm to ecology if the development were commenced without the necessary protections and mitigation measures in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

5. Prior to the commencement of development hereby approved (including demolition, ground works, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved in writing by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The development shall be carried out strictly in accordance with the approved scheme.

Reason: Such a scheme was not submitted with the application but is necessary to ensure compliance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

6. The development hereby approved shall be implemented in full accordance with the bat survey report submitted with the planning application [June 2018] including all the mitigation measures set out in Section 5.0 of that report.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

7. No tree felling, tree works, vegetation removal, demolition, 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/demolition, 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 .

8. Prior to first occupation of any dwelling hereby approved, a scheme for the provision of home-owner information packs highlighting the sensitivity of Morecambe Bay (a European protected nature conservation site) to recreational disturbance shall be submitted to and agreed in writing by the Local Planning Authority. The scheme details shall include the content of the home-owner information packs which must explain the conservation value of Morecambe Bay, the potential impacts that can arise from residential development and explain the responsible behaviours that would be required from residents to avoid undue ecological impact, as well as a methodology for the distribution of the home-owner packs to future home owners including upon resale of the dwellings as far as is reasonably practicable. The approved information packs shall subsequently be made available to future home owners in line with the approved methodology.

Reason: In order to safeguard biodiversity from the recreational disturbance effects of residential development in close proximity to Morecambe Bay, in accordance with the provisions of Policy CDMP4 of the Wyre Local Plan 2011-31.

9. Prior to the installation of any external lighting associated with the development hereby approved, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: In the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, a drainage scheme which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water

drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan and shall be based on the principle of discharge into the watercourse at the south west corner of the site.

The scheme details shall include, as a minimum:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change as set out within the Environment Agency's advice on Flood risk assessments: climate change allowances' or any subsequent replacement EA advice note), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) Demonstration that the surface water run-off would not exceed the pre-development greenfield runoff rate;
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

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

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

CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

11. Prior to the commencement of the development hereby approved, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

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

The development shall subsequently be completed, maintained and managed in accordance with the approved sustainable drainage management and maintenance plan.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/ body/ company/ undertaker for the sustainable drainage system in accordance with Policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

12. Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:

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

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

Reason: Such details were not submitted with the application and need to be in place throughout the demolition / construction period in the interests of the amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

13. Prior to the first occupation of any dwelling hereby approved a scheme

for the construction of the off-site works of highway improvement [namely, upgrading of nearest eastbound and westbound bus stops, and site access and junction treatment at site access / High Street / Back Lane] shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall be carried out in accordance with any alternative approved timetable for implementation.

Reason: In order to ensure the final details of the necessary off-site highway works are acceptable and to ensure their timely delivery in the interests of highway safety and to encourage sustainable travel in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

14. a) Prior to the first sale or occupation of any dwelling on the site, whichever is the sooner, the proposed arrangements for future management and maintenance of the roads/ footways/ cycleways within the development shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include a plan showing areas of highway proposed for adoption by the Local Highway Authority and any areas proposed for private management.

(b) Should the plan required by (a) show that any highway within the estate would be privately managed, details of a Road Management Plan to detail how those sections of highway would be maintained in perpetuity, such as a private management and maintenance company to be established if applicable, shall be submitted to and approved in writing by the Local Planning Authority. The highway shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

(c) Should the plan required by (a) show that any highway within the estate would be proposed for adoption by the Local Highway Authority, those roads/ footways/ cycleways shall be made up to, and retained thereafter to, the Local Highway Authority's Adoptable Standards.

Reason: To ensure that all highways, footways and cycleways will be maintained to a sufficient standard by either the Local Highway Authority or by a site management company in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

15. The development hereby approved shall not be first occupied or brought into use until the parking/turning area(s) shown on the approved plan [Planning layout DRG No. 01 Rev K] has been laid out, surfaced and drained. The parking/turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

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

16. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

17. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the garage(s) to plots 2, 5, 13, 14 and 16 hereby approved shall be retained solely for the housing of a private motor vehicle associated with the residential occupation of the property and shall be used for no other purpose without express planning consent from the local planning authority, and at no time shall any works be undertaken that would prevent it from being used for that purpose without express planning permission from the local planning authority.

Reason: To ensure that the on-site vehicle parking provision is maintained to avoid the standing of traffic on the adjoining highway to the detriment of the safety and free flow of traffic thereon and in the interest of the amenity of the street scene in accordance with Policies CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

18. No development above ground level shall be commenced until details of the materials to be used in the construction of the external surfaces of that dwelling (including the external walls, roof, fascias, guttering 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 CDMP3 of the Wyre Local Plan (2011-31).

19. 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, and a satisfactory impact on neighbouring residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31). The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

20. The approved boundary treatments (Boundary treatment and materials

layout Drg No 03 Rev H and Proposed boundary treatment details Drg No 04 Rev B) shall be completed to each plot before the dwelling on that plot is first occupied. The approved details shall thereafter be maintained and retained.

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

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no fences, gates, walls, railings or other means of enclosure shall, at any time, be constructed/erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts on to a highway without express planning permission from the local planning authority.

Reason: To safeguard the appearance of open plan development and in accordance with Policy CDMP3 of the Adopted Wyre Local Plan 2011-31.

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

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

In this condition "retained tree/hedgerow" means an existing tree/hedgerow which is to be retained in accordance with the approved Arboricultural Survey (18/10/17), Arboricultural Impact Assessment (DEP Landscape Architecture Ltd June 2018), and Tree Removals, Retention and Protection Plan (DWG No 02 Rev F); and paragraphs (a) and (b) shall have effect until the expiration of 1 year from the date of the occupation of any part of the development for its permitted use.

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

23. The measures contained within the approved Arboricultural Survey (18/10/17), Arboricultural Impact Assessment (DEP Landscape Architecture Ltd June 2018), Tree Removals, Retention and Protection Plan (DWG No 02 Rev F) and executive statement table 2 (February 2020) with respect to those trees/hedgerows 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/hedgerow" means an existing tree/hedgerow which is to be retained in accordance with the approved plans and particulars.

Reason: In order to protect trees/hedgerows from damage or loss in the interests of the amenity of the area in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981.

24. Prior to first occupation of any dwelling hereby approved, an acoustic fence to be sited as shown on boundary treatment and materials layout (Drg No 03 Rev H) and constructed from continuous, imperforate material with a minimum mass of 12 kg/m² and to extend from the ground to the stated height with no gaps (in the case of timber fencing, close-boarded or overlapped timber panelling), shall be erected, unless an alternative specification is submitted to and approved in writing by the Local Planning Authority prior to first occupation. The approved acoustic fence shall thereafter be retained and maintained.

Reason: To ensure there is no adverse effect on the health and quality of life of future occupants and to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

25. No dwelling hereby permitted shall be occupied unless or until the pedestrian/cycle link approved onto the adjacent public right of way (as shown on Planning layout Drg No 01 Rev K) has been constructed and built up to the site boundary. This pedestrian/cycle link shall thereafter be maintained and remain open and unobstructed at all times.

Reasons: To ensure that the development provides appropriate connections and sustainable linkages to neighbouring development and the wider highway network in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

26. 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 Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework. The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development. Whilst a planting specification has been provided, this is insufficient as it does not set out the arrangement or plant numbers.

27. A watching brief shall be undertaken during the course of the development works. The watching brief shall be undertaken by a suitably qualified person, with any significant contamination discovered reported immediately to the Local Planning Authority. The findings of the watching brief shall be reported in writing and submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In order to safeguard human health and the environment against potential contamination and in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

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

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

29. Prior to the first occupation of those dwellings to which this condition relates, the window(s)/glazing serving the ensuite and utility rooms in the side elevation(s) of plots 2 and 3, eastern side windows and rear dormer window serving the master bedroom in plot 1, and side elevation windows in plots 4, 5, 6, 12, 13, 14 and 15 shall be:

- i) obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
- ii) non-opening windows unless the parts of the window which can be

opened are more than 1.7 metres above the floor of the room in which the window is installed.

The window(s) (including any subsequent repaired or replacement window) shall be maintained and retained thereafter in accordance with this detail.

Reason: To safeguard the privacy of adjoining residents and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

30. Prior to the commencement of the development hereby approved, details of a scheme for the installation of furniture and pathways to the approved open space, including their siting, design and materials, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of any of the dwellings on site, or otherwise in accordance with a timetable of implementation to be agreed in writing with the Local Planning Authority prior to first occupation.

Reason: To ensure the provision of appropriate open space in accordance with Policy HP9 of the Adopted Local Plan and the NPPF.

31. Prior to the commencement of works on any proposed pumping station, a plan indicating the position, design, materials and type of boundary treatment of the pumping station to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be maintained and retained.

Reason: In the interests of the appearance of the locality in accordance with policy CDMP3 of the Wyre Local Plan (2011-31).

Notes: -

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

2. If any part of the proposed development encroaches onto neighbouring property the approval of the adjoining owners should be obtained before the development is commenced.

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

4. This grant of planning permission will require an appropriate legal

agreement to be entered into with Lancashire County Council as the Local Highway Authority. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. Before any works begin Lancashire County Council should be contacted to ascertain the details of such an agreement and the information to be provided by telephoning 0300 123 6780 or writing to Lancashire Highways Services, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.

7 Application C- 14 Garratt Close, Poulton-Le-Fylde, Lancashire, FY6 7XG (19/01232/FUL)

The application was brought to the meeting for determination at the request of Councillor Le Marinel.

Prior to the meeting Councillors Moon and Ballard had visited the site to enable them to better understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

An update sheet with additional information was published on the council's website and made available at the meeting, this information had only become available after the original agenda was published. Attendees considered the update sheet which included the receipt of corrected plans and a subsequent revision to condition 2.

One member of the public sent in an objection to the application by way of a video taken from neighbouring properties on Moorland Gardens. This video submission had been accepted on the basis that with the current restrictions it was not possible for the members to safely access the neighbouring properties to view the proposal. This video was considered by the councillors and officers.

It was clarified that the Council's Supplementary Planning Guidance 4: 'Spacing Guidance for New Housing' mentioned at 9.9 of the main report, should have also been listed under 5.3.3 of the main report.

Councillors Ballard and Moon considered the application and discussed their views with the officers. They also took into account the views shown in the video submission. Both spoke of concerns regarding the fact that the application was non-compliant with adopted WLP31 policy CDMP3 in respect of the impact of the two storey side extension upon the neighbouring properties at Moorland Gardens (No. 11 in particular) and the loss of a parking space caused by the garage conversion. Officers responded to the concerns raised.

The Chief Executive took on board all points raised. He decided that the application be **refused (contrary to the recommendation)** under the provisions of the Town and Country Planning Act 1990 for the following reason-

The height, size and massing of the two-storey side extension would, by reason of its close proximity to no. 11 Moorland Gardens, have an overbearing and obtrusive impact upon this neighbouring property to the detriment of the amenity of the occupiers of this property. As such the proposed development will conflict with the provisions of policy CDMP3 of the Adopted Wyre Local Plan 2011-31, which seeks high standards of design for all development and an acceptable impact on the amenity of occupants of neighbouring properties, and with the National Planning Policy Framework (NPPF).

The meeting started at 2.00 pm and finished at 3.14 pm.

Date of Publication: 07 May 2020