



Planning Committee Minutes

Minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday 5 August 2015 at the Civic Centre, Poulton-le-Fylde.

Planning Committee members present:

Councillor Ballard	Councillor Orme
Councillor B Birch	Councillor Shewan
Councillor Catterall	Councillor E Stephenson
Councillor Greenhough	Councillor T Taylor
Councillor Ingham	Councillor Turner
Councillor Lees	Councillor Walmsley

Apologies: Councillors I Amos and Lady Atkins.

Officers present:

D Thow – Head of Planning Services
L Harper – Development Manager
J Cobern - Assistant Solicitor
C Leary - Democratic Services Officer

Non-committee members present: Councillor's Gibson, Wilson and Henderson and M Grimshaw – Senior Solicitor, S Collinson – Communications, M Ryan – Corporate Director of People and Places and A Echarri – Assistant Solicitor.

65+ Members of the Public were present at the start of the meeting.

PA. 17 Declarations of Interest

None.

PA. 18 Confirmation of minutes

The minutes of the Planning Committee meeting held on Wednesday 1 July, 2015 were confirmed as a correct record.

PA. 19 Appeals lodged and decided

The Head of Planning Services submitted a report on appeals lodged and decided between 15 June 2015 and 15 July 2015.

Resolved

That the position regarding the appeals, as set out on pages 1 – 16 of the report be read and noted and that any Member requiring any further details or clarification on any other Appeal, should contact the relevant Case Officer.

PA. 20 Planning Applications

The Head of Planning Services submitted an application and a report to be considered.

The Head of Planning Services also submitted an 'update sheet' referring to additional information and verbally updated Members on further representation received, since the agenda had been published, on those particular applications.

- 14/00553/OULMAJ – Land off Lambs Road, Thornton Cleveleys, Lancashire
- 15/00040/OUTMAJ – Land at Bowgreave House Farm, Garstang Road, Bowgreave, Preston, Lancashire, PR3 1YE
- 15/00122/FUL – Throstles Nest, Whinney Brow Lane, Forton, Preston, Lancashire, PR3 0AE

PA. 21 a) Applications Refused

RESOLVED that the undermentioned application be **Refused** under the provisions of the Town and Country Planning Act 1990, as set out below:

14/00553/OULMAJ

Wainhomes (North West) Ltd. Outline application for a residential development of up to 165 dwellings with access applied for off Lambs Road and Raikes Road. Land off Lambs Road, Thornton Cleveleys, Lancashire.

The application was before members for determination due to its strategic importance and due to the public interest it had generated. A site visit was undertaken to enable members to fully see and understand the proposal beyond the proposed plans and information submitted and the photos taken by the Officer.

18 members of the public spoke to the committee objecting to the application, including; both Ward Councillor's for Stanah, the County Councillor for Amounderness and County Councillor Alf Clempson read out a letter of objection from Ben Wallace MP, for Wyre and Preston North.

The Agent and Mr Khan (representing the applicant's highway consultants) spoke

to the committee in support of the application.

The application was **refused** contrary to officers recommendation for the following reason:-

Reason:-

1. The proposed development, by reason of its size and location, would extend development into the open countryside and would be visually intrusive and detrimental to the character of this part of open countryside, and the wider countryside area. This would be contrary to the National Planning Policy Framework, and the requirements of Section 7 in particular and Policy SP13 of the Adopted Wyre Borough Local Plan (July 1999).

PA. 22 b) Applications Approved

RESOLVED that the undermentioned applications be **Approved as per recommendation** under the provisions of the Town and Country Planning Act 1990, for the reasons set out:

15/00040/OUTMAJ

Baxter Homes Ltd. Outline planning application with all matters reserved for the erection of up to 30 residential dwellings. Land at Bowgreave House Farm, Garstang Road, Bowgreave, Preston, Lancashire, PR3 1YE.

This application was before members for determination at the request of Ward Councillor David Williams when he was Ward Councillor. A site visit was undertaken so that Members could appreciate the location of the site and understand the context of the application site beyond the plans submitted and the photos taken by the Officer.

One member of the public spoke to the committee objecting to the application.

The application was **approved** as per the recommendation in the report of the Head of Planning Services. **That the Head of Planning Services be authorised to issue the planning permission upon satisfactory completion of the Section 106 Agreement.**

Conditions:-

1. Application for approval of reserved matters shall be made not later than the expiration of three years beginning with the date of this permission and the development 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 such matter to be approved.
2. No development for which outline planning permission has hereby been granted shall be started on any phase within the development until full details of the following reserved matters, in respect of that phase within the

development, have been submitted to and approved in writing by the Local Planning Authority:

- access;
- appearance;
- scale
- layout; and
- landscaping

3. The development hereby permitted shall be carried out in accordance with the following approved plans:-

- Dwg. No BH/04271/002 - Location Plan

4. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Local Highway Authority. No part of the development hereby approved shall be occupied until the approved scheme has been constructed and completed in accordance with the scheme details.

5. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided and retained in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
- the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] ;
- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

6. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed 5 litres per

second per hectare. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

7. Prior to the commencement of the development hereby approved, a scheme for the disposal of foul waters within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented maintained and managed in accordance with the approved details.
8. No development shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and agreed in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the scheme implemented to the satisfaction of the Local Planning Authority prior to the development of the site. Any changes to the agreed scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.
9. Prior to the commencement of development, a gas monitoring programme and risk assessment of the results shall be undertaken to determine the risk of gas ingress, and the results shall be submitted to, and approved in writing by, the Local Planning Authority. The 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.
10. During demolition and construction of the development, no works shall take place and no deliveries or other vehicles shall visit the site on Sundays and Bank Holidays, or outside the hours of 08.00 - 18.00 Monday to Friday, and 08.00 - 13.00 on Saturdays, unless prior agreed in writing by the local Planning Authority.
11. Prior to the commencement of the development, a Dust Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan shall identify all areas of the site and site operations where dust may be generated and further identify control methods to ensure that dust does not travel beyond the site boundary. Once in place, all identified measures shall be implemented and maintained at all times. Should any equipment used to control dust fail, the site shall cease all material handling operations immediately until the dust control equipment has been repaired or replaced.
12. No development shall take place on the site until the applicant, or their

agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

13. No development hereby approved shall commence on site until a scheme which provides for the retention and protection of trees, shrubs and hedges within (or overhanging) the site or phase, which may be affected by the construction process, with the exception of those trees clearly shown to be felled on the submitted plan, and any other trees the removal of which is approved through the approval of reserved matters applications, has been submitted to and approved in writing by the Local Planning Authority. The agreed tree protection measures shall remain until all development is completed within that phase and no work, including any form of drainage or storage of materials, earth or topsoil shall take place within the perimeter of such protective fencing.
14. Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

The Reasons for the above conditions are :-

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. The application is for outline permission only and these matters were reserved by the applicant for subsequent approval.
3. For the avoidance of doubt and in the interests of proper planning
4. 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.
5. To ensure the adequate provision and delivery of affordable housing
6. To prevent the increased risk of flooding, both on and off site in accordance with saved Local Plan policy EN15 and the National Planning Policy Framework (March 2012)
7. To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding with saved Local Plan policy CIS7 and the National Planning Policy Framework (March 2012)
8. 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 SP14 of the Adopted Wyre Borough Local Plan (July 1999).

9. 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 SP14 of the Adopted Wyre Borough Local Plan (July 1999).
10. To safeguard the amenity of the area during site preparation and construction in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
11. To safeguard the amenity of the area during site preparation and construction in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework (March 2012).
12. To ensure and safeguard the recording and inspection of matters of archaeological / historical significance associated with the site in accordance with the National Planning Policy Framework.
13. To safeguard the amenity, appearance and character of the area in accordance with saved Local Plan policy ENV7 and the Trees and Development Supplementary Planning Guidance (1998)
14. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

Attention is drawn to the following notes:-

1. The Local Planning Authority has had regard to the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Amended) Order 2012 and has met the requirement of paragraph 187 of the National Planning Policy Framework to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area by working with applicants to find solutions to any problems that have arisen in this planning application details of which are expanded upon in the officers report.
2. The applicant can discuss further details of the site drainage proposals with Graham Perry at wastewaterdeveloperservices@uuplc.co.uk. Any further information regarding Developer Services and Planning visit the United Utilities website at www.unitedutilities.com/builders-developers.aspx
3. Water Comments
 - A water supply can be made available to the proposed development.
 - A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

- The level of cover to the water mains and sewers must not be compromised either during
- or after construction.
- Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 746 2200 regarding connection to the water mains or public sewers.

4. General comments

- It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities assets and the proposed development. United Utilities offer a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 0870 751 0101 to obtain maps of the site.
- Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

5. We recommend that surface water run-off from the site be restricted and controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable drainage systems (SUDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

Where possible, infiltration or other techniques should be used to try and achieve zero discharge to receiving waters for rainfall depths up to 5mm. For example, this can be achieved by the use of green roofs, pervious paving, which can be under-drained if ground conditions are not suitable, and by landscaping the development so that water is directed to permeable areas such as filter strips, swales and grass verges.

The following guidance on surface water management is also available on the GOV.UK website: Rainfall Runoff Management for Developments (<https://www.gov.uk/government/publications/rainfall-runoff-management-for-developments>)

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Further information on SUDS can be found in;

- the CIRIA C697 document SUDS manual
 - HR Wallingford SR 666 Use of SuDs in high density developments
 - CIRIA C635 Designing for exceedance in urban drainage - good practice
 - the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available at CIRIA's website at www.ciria.org.uk
6. 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 Lancashire County Council in the first instance to ascertain the details of such an agreement and the information to be provided.

15/00122/FUL

Mr P Milburn. Demolition of part of former restaurant and the erection of 6 dwellings. Throstles Nest, Whinney Brow Lane, Forton, Preston, Lancashire, PR3 0AE.

This planning application was requested to be presented before Planning Committee at the request of Councillor V Wilson.

Cllr Wilson, the Ward Councillor for Wyresdale, a Parish Councillor and a member of the public spoke to the committee objecting to the application.

The Agent spoke to the committee supporting the application.

The application was approved as per the recommendation in the report of the Head of Planning Services. To grant planning permission subject to conditions:

Conditions:-

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.
3. 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 10/02/2015 including the following plans:
 - Acoustic Fence Measures Drawing number GA1322-AF-01
 - Revised Site Location Plan Drawing Number GA1322-PSP-01-D
 - Proposed Garage Plot 1 Drawing Number GA1322 -077
 - Proposed Elevations Plots 3-6 Drawing Number GA1322-005
 - Proposed Elevations and floor plans Plot 2 Drawing Number GA322-003
 - Proposed Dwelling Plot 1 Elevations and Floor Plans Drawing Number GA322-002
4. No development shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and agreed in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the scheme implemented to the satisfaction of the Local Planning Authority prior to the development of the site. Any changes to the agreed scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.
5. No development shall take place until full details of both hard and soft landscape works has been submitted to, and approved in writing by, the Local Planning Authority and these works shall be carried out as approved. These details shall include hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, lighting etc.); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

6. Notwithstanding the details submitted with the application, prior to commencement of the development hereby approved, a drainage scheme for all surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include results of percolation tests to establish suitability of ground conditions for use of soakaway. The development shall be implemented in accordance with the approved details, prior to first occupation of the development.
7. No development shall commence until details of the means of enclosure of the site, and where appropriate, plot boundaries within the site, have been submitted to, and approved in writing by, the local planning authority. The development shall then be constructed in accordance with the approved details and all boundary treatments shall be retained (as approved) at all times thereafter.
8. Prior to first occupation of any unit hereby permitted, the existing hedge on the highway frontage of the site to the A6, between its junction with Whinney Brow Lane and the northerly boundary of the building of plot 1, shall be reduced to and be permanently maintained henceforth at a height not greater than 1m above the crown level of the carriageway of the A6.
9. Prior to commencement of development a scheme for protecting residents in the proposed dwellings from noise from Preston Lancaster Road (A6) shall be submitted to and approved in writing by the local planning authority. The scheme shall include the precise location, height, siting, external finish and detailed specification of the proposed acoustic barrier fencing. All works which form part of the approved scheme shall be completed prior to the first occupation of any of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained and retained at all times thereafter.
10. No development shall commence until a scheme for the protection of all trees/hedges being retained as part of the approved landscaping scheme has been submitted to, and approved in writing by, the local planning authority. No development shall commence until the approved scheme of protection has been fully implemented and has been inspected on site by the Tree Protection Officer. It is the applicant's responsibility to arrange this inspection. 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 removed from the site.
11. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no development under Parts 1 and 2 of Schedule 2 to that Order shall be carried out without the express permission of the local planning authority.
12. No site clearance or construction of the development shall occur on the site except between the hours of 0800-1800 Monday to Friday, and 0800-1400 on Saturdays. In particular no work shall be undertaken on Sundays or on

Public Holidays without the prior written agreement of the local planning authority.

The Reasons for the above conditions are :-

1. 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. To ensure that the materials have a satisfactory appearance and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
3. For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.
4. 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 SP14 of the Adopted Wyre Borough Local Plan (July 1999).
5. To ensure that the development presents a satisfactory appearance in the street picture and in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
6. These details were not forthcoming with the application and are required pre-commencement to ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health in accordance with Policy ENV15 of the Adopted Wyre Borough Local Plan (July 1999). The condition is required to be agreed 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 can be achieved in that specific area taking into consideration land conditions and proximity to existing services.
7. In the interest of visual amenity and so that the local planning authority shall be satisfied as to the details.
8. To ensure adequate visibility for the drivers of vehicles entering and leaving the site.
9. In order to safeguard the amenities of the occupiers of the proposed dwellings and to comply with Saved Policy SP14 of the Wyre Borough Council Local Plan.
10. To ensure that all trees and hedgerows are protected during the construction phase.
11. In the interest of the amenity of the area.

12. In the interests of residential amenity.

Attention is drawn to the following notes:-

1. All site investigations and assessments shall be carried out by appropriately qualified personnel, in accordance with British Standard 10175:2001 "Investigation of Potentially Contaminated Sites - Code of Practice".
2. All site investigations and assessments shall be in accordance with current Government and Environment Agency Guidance, and shall identify the type, nature and extent of any contamination present, the risk to receptor's and the potential for migration within and beyond the site boundary.
3. Any laboratory used for the purposes of sample analysis shall be registered to the ISO17025:2000 quality standard.
4. The responsibility for the safe development and secure occupancy rests with the developer. The Local Planning Authority may only determine the suitability of any scheme for investigation/remediation submitted, on the basis of the information submitted to it. Under no circumstances will the Local Planning Authority accept liability for inadequate remediation of the site.
5. A sampling analysis programme shall verify the adequacy of any decontamination works.
6. The development falls within 250 metres of an area of infilled ground (the nature of the fill is unknown). It is therefore recommended that precautionary measures should be taken in the form of a gas monitoring programme or provision of gas protection measures.
7. The presence of any significant contamination, which becomes evident during the development of the site, shall be brought to the attention of the Local Planning Authority.
8. Whilst the building to be demolished has been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.
9. Whilst there is only a very low risk of great crested newts being present, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill great crested newts. If great crested newts are found during the development all work should cease immediately and a suitably licensed amphibian ecologist employed to assess how best to safeguard the newts. Natural England Should also be informed.

10. The applicant is reminded that under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage or destroy the nest of a wild bird, whilst the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected then works should cease and suitably experienced ecologist employed how to assess the best way to safeguard the nests.

PA.23 Training Programme for Members of the Planning Committee – 2015/16

The Head of Planning Services submitted a report to the Committee, asking to continue to provide a primarily in-house structured training programme for Member's that covers various planning topics.

RESOLVED that members agree to a structured training programme over the following year to include the following topics:

Flood Risk and the determination of planning applications

Affordable Housing – What is and how it is delivered

Appeals – procedures and costs

Planning enforcement

Highways issues in determining planning applications

Section 106 agreements

Outline and Full applications – implications for decision making

Note: This programme may be subject to amendment and additional training sessions may be inserted as and when necessary.

The meeting started at 2pm and finished at 4.38pm.

Date of Publication: Wednesday 12 August, 2015

arm/rg/pla/mi/050815