



Planning Committee Minutes

Minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday 11 May 2016 at the Civic Centre, Poulton-le-Fylde.

Planning Committee members present:

Councillor I Amos	Councillor Lees
Councillor Lady Atkins	Councillor Orme
Councillor Ballard	Councillor Shewan
Councillor Catterall	Councillor E Stephenson
Councillor Greenhough	Councillor Turner
Councillor Ingham	Councillor Walmsley
Councillor Jones	

Apologies: Councillor T Taylor.

Officers present:

D Thow – Head of Planning Services
L Hayes – Interim Development Manager
W Clarke - Assistant Solicitor
C Leary - Democratic Services Officer

Non-committee members present: Councillors Henderson and Wilson.
County Councillor Clempson and Honorary Alderman Bannister.

27 Members of the Public were present at the start of the meeting.

PA. 71 Declarations of Interest

None.

PA. 72 Confirmation of minutes

The minutes of the Planning Committee meeting held on Wednesday 6 April, 2016 were confirmed as a correct record.

PA. 73 Appeals lodged and decided

The Head of Planning Services submitted a report on appeals lodged and decided between 15 March 2016 and 15 April 2016.

Resolved

That the position regarding the appeals, as set out on pages 1 – 5 of the report be read and noted and that any Member requiring any further details or clarification on any Appeal, should contact the relevant Case Officer.

PA. 74 Planning Applications

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

The Head of Planning Services also submitted 'update sheets' on all three Agenda Items, referring to additional information to the reports since the agenda had been published on those applications.

- 16/00225/OUTMAJ – Land off Moorland Road, Poulton-le-Fylde, Lancashire
- 16/00062/FULMAJ – Land at Hollins Lane, Forton, PR3 0AB
- 15/00805/OUT – Old Quarry, Potters Brook, Bay Horse, Lancaster, LA2 0HQ

PA. 75 a) Applications Approved

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

16/00225/OUTMAJ

Wainhomes (North West) Ltd. Outline application for a residential development of up to 49 dwellings associated access off Moorland Road (all other matters reserved) (re-submission of 15/00685/OUTMAJ). Land off Moorland Road, Poulton-le-Fylde, Lancashire.

The application was before members at the request of Councillor Henderson. It is a resubmission of application reference 15/00685/OUTMAJ. That application was presented to Members on the 4 November 2015 Planning Committee meeting, following a visit to the site and then was subsequently deferred in order for Lancashire County Council (LCC) as the Local Highway Authority to review the proposal with regards to highway safety and in particular, clarify the existing speed limits and any potential impacts on the validity of the submitted information. Application ref. 15/00685/OUTMAJ then was taken back before the Members at the 2 December 2015 Planning Committee, where it was refused at that meeting.

The resubmission was identical to the previous submitted scheme, except in respect of the proposals of the off-site highway works at the junction of Breck Road and Moorland Road, and in respect of a flood risk sequential test addendum to reflect the recent changes to the Environment Agency Flood maps, meaning that more of the site is now within flood zone 3.

Three members of the public, the Ward Councillor and the County Councillor spoke to the committee, objecting to the application.

Three members of St Johns Church finance committee and the Agent spoke to the planning committee, supporting the application.

The application was approved as per the recommendation to grant planning permission, subject to conditions and subject to a section 106 legal agreement to secure appropriate financial contributions towards local education provision and sustainable transport support. The Head of Planning Services was authorised to issue planning permission upon satisfactory completion of the S106 agreement.

Conditions:

1. An application for approval of reserved matters, namely appearance, landscaping, layout and scale, must be made not later than the expiration of three years beginning with the date of this outline planning 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.

Reason: This condition is required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

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 24th February 2016 , including the following plans:

- Drawing no. OS-001 - Location Plan
- Drawing no. A089937-001 Rev C - Proposed site access

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

3. No works or 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. Details of soft landscape works, including any new hedges, transplanted and or replanted hedgerows, shall include planting plans; method statement for landscape and ecology retention, written

specifications (including cultivation and other operations associated with plant, grass and hedgerow establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and to provide compensation for habitats lost to the scheme.

4. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme approved in writing by the Local Planning Authority and shall thereafter be retained and maintained. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced as soon as is reasonably practical by others 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 provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

5. There shall be no demolition of trees other than those identified for removal in Table 2 of the BS5837:2012 Tree Survey dated September 2015. No tree demolition shall be carried out between March and August (inclusive) in any year unless a detailed bird nest survey has been carried out by a suitably qualified ecologist immediately prior to any clearance and written confirmation that no bird nests are present has been provided in writing to the Local Planning Authority. Their removal must also be in accordance with BS3998: 2010 Tree works recommendations.

Reason: In the interests of the visual amenity and ecology of the area and in accordance with the National Planning Policy Framework.

6. Emergence bat surveys shall be carried out on both air raid shelter buildings and remaining trees to be removed prior to their demolition or removal and / or the commencement of development and these shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with any recommendations / mitigation measures identified.

Reason: In the interests of the ecology of the area and in accordance with the NPPF.

7. The reasonable Avoidance Measures for amphibians and reptiles as outlined in the Ecological Survey and Assessment shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (including Licensed Great Crested Newt and Bat Surveys) Appendix 3 ERAP

ref: 2014_296 and 2014_296b dated July 2015 and submitted with the planning application.

Reason: In the interests of the ecology of the area and in accordance with the National Planning Policy Framework.

8. Prior to commencement of development, an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan shall be submitted to and agreed in writing by the Local Planning Authority for those off-site trees and hedgerows being retained as identified in the Tree Survey. Adherence to these agreed details will be required at all times until all development is completed.

Reason: To protect those trees identified for retention in the interests of visual amenity and ecology in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the NPPF.

9. 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, namely provision of junction table and footway build out at the site access / Moorland Road; provision of a dedicated right-turn lane at the junction of Moorland Road / Breck Road; and provision of improved pedestrian crossing provision at the junction of Breck Road / Station Road in the form of upgrade to MOVA and improved dropped kerb / tactile paving crossing points, has been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. No part of the development shall be occupied or open for trading until the approved scheme has been constructed and completed in accordance with the scheme details.

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 and that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works in accordance with saved Local Plan Policy SP14.

10. The development shall not commence 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:
 - i. 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;
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider (if no RSL involved)
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. 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.

Reason: To ensure the adequate provision and delivery of affordable housing in accordance with the National Planning Policy Framework.

11. The development hereby permitted shall be carried out in full accordance with the approved Flood Risk Assessment (FRA) (Betts Associates, August 2015) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 6.55 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided; to ensure safe access and egress from and to the site; and to reduce the risk of flooding to the proposed development and future occupants in accordance with the National Planning Policy Framework.

12. Prior to the commencement of development hereby approved, a surface water drainage scheme for the site and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion), shall be submitted to and approved in writing by the local planning authority. These details shall include, as a minimum:

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate.
- 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;
- h) Discharge of ordinary watercourse easement of site to Main Dyke to be proved in the event of discharge to watercourse being proposed.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be retained, managed and maintained in accordance with the approved management and maintenance plan referred to in condition 13.

Reason: To ensure that the proposed development can be adequately drained; to prevent the increased risk of flooding, both on and off site resulting from the proposed development; and to ensure that water quality is not detrimentally impacted by the development proposal, in accordance with saved Local Plan policy ENV15 and the National Planning Policy Framework.

13. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted 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, management and maintenance by a Residents' Management Company
 - b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments

- ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) means of access for maintenance and easements where applicable.

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

Reason: 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 saved Local Plan Policy ENV15 and the NPPF.

- 14. Foul and surface water shall be drained on separate systems. Unless otherwise agreed in writing by the Local Planning Authority all foul must drain directly to the public combined sewer in Breck Road.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with saved Local Plan policy CIS7 and the NPPF.

- 15. 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.

Reason: The development is for a sensitive land use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). It is considered the Phase 1 Desk Study submitted with the planning application requires further detail which was not forthcoming during the application stage.

16. Prior to the commencement of development hereby approved an Environmental Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority in relation to:
- (i) delivery of materials and delivery and collection of equipment
 - (ii) provision and use of on-site parking for contractors' and workpeople's vehicles, wheel washing facilities, street sweeping
 - (iii) 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
 - (iv) appropriate measures to control surface water discharges from the development to avoid any possibility of water pollution arising from the scheme
 - (v) hours of site operation, with confirmation that no works shall take place and no deliveries or other vehicles shall visit the site outside the hours of 08.00 to 18.00 Monday to Friday, and 08.00 to 13.00 on Saturdays, or at any time on Sundays, Bank and Public Holidays, unless prior agreed in writing by the Planning Authority

All construction phase works shall be undertaken in full accordance with the agreed Environmental Construction Method Statement.

Reason: In the interest of highway safety, residential amenity and ecology; and to safeguard the visual amenities of the locality in accordance with saved Local Plan Policy SP14.

17. No development shall commence until details of the means of enclosure of the site have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be constructed in full accordance with the approved details and all boundary treatments shall be retained or replaced (in accordance with the approved details) at all times thereafter.

Reason: To safeguard the amenity of the area and in the interests of the amenity of neighbouring properties and ecology in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the NPPF.

18. Prior to the commencement of any works on site, detailed drawings including a topographical survey of the existing ground levels related to ordnance datum together with details of proposed ground and slab levels shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with these agreed details.

Reason: To safeguard the amenity of the area and in the interests of the amenity of neighbouring properties and ecology in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the NPPF.

Notes:-

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council in the first instance to ascertain the details of such an agreement and the information to be provided.
2. The applicant can discuss further details of the site drainage proposals with Graham Perry at wastewaterdeveloperservices@uuplc.co.uk. For further information regarding Developer Services and Planning please visit the United Utilities website at <http://www.unitedutilities.com/builders-developers.aspx>

United Utilities consider that the network adjacent to the site does not have an adequate capacity to supply this development. Our water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991. Each individual unit will require a separate metered supply at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. The level of cover to the water mains and sewers must not be compromised either during or after construction. Should this planning application be approved, the applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains/public sewers. Should this application be approved the applicant must contact our water fittings section at Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 1DS.

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.

3. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from

Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here:
<http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

4. Whilst the building(s) 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.
5. It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as monbretia are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence.
6. 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.
7. 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.
8. The applicant should be aware that the decision is subject to a separate legal agreement.

16/00062/FULMAJ

Rural Splash. Erection of 10 residential dwelling houses and creation of new access. Land at Hollins Lane, Forton, PR3 0AB.

This application was before Members at the request of Councillor Val Wilson. A site visit was undertaken to enable Members understand the proposed development and how it sits within its surroundings and within the context of the settlement, including other nearby proposals.

A Parish Councillor for Forton and the Ward Councillor spoke to the committee objecting to the application.

The application was approved as per the recommendation to grant planning permission subject to conditions with amendments to conditions 2 and 8 and, with an additional condition, as set out on the update sheet as follows, and subject to a s106 legal agreement relating to a contribution in lieu of a commuted sum towards off-site affordable housing.

The Head of Planning Services was authorised to issue the planning permission upon satisfactory completion of the s106 agreement.

Conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
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 20/1/2016 including the following plans:
 - Site Location Plan Drawing Number: GA2063-OS
 - Proposed Single Garage Drawing Number: GA2063-G2
 - House Type 1 Drawing Number GA2063-HT1 REV C
 - House Type 2 Drawing Number GA2063 HT 2 REV B
 - House Type 3 Drawing Number GA2063 HT3 REV C
 - Proposed Site Plan (including boundary treatment details) Drawing Number GA2063 -PSP REV R
 - Tree Survey and Constraints Plan Drawing Number 3996-01
 - Proposed Drainage Plan Drawing Number GA2063 -DP
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings 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.
4. 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 surface water scheme shall be based on the principles of on-site attenuation and infiltration through the provision and installation of rainwater harvesting tanks and soakaways as set out on approved plan (Proposed Site Drainage Plan) Drawing Number GA2063-DP. Notwithstanding the information submitted on the approved Drainage Plan details of the size and construction of the proposed soakaways shall be submitted and agreed in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates 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. Foul water shall be drained on a separate

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

5. The development hereby approved shall be implemented in full accordance with the Ecological Appraisal (Envirotech ref 2163 dated 18/6/2014) submitted with the planning application including the mitigation measures set out in section 6 of that report.
6. No trees, hedgerows or shrubs shall be removed between the 1st March and 31st August in any year unless a detailed bird nest survey has been carried out by a suitably qualified ecologist immediately prior to any clearance and written confirmation that no bird nests are present has been provided in writing to the Local Planning Authority.
7. Before any site activity is commenced in association with the development, an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP) in relation to existing trees and hedgerows identified as being retained, in compliance with "BS 5837(2012) Trees in relation to design, demolition and construction", shall be submitted to and agreed in writing by the Local Planning Authority. The AMS must include the identification of materials and method of installation of all new surfaces and underground utility services, and all ground disturbance works proposed within root protection areas or within 1m of protective barrier fencing. Onsite arboriculture supervision must be included. The AMS shall include generic details in respect of protection of all on and off site trees relating to site access and layout, vehicle parking and storage of materials and machinery. The development shall then be carried out in accordance with such agreed detail.
8. a) No development shall commence until details of the hard and soft landscaping of the site, including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority and these works shall be carried out as approved and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. This shall include full details for the repositioning of the hedgerow, or if demonstrated that this is not practical or is unlikely to be successful, details of the replacement hedgerow along the western boundary of the site fronting onto Hollins Lane; planting plans; method statement for landscape and ecology retention; written specifications; and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The approved scheme shall be implemented in the first planting season following completion of the development, or following first occupation/use, whichever is the earliest.

(b) Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced as soon as is reasonably practical by others of similar size and species to

those originally required to be planted unless the Local Planning Authority gives its written consent to any variation.

9. 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 (namely the provision of a 2 metre wide pedestrian footway along the western site boundary as per drawing GA 2063-PSP REVQ) has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. No part of the development shall be occupied or brought into use until the approved scheme has been constructed and completed in accordance with the scheme details, which shall thereafter be retained in accordance with the approved details.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) 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. The visibility splay to be the subject of this condition shall be 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 Hollins Lane to points measured 70m in each direction along the nearer edge of the carriageway of Hollins Lane, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed in writing by the Local Planning Authority in conjunction with the Highway Authority.
11. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development, including details of a private management and Maintenance Company to be established if applicable, have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 if applicable.
12. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and

b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, 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.

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

13. Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority to include details of the measures proposed during construction to manage and mitigate the main environmental effects and to protect the adjacent land and property owned by Network Rail. The following matters shall be addressed:
 - (i) a risk assessment and method statement which considers all works to be undertaken within 10 metres of the operational railway and any potential impact on Network Rail land and the operational railway, including from any scaffolding to be erected and any vibro-impact works to be undertaken (in the case of the latter, results of this to be submitted)
 - (ii) the parking of vehicles of site operatives and visitors
 - (iii) loading and unloading of plant and materials
 - (iv) storage of plant and materials used in constructing the development
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - (vi) wheel washing facilities
 - (vii) measures to control the emission of dust and dirt during construction in the form of a Dust Management Plan
 - (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - (ix) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity
 - (x) measures to prevent the pollution of watercourses

(xi) construction hours of working

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

14. Prior to the commencement of development, full details of existing and proposed ground levels, earth works and excavations to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority. The ground levels, earth works and excavations shall be constructed and completed in accordance with the approved details.
15. Prior to commencement of the development, details of the glazing specification for windows to habitable rooms facing onto the railway line along with an alternative ventilation system for these habitable rooms such as trickle vents or a louvered duct fitted into the wall, should be submitted to and approved in writing by the Local Planning Authority. Any alternative ventilation system must provide at least the same noise attenuation as the relevant closed window.

The development shall be carried out in accordance with the approved detail, and shall be maintained and retained thereafter.

16. No part of the development shall be occupied or brought into use until all the boundary treatments (including the acoustic sound attenuation fence along the eastern boundary) as set out on approved plan Drawing Number GA2063-PSP REVQ have been erected in accordance with the approved plan. The fencing shall be maintained and retained in accordance with the approved details at all times thereafter.
17. The first floor side windows of the dwellings hereby approved serving bathrooms shall be fitted with obscure glass to level 5 grade (most obscure) or to an equivalent level of obscurity prior to the first occupation of the dwelling to which they relate and shall thereafter be maintained and retained. Any subsequent repaired or replacement windows shall be fitted with obscure glass to the same level of obscurity.
18. The applicant shall undertake a watching brief 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 in writing to the Local Planning Authority. The findings of the watching brief shall be reported in writing and submitted to the Local Planning Authority for written approval, prior to first occupation of the development.

Reasons for the above Conditions: -

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. For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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.
4. To ensure that the proposed development can be adequately drained to prevent the increased risk of flooding, both on and off site resulting from the proposed development and to ensure that water quality is not detrimentally impacted by the development proposal, in accordance with saved Local Plan policy ENV15 and the National Planning Policy Framework.
5. To ensure compliance with the Wildlife and Countryside Act 1981 and Section 11 of the National Planning Policy Framework (March 2012)
6. In the interests of the ecology of the area and in accordance with the National Planning Policy Framework.
7. To prevent damage to trees during construction works and in the interest of amenity of the area.
8. In the interests of the amenity of the area and to ensure that the approved landscaping scheme is implemented and maintained to an appropriate standard.
9. 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.
10. To ensure adequate visibility at the street junction or site access.
11. 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.
12. To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.
13. To safeguard the amenity of the area and to protect the adjacent railway line in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
14. To safeguard the amenity of the area to protect the adjacent railway in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

15. In the interest of visual amenity and to ensure appropriate soundproofing and ventilation is provided for future residents given the adjacent railway line, in line with Saved Local Plan Policy SP14.
16. In the interests of the amenity of the locality.
17. In order to protect the amenity of future occupants in accordance with the provisions of saved policy SP14 of the Wyre Borough Local Plan.
18. 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).

Attention is drawn to the following Notes: -

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council in the first instance to ascertain the details of such an agreement and the information to be provided.
2. IMPORTANT - The applicant and/or any person wishing to implement this permission is advised that a formal Section 106 'Planning Agreement' applies to this permission.
3. If any part of the proposed development encroaches onto neighbouring land or property the approval of the adjoining owners should be obtained before the development is commenced. This includes land owned by Network Rail, who has advised that should the applicant require access to Network Rail land to facilitate their proposal, they would need to approach the Network Rail Asset Protection Team (AssetProtectionLNWNorth@networkrail.co.uk) at least 20 weeks before any works are due to commence on site. This team can also advise on the risk assessment and method statement requirements to be included in the Construction Environmental Management Plan. A copy of the full consultation response from Network Rail is attached. The applicant is advised to note the contents of this letter and contact the relevant Officer direct should you have any queries regarding any of the points raised.
4. The applicant can discuss further details of the site drainage proposals with Graham Perry at wastewaterdeveloperservices@uuplc.co.uk. For further information regarding Developer Services and Planning please visit the United Utilities website at <http://www.unitedutilities.com/builders-developers.aspx>

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 United Utilities on 0345 672 3723 regarding connection to the water mains or public sewers. 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. Trees and hedgerows offer habitat to European Protected Species, principally birds and bats, and you should be aware of this before undertaking any work. If any protected species are discovered during the works, the works should cease immediately and Natural England be contacted for advice.

PA.76 b) Applications Refused

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

15/00805/OUT

Mr N Plummer. Outline application for the erection of one dwelling (all matters reserved). Old Quarry, Potters Brook, Bay Horse, Lancaster, Lancashire, LA2 0HQ.

The planning application was before Planning Committee due to a complaint being received regarding the consideration of the application by Planning Services and whilst the complaint had been responded to, it had not been able to be resolved to the complainant's satisfaction. A site visit was undertaken to enable Members to understand the proposed development and how it sits within its surroundings and within the context of the settlement.

A Parish Councillor spoke to the committee, objecting to the application.

The Agent spoke to the committee, supporting the application.

The application was **Refused** as per the recommendation, with the change to Reason 2, as set out on the update sheet, as follows:

1. The application site is located in a detached rural location approximately 1.5 miles north of the rural settlement of Forton, which itself has limited facilities and services. Furthermore, the application site, whilst in close proximity to a bus service, the bus stops are not easily accessible due to the character of unlit rural roads with no footpaths. Consequently the development is considered to be sited in an unsustainable, detached and isolated location due to the lack of immediate, direct and safe access to key community services and infrastructure which realistically can only be accessible by using a private motor car. The development would not amount to sustainable development and would represent an unjustified and isolated new dwelling in the countryside, contrary to locational guidance contained within the National Planning Policy Framework, in particular paragraphs 17 and 55.
2. The application site is located in a detached and elevated countryside location and can be viewed within the same visual frame from many of the surrounding public vantage points. The proposed development, by reason of its detached location, scale and domestic nature would be visually intrusive and detrimental to the character of this open countryside area. It would not therefore comply with the requirements of Paragraph 17 and Section 7 of the National Planning Policy Framework which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and paragraph 64 of the NPPF, which states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area. It is also contrary to (saved) Policy SP13 and SP14 of the Adopted Wyre Borough Local Plan (July 1999) which requires development to be compatible with other land uses and acceptable within the local landscape.

The meeting started at 2pm and finished at 3.45pm.

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