

# Minutes

## Development Management Committee



<b>Date:</b>	Wednesday, 29 July 2015
<b>Venue:</b>	Town Hall, St Annes
<b>Committee members:</b>	Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman) Councillors Christine Akeroyd, Michael Cornah, Tony Ford, Neil Harvey, Barbara Nash, Linda Nulty, Liz Oades, Albert Pounder
<b>Other members of the Council:</b>	Councillors Julie Brickles, Paul Hayhurst
<b>Officers:</b>	Ian Curtis, Mark Evans, Kieran Birch, Anita Elliott, Lyndsey Lacey, Fiona Riley, Matthew Taylor
<b>Members of the public:</b>	Approximately 20 members of the public were in attendance at the meeting

### Procedural Items

#### **Public Speaking at the Development Management Committee**

In accordance with the public speaking arrangement for the Development Management Committee, three members of the public addressed the committee on various applications detailed on the agenda.

#### **1. Declarations of interest**

Members were reminded that any disclosable pecuniary interests should be declared as required by the Localism Act 2011 and any personal or prejudicial interests should be declared as required by the Council's Code of Conduct for Members.

Councillors Christine Akeroyd and Tony Ford declared a personal interest in item 6 (Neighbourhood Development Plan) on the agenda, in so far as they are members of St Anne's On the Sea Town Council.

Councillor Barbara Nash declared a personal interest in item 7 (Lytham Quays) on the agenda, in so far as she knows people affected by the actions discussed the report.

## **2. Confirmation of Minutes**

The Chairman of the Committee invited members to confirm the minutes of the Development Management Committee meetings held on 18 June, 8 and 15 July 2015 (previously circulated).

RESOLVED: That subject to amending the minutes of the 18 June to record the fact that Councillor Linda Nulty declared a personal Interest in item 4 (planning application number 11/0221), in so far as she is a governor of Carr Hill High School, the minutes of the Development Management Committee held on 18 June, 8 and 15 July 2015 be confirmed as a correct records for signature by the Chairman.

## **3. Substitute members**

There were no substitute members.

## **Decision Items**

### **4. Development Management Matters**

The Committee considered the report of Mark Evans (Head of Planning and Regeneration) which set out the various planning applications. A copy of the Late Observation Schedule was circulated at the meeting.

Following detailed consideration of each application, it was RESOLVED:

1. To decide the applications as stated in the schedule attached.
2. To provide members of the committee with an updated regular report on all planning applications that have been delegated by the committee to the Head of Planning and Regeneration.

(Councillors Liz Oades and Linda Nulty requested that their names be recorded as having voted against the decision to approve planning application no 15/0124 relating to Sunnydale Nurseries, Garstang Road, Little Ecclestone).

### **5. List of Appeals Decided**

Members were advised of appeal decision letters that had been received between 18/06/15 and 17/07/2015.

IT WAS RESOLVED to note the report.

### **6. St Anne's on the Sea Neighbourhood Development Plan – Consultation on Pre Submission Draft June 2015**

Fiona Riley (Planning Policy Officer) was invited by the Chairman to introduce the report. In doing so, she advised that St Anne's on The Sea Town Council had produced a Pre-Submission Neighbourhood Development Plan. She explained that the document and associated information is currently undergoing a minimum six week statutory consultation and the closing date is 31 July 2015.

Members were advised that the local planning authority is required to advise and assist communities in their neighbourhood planning work. To meet this obligation at this current stage, it is considered appropriate for the local planning authority to submit a formal consultation response to the Town Council. It is expected that this response will assist the Town Council in producing their Submission version, which would then be submitted to the local planning authority who are responsible for undertaking a further six week consultation. Ms Riley further reported that

following a successful independent examination and public referendum, the St. Anne's on the Sea Neighbourhood Development Plan would form part of the statutory Development Plan, alongside the current saved Local Plan policies. Further details with regard to this matter were set out in the report including a copy of the draft Council response on the St Anne's on the Sea Pre Submission draft Neighbourhood Plan and associated information.

Following detailed consideration of this matter the Committee RESOLVED:

1. That the response, as set out in Appendix 1 to the report, be endorsed and submitted as the Council's response to the St. Anne's on the Sea Pre Submission Neighbourhood Development Plan.
2. That relevant officers meet with representatives of the Town Council to discuss this Council's response and assist with the development of the Plan into a workable document in recognition that the local planning authority would become the main user of the made (adopted) document.

#### **7. Lytham Quays – Article 4 Direction**

The Chairman invited Ian Curtis (Head of Governance) to present the report. Mr Curtis made reference to the background and the previous report considered by the committee (October 2014) on this matter. He then went on to explain that an article 4 direction was made under the committee's authority in April this year to prohibit the erection of fences etc. in certain parts of Lytham Quays which would lapse if not confirmed. He indicated that one representation had been received opposing confirmation.

Mr Evans (Head of Planning and Regeneration) was invited to comment on the planning justification for the direction.

The committee was asked to decide whether to confirm the direction. Further details were set out in the report including a copy of the (October) Development Management Report; The Direction under Article 4(1) and a copy of the representation received.

It was RESOLVED to confirm the article 4 direction made by the council on 9 April 2015 relating to land at Lytham.

(Councillor Tony Ford was not present at the meeting when this matter was considered and voted upon)

#### **8. Consideration of Council's Case to Defend Appeal against Non Determination of Planning Application 14/0410 at land to North of Lytham Road, Warton**

Mark Evans (Head of Planning and Regeneration) presented the report. He explained that the Council is faced with an appeal on grounds of its failure to determine planning application 14/0410 within the requisite timescale of 13 weeks from submission. Details with regard to this matter were set out in the report.

Following consideration of this matter it was RESOLVED that the authority to prepare the council's Statement of Case on the appeal be delegated to the Head of Planning and Regeneration, in consultation with the Chairman and Vice-Chairman of Development Management Committee and representatives of the Warton and Westby ward.

(Councillor Tony Ford was not in attendance at the meeting when this matter was considered and voted upon).

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## Development Management Committee Minutes 29 July 2015

Item Number: 1

<b>Application Reference:</b>	13/0753	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Mr Kershaw	<b>Agent :</b>	Pilgrim Associates Ltd
<b>Location:</b>	MOSS FARM, CROPPER ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5LB		
<b>Proposal:</b>	OUTLINE APPLICATION FOR ERECTION OF 26 DWELLINGS FOLLOWING DEMOLITION OF EXISTING DWELLING (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)		

### Decision

Outline Planning Permission :- Authority to GRANT planning permission delegated to the Head of Planning and Regeneration subject to the resolution of drainage issues (including the addition of appropriate conditions) and subject to the completion of a Section 106 agreement in order to secure:

- Provision, phasing , retention and operational details for 30% of the proposed dwellings to be affordable properties
- a financial contribution of £30,000 towards the improvement of public transport and/or sustainable transport initiatives in the vicinity of the site and the phasing of that payment
- a financial contribution of £72,506 towards four secondary school places at St Anne’s College and the phasing of that payment

The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority.

and subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

### Conditions and Reasons

- 1 A subsequent application for the approval of reserved matters must 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 whichever is the later of the following dates:

[a] The expiration of five years from the date of this permission;

or

[b] 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 approved.

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

- 2 Before any development is commenced (a) reserved matters application(s) must be submitted to and approved by the Local Planning Authority in respect of the following reserved matters:

Nos. (1, 2, 3 and 5)

(Reserved matters are:-

1. Layout
2. Scale
3. Appearance
4. Access
5. Landscaping

This permission is an outline planning permission and details of these matters still remain to be submitted.

- 3 The new estate road/access between the site and Cropper Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level prior to the construction of any dwelling within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

- 4 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, and this facility shall be operated throughout the development.

Reason: 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.

- 5 No part of the development hereby approved shall commence until a detailed scheme (with phasings) for the construction of the site access and a schedule of highway enhancements has been submitted to, and approved in writing by the Local Planning Authority. This shall include the provision of continuous pedestrian / cycle connections from the site access point leading across the whole of the site frontage to the site boundaries to provide a contiguous link to existing connections on Cropper Road in both directions. The development shall be implemented in accordance with the approved phasing.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable and that the development provides an appropriate level of accessibility to the wider highway network.

- 6 Prior to the commencement of any development details of the design, location, access arrangements, phasing of provision, and on-going maintenance arrangements of the public open space for the development shall be submitted to and approved in writing by the local planning authority. This provision shall be at least in accordance with the requirements of Policy TREC17 of the Fylde Borough Local Plan and shall be implemented and maintained in accordance with the approved scheme.

To ensure the provision and retention of appropriate levels of public open space to serve the development as required by Policy TREC17 of the Fylde Borough Local Plan.

- 7 A tree protection scheme for all trees and retained hedges on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. No work of any kind shall take place until the protective fences are erected around the retained trees in the position and to the specification agreed by the local planning authority. Such fencing shall be retained throughout the development where work of any kind is undertaken in proximity to trees and hedging.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

- 8 Prior to commencement of the development hereby permitted, details of the incorporation of bat roosting (in addition to that required by NE licence) and bird nesting opportunities that shall be incorporated into the design of the development (i.e. into new buildings) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the phasing of the works and shall thereafter be implemented in accordance with that phasing.

In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

- 9 Tree felling, vegetation clearance works, or other works that may affect nesting birds shall not be carried out between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections undertaken by a suitably qualified ecologist and their confirmation provided in writing to the Local Planning Authority.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy

Framework.

- 10 All existing lengths of hedgerow within the proposed residential development area shall be retained, except for where their removal is required for the formation of access points or visibility splays or in other limited circumstances where an equivalent or greater length of hedge is provided as a replacement and has been previously agreed in writing by the Local Planning Authority. No removal, relaying or works to existing hedgerows shall be carried out between March and August inclusive in any one year unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

- 11 No external lighting shall be installed until details of a lighting scheme have been submitted and approved in writing by Fylde Borough Council. The principles of relevant guidance shall be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

- 12 Prior to commencement of works a fully detailed method statement to demonstrate that impacts on amphibians (including Common Toad) will be avoided both during the site clearance and development works and during the operational phase shall be submitted for approval in writing by Fylde Borough Council. Any approved details shall be implemented in full. If the presence of Great Crested Newt is detected at any point then all works shall cease until advice has been sought from an appropriately qualified person including regarding the need for a Natural England licence.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework

- 13 Prior to the commencement of the development a scheme for the removal of the invasive non-native plant species identified in the submitted Ecological Survey and Assessment (Montbretia) shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented prior to the occupation of the development.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

- 14 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- the identification of the site access for construction traffic
  - the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - wheel washing facilities
  - measures to control the emission of dust and dirt during construction
  - a scheme for recycling/disposing of waste resulting from demolition and construction works
  - hours of operation

Reason: To maintain the safe operation of the pedestrian and highway network in the area during construction given the proximity to residential properties.

- 15 Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage system has been completed to serve that building in accordance with the approved details. The development shall be maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory means of drainage.

- 16 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 that surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. No surface water shall be discharged to the public sewerage system. 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.

Reason: To prevent the risk of flooding, both on and off the site

**Informative 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 the Environment Directorate in the first instance to ascertain the details of such an agreement and the information to be provided.

2. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This has been demonstrated by:

- Actively engaging in pre-application discussions with the applicant to try and find solutions to problems
- Providing advice to the applicant/agent during the course of the application on potential problems and possible solutions
- Securing revised plans during the course of the application which have overcome initial problems

**Item Number:** 2

<b>Application Reference:</b>	14/0822	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	West Register (Realisations) Ltd	<b>Agent :</b>	Indigo Planning Ltd
<b>Location:</b>	(SITE 3) LAND AT DUGDALES CLOSE / BROOKLANDS WAY / HALLAM WAY, WHITEHILLS, WESTBY WITH PLUMPTONS		
<b>Proposal:</b>	PROPOSED ERECTION OF BUILDING PROVIDING 10,195 SQM OF RETAIL FLOORSPACE (CLASS A1) OVER TWO FLOORS WITH ASSOCIATED CAR PARKING AND ACCESS WORKS		

### Decision

Full Planning Permission :- Authority to GRANT planning permission delegated to the Head of Planning and Regeneration, in consultation with the Chairman and Vice Chairman, following further negotiations on the terms of a s106 agreement to mitigate the identified potential harmful impacts of the development including marketing of the applicant's other land holdings in the vicinity, public realm improvements, improvements to local highways and the provision of sustainable transport measures all of which are required to enhance the attractiveness of the remaining sites to potential investors in order to offset the loss of this site to employment uses.

### Conditions and Reasons

- 1 The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

*Reason:* This standard time limit is required to be imposed pursuant to Section 51 of

the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

- 2 Notwithstanding any denotation on the approved plans samples of the roof treatment and wall brick and cladding [both inclusive of colour] shall be submitted to and approved by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

*Reason:* In order to ensure a satisfactory standard of development

- 3 Prior to the commencement of development, a scheme for the external lighting of the building / premises / site curtilage [including degree of illumination] shall be submitted to and approved in writing by the Local Planning Authority. Only lighting contained in the approved scheme shall be implemented at the site, with any addition or alteration to the scheme agreed in writing with the Authority.

*Reason:* In the interests of visual amenity.

- 4 Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artefacts and street furniture, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

*Reason:* To enhance the quality of the development in the interests of the amenities of the locality.

- 5 The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current syvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area

shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

*Reason:* To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

- 6 No goods of any description shall be stored other than within the defined buildings and outside sales and storage area of the garden centre.

*Reason:* In the interests of visual amenity.

- 7 The non-food retail units hereby permitted shall not be used for the sale of any goods other than those within the following categories:

Outdoor activity equipment and associated clothing and footwear, DIY and decorating goods, garden goods, furniture, motor and cycle goods, soft and hard furnishings and furnishings, household textiles, pictures, homewares, glassware, tableware, household goods, electrical goods, bathroom and kitchen goods and accessories, household cleaning products, lighting, seasonal goods, giftware, toys, arts and crafts, pet products and ancillary confectionary products.

Goods falling outside of this range may be sold only where they form a minor and ancillary part of the stores' operation.

*Reason:* To prevent unacceptable harm upon the existing centres

- 8 The non-food retail units hereby approved shall not be subdivided or amalgamated without the prior consent of the Local Planning Authority

*Reason:* To prevent unacceptable harm upon the existing centres.

- 9 Both of the retail units hereby approved shall be operated by a single retailer and shall not operate as a 'department store' or have a number of different retails operating within one unit.

*Reason:* To prevent unacceptable harm to the existing centres.

- 10 No part of the development hereby approved shall commence until a scheme for the construction of off-site works of highway improvement have been submitted to, and approved by the Local Planning Authority in consultation with the appropriate Highway Authority.

*Reason:* In order to satisfy the Local Planning Authority and the Highway Authority(s) that the final details of the highway scheme/works are acceptable before work commences on site.

11 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. the parking of vehicles of site operatives and visitors;
2. loading and unloading of plant and materials;
3. storage of plant and materials used in constructing the development;
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
5. wheel washing facilities;
6. a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
7. a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
8. a Management Plan to identify potential ground and water contaminants
9. a scheme to control noise during the construction phase.

*Reason:* To maintain the operation and safety of local streets and the through routes in the area during site preparation and construction.

12 Development shall not begin until a phasing programme for the whole of the development and for the highways works referred to, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing programme.

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

13 Prior to first occupation hereby approved, the S106 contribution relating to off site pedestrian and cycle route provision has been paid in its entirety.

*Reason:* In order to satisfy the Local Planning Authority and the Highway Authority that these sustainable transport links can be substantially completed at an early stage in the development of the site and hence effect the modal choice of the occupants; in order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions.

14 Prior to first occupation hereby approved, the s106 funding for the highway improvement scheme at Cropper Road/Lytham St Annes Way Roundabout shall be paid in full. The scheme to be delivered will be subject to detailed design.

*Reason:* In order to maintain network reliability and safety and ensure that residents of

the development have satisfactory access to services and facilities.

- 15 Prior to the first occupation the payment of s106 funding for the public transport improvement to help deliver a high frequency Public transport service must be paid to support delivery of a good frequency bus service.

*Reason:* To ensure the provision of a high quality public transport service that will limit the impact of this development on the local transport network.

- 16 Prior to the first occupation of the development hereby permitted, a Full Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan to include objectives, targets, measures to achieve targets, monitoring, and implementation timescales and continue with the provision of a travel plan co-ordinator. The approved plan(s) will be audited and updated at intervals as approved and the approved plan(s) be carried out.

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

- 17 There shall not at any time in connection with the development hereby permitted be planted hedges, trees or shrubs over 1m above the road level within any visibility splay required to maintain safe operation for all users.

*Reason:* To ensure adequate visibility splays are maintained at all time.

- 18 The developer shall fund the investigation, consultation and advertisement of Traffic Regulation Orders for parking restrictions on the local network surrounding the proposed site (roads to include Hallam Way, Brooklands Way and Dugdale Close). If the process concludes in changes to TRO's, the developer shall fund the subsequent implementation of necessary measures.

*Reason:* To maintain and enhance the operation and safety of the local highway network.

- 19 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being occupied, unless otherwise agreed in writing with the Local Planning Authority. The car park shall then be available at all times whilst the site is occupied.

*Reason:* To ensure that there is adequate parking for the development proposed when the buildings are occupied.

- 20 The development hereby approved shall not be commenced until a scheme for the provision of surface and foul water drainage works, with full consideration for sustainable drainage principles, has been submitted to and approved by the Local Planning Authority. The means of drainage shall be implemented in accordance with the approved scheme, prior to first occupation of the development hereby approved.

*Reason:* To reduce the increased risk of flooding by ensuring provision of a satisfactory means of surface and foul water disposal.

- 21 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) to limit the surface water run-off to 9.8 l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. 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.

*Reason:* To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 22 Prior to the commencement of any development, a surface water drainage scheme 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. The surface water drainage scheme must be restricted to 9.8 l/s unless otherwise agreed in writing by the Local Planning Authority. The development shall be completed, maintained and managed in accordance with the approved details. The existing public sewer network adjacent to the proposed site has been originally designed to accommodate for each of the development plots throughout the Whitehills business park, with this knowledge and by agreement with the adopting authority, our proposed strategy is to discharge into the existing adopted public sewer network to maintain the original methodology.

*Reason:* To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

**Informative notes:**

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This has been demonstrated by:
  1. Actively engaging in pre-application discussions with the applicant to try and find solutions to problems
  2. Providing advice to the applicant/agent during the course of the application on potential problems and possible solutions
2. 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.

3. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works associated with this proposal that fall within the highway under LCC control. 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 Environment Director at County Hall, Preston PR1 0LD, in the first instance, to ascertain the details of such an agreement and the information to be provided.
4. 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.

**Item Number:** 3

<b>Application Reference:</b>	14/0856	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Warton Developments LLP	<b>Agent :</b>	Steve Brougham Architect
<b>Location:</b>	NINE ACRES NURSERY, HARBOUR LANE, BRYNING WITH WARTON, PRESTON, PR4 1YB		
<b>Proposal:</b>	RESUBMISSION OF APPLICATION 13/0759 FOR PROPOSED ERECTION OF 9 ADDITIONAL DWELLINGS ON PART OF PUBLIC OPEN SPACE		

### Decision

Full Planning Permission :- Authority to GRANT planning permission delegated to the Head of Planning and Regeneration, in consultation with the Chairman and Vice Chairman, subject to him being satisfied that the implications of the development for Great Crested Newt population and habitats are acceptable, and on the completion of a Section 106 agreement in order to secure the provision, phasing of that provision, retention and operational details for 2 of the proposed dwellings to be affordable properties.

The planning permission is to be subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

### Conditions and Reasons

- 1 The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

- 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 the 29 April 2015, including the following plans:

- (i) Location plan - 3214-01
- (ii) Site survey plan - 3214-02
- (iii) Proposed site plan/landscape masterplan - 3214-03 REV A
- (iv) Type C2 - 3214/04
- (v) Type C3 - 3214/05
- (vi) Type E - 3214/06
- (vii) Type G - 3214/07

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

- 3 All existing lengths of hedgerow within the proposed residential development area shall be retained. No removal, relaying or works to existing hedgerows shall be carried out between March and August inclusive in any one year unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

- 4 Prior to commencement of works a fully detailed method statement to demonstrate that impacts on amphibians will be avoided both during the site clearance and development works and during the operational phase shall be submitted for approval in writing by Fylde Borough Council. Such measures should include, but not be exclusive to the erection / retention and maintenance of amphibian exclusion fencing. Any approved details shall be implemented in full. If the presence of Great Crested Newt is detected at any point then all works shall cease until advice has been sought from an appropriately qualified person including regarding the need for a Natural England licence.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

- 5 A tree protection scheme for all trees and retained hedges on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. No work of any kind shall take place until the protective fences are erected around the retained trees and hedges in the position and to the specification agreed by the local planning authority. Such fencing shall be retained throughout the development where work of any kind is undertaken in

proximity to trees and hedging.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

- 6 Obscure glazing shall be provided in the first floor side elevation windows of the dwellings hereby approved and shall thereafter be retained.

Reason: To safeguard the privacy of adjoining residents

- 7 Notwithstanding any denotation on the approved plans samples of the roof treatment and wall cladding [both inclusive of colour] shall be submitted to and approved by the Local Planning Authority no later than 21 days prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

Such details are not shown on the application and must be agreed to ensure a satisfactory standard of development.

- 8 No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area of residential development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding; hard surfacing and the materials to be used; and, means of enclosure. All hard and soft landscape works shall be carried out in accordance with the approved programme and details. Any trees or plants which within a period of 5 years commencing with the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities

- 9 Prior to the commencement of any development hereby approved details of the management and on-going maintenance arrangements for the communal areas of the site shown on the site plan approved under condition 2 of this permission, (specifically the access road, public open space area A, public open space area B and the area of land between the rear boundary to all the plots and the western boundary of the site) shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall ensure that these areas are all retained available for shared public use / benefit and shall be implemented in the construction of the development and thereafter.

To ensure that these communal areas remain available in accordance with providing an appropriate level of public open space as required by Policy TREC17 of the Fylde Borough Local Plan and an appropriate appearance to the development as required by

Policy HL2 of the Fylde Borough Local Plan

- 10 That prior to the first occupation of each of the respective plots hereby approved the boundary fence / wall arrangements as shown on the site plan approved under condition 2 of this permission shall be erected in the position and design as indicated on that plan. These boundary fence/walls shall thereafter be maintained in that location and design at all times thereafter.

To ensure an appropriate appearance to the development on construction and thereafter in accordance with Policy HL2 of the Fylde Borough Local Plan.

**Informative notes:**

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This has been demonstrated by:
  - (i) Actively engaging in pre-application discussions with the applicant to try and find solutions to problems
  - (ii) Providing advice to the applicant/agent during the course of the application on potential problems and possible solutions
  - (iii) Securing revised plans during the course of the application which have overcome initial problems
  
2. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information. This can be done either by:
  - (viii) Visiting [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and following the links after searching 'Vehicle Crossings'
  - (ix) telephoning the Area Manager South 01772 538560  
writing to the Area Manager South, Lancashire County Council, Cuerden Way, Bamber Bridge, Preston PR5 6BS quoting the planning application.

**Item Number:** 4

<b>Application Reference:</b>	15/0124	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Duerden Bros. Ltd	<b>Agent :</b>	PWA Planning
<b>Location:</b>	SUNNYDALE NURSERIES, GARSTANG ROAD, LITTLE ECCLESTON WITH LARBECK, PRESTON, PR3 0XA		
<b>Proposal:</b>	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND		

ERECTION OF UP TO 25 DWELLINGS (ACCESS APPLIED FOR WITH ALL  
OTHER MATTERS RESERVED)

### Decision

Outline Planning Permission : Authority to GRANT planning permission delegated to the Head of Planning and Regeneration, in consultation with the Chairman and Vice Chairman, subject to the completion of a Section 106 agreement in order to secure:

1. The provision of open space on site in accordance with the standards set out in Fylde Borough Local Plan policy TREC17.
2. The provision, tenure, delivery mechanism, occupation criteria and phasing of 30% of the dwellings to be offered as affordable housing (as defined in the National Planning Policy Framework) on site in accordance with the requirements Fylde Borough Council's Interim Housing Policy (as revised 13 February 2013).

and subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

### Conditions and Reasons

- 1 Application for approval of reserved matters must 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: (i) the expiration of three years from the date of this permission; or (ii) two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced:- the layout of the development, the scale and external appearance of the buildings and the landscaping of the site.

Reason: The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

- 3 This permission relates to the following plans:

- (x) Drawing no. 1430/LP1 Rev A – Location plan.
- (xi) Drawing no. 1430/14 Rev C – Proposed access with additional context.
- (xii) Drawing no. 1430/15 Rev D – Illustrative site plan.

Notwithstanding the requirements of condition 2 of this permission, any application

for reserved matters shall accord with the outline permission insofar as it relates to matters of access.

Reason: The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Access has been applied for and any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission.

- 4 No development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall include:
  3. a survey of the extent, scale and nature of contamination
  4. an assessment of the potential risks to:
    - (xiii) human health;
    - (xiv) property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
    - (xv) adjoining land;
    - (xvi) groundwaters and surface waters;
    - (xvii) ecological systems;
    - (xviii) archaeological sites and ancient monuments.
  5. where unacceptable risks are identified, an appraisal of remedial options and proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the apartments hereby approved are first occupied.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Fylde Borough Local Plan policy EP29 and the National Planning Policy Framework.

- 5 Details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: In order to ensure a satisfactory relationship between the new dwellings and their surroundings (including buildings and the street scene) and to ensure that the development is not at risk of flooding in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP30, and the National Planning Policy Framework.

- 6 No above ground works shall take place until a scheme for the disposal of foul and surface water from the site, which gives priority to the use and principles of sustainable drainage systems, has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
1. separate systems for the disposal of foul and surface water, including measures to ensure that no surface water drains directly or indirectly to the public foul/combined sewer;
  2. a detailed drainage strategy to demonstrate that the post-development surface water discharge rate to any soakaway, watercourse or sewer does not exceed the equivalent greenfield rate of 5 litres per second (as calculated in the Flood Risk Assessment by Thomas Consulting – ref P5225 issue 2). The drainage strategy shall include information regarding: (a) the peak surface water runoff rate from the development for the 1 in 30 year and 1 in 100 year rainfall event (+30% climate change allowance); (b) site investigation and test results to confirm infiltration rates; and (c) details of temporary storages facilities and flow attenuation measures (including the use of SUDS where appropriate) to delay/control the rate of surface water discharge from the site;
  3. details of the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters (including watercourses) and of any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (including refurbishment of existing culverts and headwalls or removal of unused culverts where applicable);
  4. flood water exceedance routes, both on and off site;
  5. a timetable for implementation, including any phasing of works.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied, or within any other timescale first agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Fylde Borough Local Plan policies EP25 and EP30, and the National Planning Policy Framework.

- 7 None of the dwellings shall be first occupied until details of a management and maintenance scheme for any sustainable drainage system required by condition 6 of this permission has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system and, as a minimum, shall include:
- (i) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company.

- (ii) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) to include elements such as:
  - a. on-going inspections relating to performance and asset condition assessments.
  - b. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets.
  - c. any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
- (iii) means of access for maintenance and easements.

The drainage system shall be installed in accordance with the details in the duly approved scheme before any of the dwellings are first occupied, and shall be managed and maintained as such thereafter.

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of any sustainable drainage system throughout the lifetime of the development, to minimise the risk of flooding and to limit the potential for surcharging of the sewer network in accordance with the requirements of Fylde Borough Local Plan policies EP25 and EP30, and the National Planning Policy Framework.

- 8 Notwithstanding the requirements of condition 3 of this permission, no development shall take place until a scheme for the design (including provision of an adequate visibility splay at the junction with Garstang Road), construction, drainage and lighting of the site access (the layout of which is shown on drawing no. 1430/15 Rev D) has been submitted to and approved in writing by the Local Planning Authority. The site access shall be constructed in full accordance with the duly approved details and made available for use before any of the dwellings hereby approved are first occupied, and the visibility splay kept free of any obstructions over 0.6 metres in height thereafter.

Reason: To ensure safe and convenient access to the site for vehicular traffic and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

- 9 None of the dwellings hereby approved shall be first occupied until the following highway improvement works (as shown on drawing nos. J481/Access/Fig1 and J481/Offsite/Fig2 appended to the Transport Statement by DTPC ref J481/TS Rev A) have been implemented and made available for use in accordance with details (including their siting, layout, design, construction, lighting and drainage) which have first been submitted to and approved in writing by the Local Planning Authority:

- (i) The provision of a ghost island right hand turn lane for westbound vehicles entering the site from Garstang Road.
- (ii) A pedestrian crossing over the carriageway of Garstang Road in the position shown on drawing no. J481/Access/Fig1.
- (iii) A pedestrian crossing over the carriageway of Garstang Road in the position shown on drawing no. J481/Offsite/Fig2.

Reason: In order to secure improvements to the highway network to ensure safe and convenient access and circulation for vehicle traffic and enhanced provision for pedestrian access to the site and the adjacent settlement of Great Eccleston in the interests of road safety in accordance with the requirements of Fylde Borough Local Plan policies HL2 and TR1, and the National Planning Policy Framework.

- 10 No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of the following: - (i) hours for site preparation, delivery of materials and construction; (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; (vi) wheel washing facilities; (vii) measures to control the emission of dust and dirt during construction; and (viii) a scheme for recycling/disposing of waste resulting from construction works. The duly approved CMS shall be adhered to throughout the construction period.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings during the construction of the development in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP27, and the National Planning Policy Framework.

- 11 Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall include a scheme which demonstrates compliance with the principles of the 'Landscape Strategy' Annexed as "Plan 3" to Appendix 3 of the Landscape and Visual Impact Assessment by Urban Green – ref 29<sup>th</sup> May 2015 Rev B. The scheme shall include, but not be limited to, the following details (as shown indicatively on 'Plan 3')

- (i) the extent of existing hedgerows and other vegetation to be retained;
- (ii) a compensatory planting scheme to replace any trees, shrubs or hedgerows to be removed as part of the development;
- (iii) the introduction, retention and/or strengthening of landscaped buffers along all boundaries of the site;
- (iv) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) to (iii);
- (v) the type, size, species, siting, planting distances and the programme of planting of hedgerows, trees and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedgerows or shrubs removed, dying, being severely damaged or becoming seriously diseased within three years of planting shall be replaced by trees, hedgerows or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that a suitable landscaped buffer is introduced between the site and adjoining land in order to soften the development's visual impact on the open countryside and surrounding occupiers, and to ensure the introduction of appropriate compensatory landscaping, habitat replacement and biodiversity enhancement as part of the development in accordance with the requirements of Fylde Borough Local Plan policies HL2, EP10, EP12, EP14, EP18, EP19 and the National Planning Policy Framework.

- 12 No development shall take place until a Construction Exclusion Zone has been formed around the Root Protection Areas of those trees/hedgerows identified as being retained as part of the landscaping scheme submitted pursuant to condition 10. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained as such during the entirety of the construction period.

Reason: To protect existing trees and hedgerows to the periphery of site which are to be retained as part of the development in accordance with the requirements of Fylde Borough Local Plan policy EP12.

- 13 No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (March to July inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Fylde Borough Local Plan policy EP19, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

- 14 None of the dwellings hereby approved shall be first occupied until a scheme for the installation of fencing to the perimeter of the on-site pond which is to be retained as part of the development (as shown on drawing no. 1430/15 Rev D) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the height (which shall be no less than 1 metre), position, design, materials and finish (including colour treatment) of the fencing. The fencing shall be

installed in accordance with the details in the duly approved scheme before any of dwellings hereby approved are first occupied, and retained as such thereafter.

Reason: In order to ensure the safety of future residents of the development and to minimise the risk of accidents in accordance with the objectives of Fylde Borough Local Plan policy HL6.

- 15 Any application which seeks approval for the reserved matter of layout pursuant to condition 2 of this permission shall include a scheme for the provision of an independent pedestrian/cycle link between the site and the footway of Garstang Road. Such a scheme shall include details of: (i) the siting of the route's access on Garstang Road (which shall be substantially in accordance with the position shown on drawing no. 1430/15 Rev D); and (ii) the layout (including its connection with internal routes within the site), design and construction (including surface treatment) of the pedestrian/cycle link. The pedestrian/cycle link shall be constructed in accordance with the duly approved details and made available for use before any of the dwellings are first occupied, and retained as such thereafter.

Reason: In order to provide satisfactory pedestrian/cycle access to the site from Garstang Road in the interests of highway safety and to provide enhanced connectivity with the remainder of the settlement in accordance with the objectives of Fylde Borough Local Plan Policy HL2 and the National Planning Policy Framework.

**Informative notes:**

1. With regard to the requirements of conditions 8 and 9 of this permission, the applicant is advised to contact Lancashire County Council's Highways Service in order to determine the need for section 38 and/or 278 Agreements under the Highways Act (1980) to secure the adoption of the new access road and for any engineering works within the adopted highway, before any development takes place.
2. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This has been demonstrated by:
  1. Actively engaging in pre-application discussions with the applicant to try and find solutions to problems
  2. Providing advice to the applicant/agent during the course of the application on potential problems and possible solutions
  3. Securing revised plans during the course of the application which have overcome initial problems

**Item Number: 5**

<b>Application Reference:</b> 15/0308	<b>Type of Application:</b> Reserved Matters
<b>Applicant:</b> BDW Trading Ltd	<b>Agent :</b> Cass Associates
<b>Location:</b> LAND ADJACENT LITTLE TARNBRICK FARM, BLACKPOOL ROAD, KIRKHAM	
<b>Proposal:</b>	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 12/0635 FOR THE LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF A DEVELOPMENT FOR 180 DWELLINGS AND ASSOCIATED INFRASTRUCTURE

**Decision**

Reserved Matters :- Granted

**Conditions and Reasons**

1 This permission relates to the following plans:

- Drawing no. 453/P/LP/01
- Drawing no. 453/P/PL/01 Rev E
- Drawing no. 453/P/BTL/01 Rev E
- Drawing no. 453/P/RS/01 Rev D
- Drawing no. 453/P/ML/01 Rev D
- Drawing no. 453/P/SHL/01 Rev D
- Drawing no. 453/SS/AA Rev B
- Drawing no. 453/P/SS/02 Rev B
- Drawing no. 453/P/PSS/02
- Drawing no. 453\_P\_BT D\_01
- Drawing no. 453\_P\_BT D\_02
- Drawing no. 3167\_102
- Drawing no. 453/ASH/A/01
- Drawing no. 2010/BAM/A/01
- Drawing no. 453/HT/BAR/A/01 – The Barwick Detached
- Drawing no. 453/HT/BAR/A/01 – 2010 Range – The Barwick
- Drawing no. 2010/BRE/A/01
- Drawing no. 2010/CAM/A/01
- Drawing no. 2010/CEM/A/01
- Drawing no. 2010/DAR/A/02
- Drawing no. 2010/FAR/A/01
- Drawing no. 2010/FAW/A/01
- Drawing no. 2010/HAR/A/01
- Drawing no. 2010/HARR/A/01
- Drawing no. 2010/HEL/A/01
- Drawing no. 2010/KEN/A/01
- Drawing no. 2010/KIN/A/01
- Drawing no. 2010/LIN/A/01

- Drawing no. 2010/MOR/A/01
- Drawing no. 453/HT/MOR/A/01
- Drawing no. 2010/SOM/A/01
- Drawing no. 2010/THO/A/01
- Drawing no. 2010/WAR/A/01
- Drawing no. 2010/DET/A/135
- Drawing no. 2010/DET/A/136

The development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Fylde Borough Local Plan and the National Planning Policy Framework.

- 2 Notwithstanding any description of materials in the application and the requirements of condition 1 of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be constructed in accordance with the duly approved materials.

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

- 3 Details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: In order to ensure a satisfactory relationship between the new dwellings and their surroundings (including buildings and the street scene) in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

- 4 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to each plot shall be erected in accordance with the details (including their siting, height, design, materials and finish) shown on drawing nos. 453/P/BTL/01 Rev E, 453\_P\_BTD\_01 and 453\_P\_BTD\_02 before the dwelling on that plot is first occupied, and shall be retained as such thereafter.

Reason: In the interests of the security of future occupiers, to ensure adequate levels of privacy between neighbouring dwellings, to achieve satisfactory noise attenuation and to ensure an acceptable relationship with the street scene in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP27, and the National Planning Policy Framework.

- 5 Within three months of development first taking place a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall demonstrate compliance with the principles of the landscaping layout shown on drawing no. 453/P/PL/01 Rev E and shall include details of the type, species, siting, planting distances and the programme of planting of trees and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within three years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of FBLP policies HL2 and EP14.

- 6 Notwithstanding the requirements of condition 18 of the outline planning permission (reference 12/0635), any scheme for the disposal of surface water from the site submitted pursuant to that condition shall demonstrate compliance with the principles of the updated flood risk assessment by Lees Roxburgh (report reference 5938/R1 Rev B – 08.07.15). Specifically, any scheme shall include:

- (i) Measures to limit the surface water run-off generated by the 1 in 1 year, 1 in 30 year and 1 in 100 year critical storm events to rates of 39 l/s, 75 l/s and 91 l/s respectively in order that the rate of surface water run-off from the site will not exceed the pre-development (greenfield) run-off rate and will not increase the risk of flooding off-site.
- (ii) Provision of compensatory flood storage as identified in the Surface Water Drainage Design (drawing ref 543/ED/10).
- (iii) Finished floor levels for the dwellings (in AOD) which shall be no lower than 150mm above the adjacent ground level.
- (iv) Information regarding 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.
- (v) Flood water exceedance routes, both on and off site.
- (vi) Details of any sustainable drainage system, including arrangements for its future management and maintenance.
- (vii) A timetable for implementation, including phasing as applicable.

The duly approved scheme shall be implemented before any of the dwellings are first occupied, or within any other timescale approved under part (vii) of the condition.

Reason: To ensure that the development is not itself at risk of flooding, does not increase flood risk elsewhere and makes provision for the sustainable drainage of surface water, and because additional details regarding the surface water drainage strategy, which were not available at the time the outline planning permission was granted, have been submitted for consideration as part of the application for approval

of reserved matters.

- 7 The noise attenuation measures for each plot identified in paragraphs 3.1.1 – 3.1.5 and Appendix A of the Noise Assessment by Wardell Armstrong (report reference N001, dated July 2015) shall be implemented in accordance with the details in the report (and, in respect of boundary treatments, in accordance with the details shown on drawing nos. 453/P/BTL/01 Rev E, 453\_P\_BTD\_01 and 453\_P\_BTD\_02) before the dwelling on each associated plot is first occupied. The duly implemented attenuation measures shall be maintained as such thereafter.

Reason: To ensure the implementation of appropriate noise attenuation measures for the proposed dwellings in order to achieve satisfactory living conditions for future occupiers of the development in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP27, and the National Planning Policy Framework.

- 8 No above ground works shall take place until a scheme for the design, construction and drainage of all new estate roads and associated footways shown on drawing no. 453/P/PL/01 Rev E has been submitted to and approved in writing by the Local Planning Authority. Each estate road shall be provided in accordance with the duly approved details before any of the dwellings to be served by that road are first occupied, except that final surfacing shall not take place until the final dwelling to be served by each estate road has been substantially completed.

Reason: To ensure a satisfactory standard of engineering works for the construction of roads and footways to serve the development and to provide satisfactory facilities for vehicle access, circulation and manoeuvring in the interests of highway safety in accordance with the requirements of Fylde Borough Local Plan policies HL2 and TR1, and the National Planning Policy Framework.

- 9 No development shall take place until a scheme for the provision of wheel washing facilities to be operated during the construction period has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be adhered to for the entirety of the construction period.

Reason: To ensure that satisfactory provisions are made for wheel washing facilities for construction traffic in order to prevent material trailing onto the highway in the interests of highway safety and visual amenity in accordance with the requirements of Fylde Borough Local Plan policies TR1 and HL2.

**Informative notes:**

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This has been demonstrated by:

1. Actively engaging in pre-application discussions with the applicant to try and find solutions to problems
  2. Providing advice to the applicant/agent during the course of the application on potential problems and possible solutions
  3. Securing revised plans during the course of the application which have overcome initial problems
2. Network Rail requests that the developer submits a risk assessment and method statement (RAMS) for the proposal to Network Rail Asset Protection, once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. Network Rail require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at [AssetProtectionLNWNorth@networkrail.co.uk](mailto:AssetProtectionLNWNorth@networkrail.co.uk) to discuss the proposal and RAMS requirements in more detail.
3. Network Rail has a duty to provide, as far as is reasonably practical, a railway free from danger or obstruction from fallen trees. Trees growing within the railway corridor (i.e. between the railway boundary fences) are the responsibility of Network Rail. Trees growing alongside the railway boundary on adjacent land are the primary responsibility of the adjoining landowner or occupier. All owners of trees have an obligation in law to manage trees on their property so that they do not cause a danger or a nuisance to their neighbours. This Duty of Care arises from the Occupiers Liability Acts of 1957 and 1984. A landowner or occupier must make sure that their trees are in a safe condition and mitigate any risk to a third party. Larger landowners should also have a tree policy to assess and manage the risk and to mitigate their liability.
4. The applicant is reminded that any works close to the Network Rail boundary, and any excavation works, are covered by the Party Wall Act of 1996. Should any foundations, any excavations or any part of the building encroach onto Network Rail land then the applicant would need to serve notice on Network Rail and they would be liable for costs. An applicant cannot access Network Rail land without permission (via the Asset Protection Team) and in addition to any costs under the Party Wall Act, the applicant would also be liable for all Network Rail site supervision costs whilst works are undertaken. No works in these circumstances are to commence without the approval of the Network Rail Asset Protection Engineer.
5. Any scaffold which is to be constructed within 10 metres of the Network Rail / railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffold / access for working at height within the footprint of their property boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, should they topple over in the direction of the railway then there must be at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.
6. Network Rail requests that the developer ensures there is a minimum 2 metre gap between the buildings and structures on site and their boundary fencing.
7. There is a 6.6kV cable running in the footpath along Blackpool Road, across which it is proposed to create the site entrance. Depending on the works required to form the entrance, the cable may need to be placed at increased depth. Should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of

Electricity Northwest's requirements for access to inspect, maintain, adjust, repair, or alter any of its distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Electricity Northwest's Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

**Item Number:** 6

<b>Application Reference:</b>	15/0329	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Suncredit UK Ltd	<b>Agent :</b>	Pegasus Group
<b>Location:</b>	COOPER HOUSE FARM, KIRKHAM ROAD, NORTH OF BYPASS, FRECKLETON, PRESTON, PR4 1HX		
<b>Proposal:</b>	CONSTRUCTION OF SOLAR DEVELOPMENT TO GENERATE RENEWABLE ELECTRICITY, TO INCLUDE THE INSTALLATION OF SOLAR PANELS, UNDERGROUND CABLING, INVERTER/TRANSFORMER STATIONS, DNO AND CLIENT SUB-STATION, SPARE PARTS CONTAINER, LANDSCAPING AND OTHER ASSOCIATED WORKS INCLUDING CONNECTION TO THE ELECTRICITY DISTRIBUTION NETWORK.		

### **Decision**

Full Planning Permission :- Authority to GRANT planning permission delegated to the Head of Planning and Regeneration subject to the completion of a Habitat Regulation Assessment and subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning and Regeneration believes is necessary to make otherwise unacceptable development acceptable):

### **Conditions and Reasons**

- 1 The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

- 2 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (Ref: S507-DOCO2 Issue 3, dated March 2015) to limit the surface water run-off generated by the site to the greenfield rate. 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.

Reason; To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 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 7 May 2015, including the following plans:

- (liv) Location Plan S.0464\_02-E
- (lv) Site layout 2195.AP.001.0.C
- (lvi) Landscaping scheme S.0464\_17-F
- (lvii) Fence 2195.AP.006.3.0
- (lviii) Spare part container 2195.AP.011.3.0
- (lix) Exemplary Section 2195.AP.003.1.0
- (lx) Substructure 2195.AP.010.2.0
- (lxi) Inverter and transformer station 2195.AP.004.2.A
- (lxii) DNO/Client substation 2195.AP.009.2.0

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

- 4 No part of the development shall be commenced until details setting out the means by which the wheels of vehicles may be cleaned before leaving the site during the construction phase have been submitted to and approved by the Local Planning Authority and such wheel washing facility shall be operated in accordance with the approved details throughout the construction phase of the solar farm.

Reason: 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.

- 5 No part of the development shall be commenced until the off-site highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

- 6 No part of the development hereby approved shall commence until a Construction Traffic Management Plan has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The development scheme be carried out in accordance with the approved plan.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the construction traffic does not have an adverse impact on road safety.

- 7 A tree protection scheme for all trees and retained hedges on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. No work of any kind shall take place until the protective fences are erected around the retained trees in the position and to the

specification agreed by the local planning authority. Such fencing shall be retained throughout the development where work of any kind is undertaken in proximity to trees and hedging.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

- 8 No development shall take place until there has been submitted to and approved in writing by the local planning authority a fully detailed scheme for habitat creation and management, including details of amphibian protection. The scheme shall include details of mitigation and compensation measures, the management of public access, and on-going monitoring regimes, and follow the principles established in the habitat management plan and method statement prepared by Avian Ecology dated April 2015. The development shall be phased, implemented, and managed in accordance with the approved scheme for habitat creation and management.

Reason: In order to secure adequate compensatory and mitigation habitat and species and to protect existing biodiversity.

- 9 No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area of development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding including the proposed hedgerows, native trees and wild flower mix; hard surfacing and the materials to be used for the internal access roads; and, means of enclosure and shall follow the principles shown on landscaping plan S.0464\_17-F dated 30.06.15.

All landscape works shall be carried out in accordance with the approved programme and details. Any trees or plants which within a period of 5 years commencing with the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with saved Policy EP14 of the Fylde Borough Local Plan.

- 10 This permission shall be for a period of 25 years from the date of first export of electricity following which the use hereby permitted shall cease and the site reinstated back to its previous agricultural use in accordance with a scheme of work to be submitted as part of a Decommissioning Method Statement under condition 11 below. The date when electricity from the development is first exported to the local electricity grid network shall be notified to the LPA in writing within 28 days of its occurrence.

Reason: To ensure that the landscape impact of the development exists only for the

lifetime of the development.

- 11 If the solar farm ceases to operate for a continuous period of 12 months at any time during its lifetime, and in any event at least 6 months prior to the final decommissioning of the solar farm at the end of the planning permission, a Decommissioning Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include a programme of works to demonstrate that the solar panels, transformer and substation buildings, tracks, associated infrastructure, fencing and any other ancillary equipment will be removed from site, and how the site shall be restored back to its former agricultural use and a timescale for these works and site restoration. The approved Decommissioning Method Statement and its programme of works shall be fully implemented within 12 months of date of its agreement by the Local Planning Authority.

Reason: In the interests of the amenity of the area and to ensure that the landscape impact of the development exists only for the lifetime of the development.

- 12 Construction and decommissioning works shall only take place between the following hours:-

08.00 and 18.00 hours Monday to Friday and between 08.00 and 13.00 hours on Saturdays, with no site work on Sundays or bank and public holidays.

Reason: To safeguard the amenities of the occupiers of adjoining residential properties.

- 13 Prior to the commencement of development a grazing management plan shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved plan, which shall contain details of how the land will be made available, managed and retained for grazing livestock throughout the operation of the solar farm hereby approved.

Reason: To ensure that the land remains in agricultural use.

- 14 Prior to the commencement of development the applicant shall carry out a noise assessment in accordance with BS4142:2014 for fixed plant with reference to the nearest residential property. The result of the assessment shall be submitted to the Local Authority for approval together with any mitigation measures should the assessment suggest that noise levels may be "significant". If found acceptable by the Local Planning Authority the mitigation proposed shall be incorporated into the development and thereafter maintained.

Reason: To safeguard the amenities of the occupiers of adjoining residential

properties.

- 15 Prior to the commencement of development the applicant shall carry out a glint/glare assessment and the results shall be submitted for the Local Authority for approval together with any mitigation measures should the assessment find a unacceptable impact on the amenity of neighbouring dwellings. If found acceptable by the Local Planning Authority the mitigation proposed shall be incorporated into the development and thereafter maintained.

Reason: To safeguard the amenities of the occupiers of adjoining residential properties

**Informative notes:**

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This has been demonstrated by:
  - Actively engaging in pre-application discussions with the applicant to try and find solutions to problems
  - Providing advice to the applicant/agent during the course of the application on potential problems and possible solutions
  - Securing revised plans during the course of the application which have overcome initial problems
  
2. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information. This can be done either by:

(lxiii) Visiting [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and following the links after searching 'Vehicle Crossings'

(lxiv) telephoning the Area Manager South 01772 538560  
writing to the Area Manager South, Lancashire County Council, Cuerden Way, Bamber Bridge, Preston PR5 6BS quoting the planning application.