

OUTLINE PLANNING PERMISSION

Town and Country Planning Act 1990

Correspondence Address:

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Applicant:

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WA3 6UT

Application Number: 16/00625/OUTMAJ

Proposal: Outline application for a mixed use development of up to 72 dwellings and up to 320sqm (gross) retail floor space (Use Class A1) with associated access from the A6 (all other matters reserved).

Location: Land Off Garstang Road Barton Preston Lancashire

Wyre Borough Council (the Local Planning Authority) gives notice of its decision to **grant outline planning permission** for the above proposal, subject to conditions stated below:

1. (a) In the case of any reserved matter, namely appearance, landscaping, layout and scale of the buildings, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission;
- (b) The development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last matter to be approved.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No part of the development hereby approved shall commence until a scheme for the construction of the site access in the location identified on plan SCP/16018/SK02 and the off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority together with a timetable for implementation. The site accesses and off-site highway works shall be constructed in accordance with the approved scheme and implementation programme. The off-site highway works include:-

- Main Site access junction on A6 including provision of right turn facilities and pedestrian refuge as indication on plan SCP/16018/SK02
- Public Transport facilities to quality bus standard on A6 - details of the stops to Quality Bus Standard to be agreed (2No bus stops - 1 northbound and 1 southbound)

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

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

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures, complaint management and arrangements for liaison with the Council's Environmental Protection Team;
- vii. a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
- viii. the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters
- ix. a scheme to control noise and vibration during the construction phase identifying suitable mitigation measures and complaint management and arrangements for liaison with the Council's Environmental Protection Team
- x. the routing of construction vehicles and deliveries to site
- xi. intended hours of work
- xii. how biodiversity would be protected throughout the construction period

Reason: To maintain the operation and safety of the local highway network during site preparation and construction and in the interests of ecology, to prevent pollution from foul and surface water and to protect drinking water supplies.

4. No development shall commence until an Interim Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Interim Travel Plan shall be implemented in accordance with the timetable contained therein unless otherwise agreed in writing by the Local Planning Authority.

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

5. The visibility splay identified as that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of the A6 to points measured 120m in each direction along the nearer edge of the carriageway of the A6, from the centre line of the access, shall be constructed and maintained at footway / verge level in accordance with a scheme to be agreed in writing by the Local Planning Authority in conjunction with the Highway Authority prior to commencement of development. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

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

6. The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided and retained in accordance with the approved scheme and shall meet the definition of

affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units.
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider (if no Registered Provider is involved) ;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the adequate provision and delivery of affordable housing in accordance with the provisions of the NPPF.

7. Prior to commencement of the development, the design of a scheme for the drainage of foul and surface water, based on sustainable drainage principles so far as is possible subject to ground conditions, the results of the investigation required under part (A xi) and an assessment of the hydrological and hydrogeological context of the development shall be submitted to and approved in writing by the Local Planning Authority.

(A) This scheme shall include;

- i. information about the design storm period and density (1 in 30 and 1 in 100 year + 30% allowance for climate change)
- ii. discharge rates and volumes (both pre and post development)
- iii. temporary storage facilities
- iv. means of access for maintenance
- v. the methods employed to delay and control surface water discharged from the site
- vi. the measures taken to prevent flooding and pollution of receiving surface waters, including watercourses and surface water sewers
- vii. details of floor levels in AOD
- viii. details of any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts where relevant);
- ix. floodwater exceedance routes both on and off site;
- x. a timetable for implementation, including a timetable for when attenuation basins / storage and flow control devices are to be constructed and operational;
- xi. evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates.

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

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

(D) Soakaways, as a means of storm / surface water disposal must not be constructed within 10 metres of Network Rail's boundary and storm / surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains.

(E) Consideration should be made to replace or reposition an existing stone culvert as part of the new surface water strategy.

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

Reason: To ensure a satisfactory form of development, to manage flood risk, to prevent pollution from foul and surface water, to protect drinking water supplies, to ensure site drainage during the construction process does not enter the watercourses at un-attenuated rate to prevent a flood risk during the construction of the development and to protect the adjacent railway from the risk of flooding and pollution in accordance with Policy ENV15 of the Wyre Borough Local Plan (1999) and the provisions of the NPPF.

8. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and approved in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- (a) The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
- (b) Arrangements concerning appropriate funding mechanisms for ongoing maintenance of all elements of the sustainable drainage system, and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved scheme.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

9. The trees identified in Table 3.2 and shown in Figure 1 (page 37) of the Ecological Survey and Assessment Report, Ref ERAP 2015-291 submitted with the planning application that are within the site shall be retained unless otherwise agreed in writing by the local planning authority. Prior to the commencement of any works or development on site, a tree protection plan and arboricultural method statement shall be submitted to and agreed in writing by the Local Planning Authority. This plan shall indicate the methods and positioning of tree protection measures such as ground protection (where necessary), Heras protective fencing, and details of specialist construction methodology in relation to the interfaces between the development and the tree(s) shown as being retained in the submitted Ecological Survey and Assessment Report. The approved tree protection measures shall be in place prior to development works commencing and shall remain until the development is completed.

Reason: In order to adequately protect the trees to be retained on site in the interests of the appearance of the site and biodiversity (removal of those trees may require further bat surveys to be carried out) in accordance with paragraphs 17 and 118 of the NPPF and Policy SP14 of the Wyre Borough Local Plan.

10. No works to trees or shrubs shall occur between 1st March and 31st July (inclusive) in any year unless a detailed bird nest survey has been carried out by a suitably qualified ecologist immediately prior to any clearance and written confirmation that no bird nests are present has been provided in writing to the Local Planning Authority.

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

11. Prior to the commencement of development, a landscape and habitat creation and management scheme shall be submitted to and agreed in writing by the Local Planning Authority along with a

timetable for implementation and the development shall then proceed in full accordance with these agreed details. For the purpose of this condition, the scheme shall include details of elements to mitigate for loss of any trees, shrubs and hedgerows; mitigation for loss of bird nesting habitat; provision of bat roosting and bird nesting opportunities; and ecological enhancement of retained hedgerow and wetland habitats. The scheme shall thereafter be implemented in accordance with the approved timescale.

Reason: In order to safeguard and enhance biodiversity and in the interests of the appearance of the site in accordance with the provisions of paragraphs 17 and 118 of the NPPF and Policy SP14 of the Wyre Borough Local Plan (1999).

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

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

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

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

(B) The proposed development shall be designed so that cumulative noise from external plant and machinery at the proposed A1 retail use will not exceed the background level (LA90) at the boundary with any noise-sensitive premises when measured as an LAeq,15 min in any one third octave band. Alternative levels and monitoring locations may be used subject to the prior written agreement of the Local Planning Authority.

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

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy SP14 of the Local Plan and the provisions of the NPPF.

13. No development shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and agreed in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the scheme implemented to the satisfaction of the Local Planning Authority prior to the development of the site. Any changes to the agreed scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

Reason: The development is for a sensitive land use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). This information must be provided prior to commencement to ensure that the development can proceed without undue risk to the environment or human health.

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

Reason: In the interests of safeguarding human health and the environment against potential contamination.

15. The development hereby approved shall be implemented in full accordance with the Method Statement for the Protection of Amphibians put forward in section 9 of the Ecological Survey and Assessment report (ref. 2015-291).

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 and section 11 of the National Planning Policy Framework (March 2012).

16. The development hereby approved shall reserve an area of land fronting onto the A6 (precise location to be determined at reserved matters stage) of equivalent size to the retail unit and associated car park shown on the indicative site plan submitted with this outline application for A1 retail provision below 500sqm floor space including associated parking.

Reason: Providing an opportunity for a small-scale retail use to come forward at a future date within the application site (as indicated on the illustrative plan submitted with this outline planning application) to serve the wider community would enhance the economic and social benefits of this development and make it more sustainable.

17. As part of any reserved matters application where layout is applied for, public open space shall be provided on site in accordance with the requirements of saved Policy H13 of the adopted Wyre Borough Local Plan (1999), or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan, and such area or areas of open space shall be provided and available for use, and shall thereafter be retained and maintained for use by the public in accordance with a scheme which shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of any dwelling on the site.

Reason: In order to ensure adequate provision and delivery of public open space in accordance with the provisions of the NPPF and Policy H13 of the Wyre Borough Local Plan (1999).

18. The development shall not begin until a scheme of works to upgrade the existing public right of way running through the site together with an implementation programme has been submitted to and approved in writing by the Local Planning Authority in consultation with Lancashire County Council. The approved scheme shall then be implemented in accordance with the approved details / timetable.

Reason: To ensure no policy conflict with saved policy TREC12 of the Wyre Borough Local Plan (1999) arises and to maximise sustainable modes of travel for future occupiers and visitors to the development.

19. Prior to first use of the proposed commercial development (village shop), an artificial lighting assessment shall be submitted to and agreed in writing by the Local Planning Authority which demonstrates that artificial lighting, for example, flood lighting to the car park and outside areas, will be designed so that it is not intrusive to nearby sensitive premises and boundary features which are

important habitat for bats. The lighting shall be designed in accordance with the pre-curfew and post-curfew standards for 'Zone E2' as described by the Institution of Lighting Professionals' 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'. The lighting shall be installed in accordance with the approved details.

Reason: In order to safeguard residential amenity and biodiversity in accordance with the provisions of Policy SP14 of the Wyre Borough Local Plan (1999) and the NPPF.

Attention is drawn to the following notes:

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, in the first instance, to ascertain the details of such an agreement and the information to be provided.
2. Network Rail advises that in addition to any planning permission the developer must contact NR to discuss the proposed expected usage of Finch's bridge, whether for construction works or pedestrian / vehicle access and as a permanent arrangement. The developer will need to provide these details to NR and any use of the bridge must be agreed with NR prior to the commencement of any works on site. As the proposal includes works which may impact the existing operational railway, a Basic Asset Protection Agreement will need to be agreed between the developer and NR. The developer is to submit directly to NR a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway. The developer will need to serve a Party Wall Act 1996 notification on NR for the works adjacent to the railway boundary. Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to Network Rail.
3. UU advises that a public sewer crosses this site and they will not grant permission to build over or within 3 metres of the centre line of it. The requirement for their permission is detailed within the guidance that supports Part H4 of the Building Regulations. If the proposals do not meet these specifications a modification of the site layout or a diversion of the public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with UU at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees shall not be planted within the canopy width (at mature height) of the public sewer and overflow systems. Trees should not be planted directly over sewers or where excavation onto the sewer would require removal of the tree.
4. For the avoidance of doubt, the response from LCC Lead Local Flood Authority does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>. Neither does the response grant the applicant permission to connect to the highway drainage network.
5. The applicant is reminded that, under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning consent does not provide a defence against prosecution under this act.

This permission relates only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building

Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Signed:

A handwritten signature in black ink, appearing to read "David Thow". The signature is written in a cursive style with a prominent initial 'D'.

**David Thow
Head of Planning Services
Date: 3 January 2018**