



## **Town and Country Planning Act 1990**

### **Town and Country Planning (Development Management Procedure) (England) Order 2015**

#### **Outline Planning Permission Approved with 106 Agreement**

##### **Part 1 - Particulars of Application**

**Application Number:** 11/0221

**Location:** WHYNDYKE FARM, PRESTON NEW ROAD, WESTBY WITH PLUMPTONS,  
BLACKPOOL, FY4 4

**Description:** **OUTLINE APPLICATION FOR DEVELOPMENT OF 1400 RESIDENTIAL DWELLINGS, 20 HA OF CLASS B2 GENERAL INDUSTRIAL / CLASS B8 STORAGE AND DISTRIBUTION, CLASS D1 PRIMARY SCHOOL, TWO LOCAL NEIGHBOURHOOD CENTRES (CLASSES A1/A2/A3/A5), CLASS A4 DRINKING ESTABLISHMENT, CLASS D1 HEALTH CENTRE, CLASS D1 COMMUNITY BUILDING, VEHICLE ACCESS ONTO PRESTON NEW ROAD AND MYTHOP ROAD WITH ASSOCIATED ROAD INFRASTRUCTURE, CAR PARKING, PUBLIC OPEN SPACE, SPORTS PITCHES, ALLOTMENTS, THE RETENTION AND IMPROVEMENT OF NATURAL HABITATS, WATERCOURSE, PONDS, REED BEDS HEDGEROWS AND LANDSCAPING FEATURES.**

##### **Part 2 - Particulars of Decision**

The Fylde Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **PERMISSION HAS BEEN GRANTED SUBJECT TO A 106 AGREEMENT** for the carrying out of development referred to in Part 1 hereof in accordance with the development proposal specified on your submitted application form and the relevant plan (s) subject to the following conditions(s) and reasons(s):

- 1 The first application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. All subsequent reserved matters applications shall be submitted no later than 12 years from the date of this permission and shall be commenced within 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.

Reason: To comply with the provisions of section 92(2) 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 All subsequent Reserved Matters applications in relation to the development hereby approved shall follow the principles and parameters outlined in the Design Principles and Parameters Statement (November 2014) and the corresponding parameters plans relating to land use, character areas, urban design framework, access and movement and landscape.

Reason: To ensure that the site is development cohesively, at an appropriate density and is appropriately designed.

- 4 Development shall not begin until a phasing plan for the whole of the development and for the highways works referred to in condition 5, has been submitted to and approved in writing by the local planning authorities. The Phasing Plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development. The development shall only be implemented in accordance with the approved Phasing Plan. [The Phasing Plan may be amended with the written approval of the Local Planning Authorities provided that if the proposed phasing is likely to give rise to any significant environmental effects which have not been assessed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 then such amended Phasing Plan shall be accompanied by an Environmental Statement prepared in accordance with the said 2011 Regulations.]

Reason: To ensure the satisfactory phasing of the development and to ensure that the development, including affordable housing, highways, open space, employment, community uses and utility infrastructure is delivered in a coordinated, planned way.

- 5 No part of the development hereby approved shall commence unless and until the full design and construction details of all site access and off site highway improvements have been submitted to and approved in writing by the local planning authorities in consultation with the local highway authorities and Highways England as appropriate.

The works include:

- The site access to Mythop Road
- Graham's Cottage Access and associated highway improvement works
- Clifton Road Access and associated highway improvement works
- M55 J4 "interim" and "final" improvement schemes

The details to be submitted shall include:

- Final details of how the schemes interface with the existing highway alignment.
- Traffic signal operating parameters.
- Full signing and carriageway marking details.
- Full construction details.
- Confirmation of compliance with current departmental standards (as set out in the

Design Manual for Roads and Bridges) and policies (or approved relaxations/departures from standards).

- An independent Stage 1 & Stage 2 Road Safety Audit carried out in accordance with current departmental standards and current advice notes.

Reason: To ensure that the M55 motorway, Mythop Road and Preston New Road continue to fulfil their purpose as part of the national system of routes for through traffic in accordance with section 10(2) of the Highways Act 1980, maintaining the safety of traffic on that road and in order to satisfy the Local Planning Authorities and the Highway Authority(s) that the final details of the highway scheme/works are acceptable in highway safety terms before work commences on site.

- 6 No part of the development hereby approved shall commence until a scheme for the construction of the internal distributor Road, including junctions with Graham's Cottage, Clifton Road and Mythop Road has been first submitted to, and approved in writing by the Local Planning Authorities in consultation with the Highway Authority(s).

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

- 7 Prior to the commencement of any phase or part of any phase of the development, a landscape management plan for that phase of development including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all landscaped areas within that area including cycle/footways shall be submitted to and approved in writing by the Local Planning Authorities. The landscape management plan shall be carried out in accordance with the details so approved unless otherwise agreed in writing with the Local Planning Authorities.

Reason: In order to satisfy the Local Planning Authorities and the Highway Authority(ies) that the final details of the management plan are acceptable before work commences on that phase

- 8 Prior to commencement of any phase or part of any phase of the development a Construction Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authorities. The Statement 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;
- vii) a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
- viii) a Management Plan to identify potential ground and water contaminants
- ix) a scheme to control noise during the construction phase.
- x) hours of working
- xi) the routing of construction traffic

Reason: To maintain the operation and safety of local streets and the through routes in the area during site preparation and construction, to protect residential amenity and in the interests of highway safety.

- 9 Prior to first occupation of any part of the development hereby approved, a monitoring regime shall be agreed in writing with the Local Planning Authorities in consultation with the Highways Authority(s) and thereafter maintained to record traffic levels on the approaches of the newly constructed Mythop Road access. For the avoidance of doubt monitoring shall take place annually throughout the duration of the construction at the site and be in accordance with Mayer Brown Technical Note 9 and be formally reported to the Local Planning Authorities.

Reason: To ensure monitoring is in place to inform the need for further mitigation measures as necessary in the interests of highway safety.

- 10 Prior to first occupation of any part of the development hereby approved, the highway access works at Mythop Road and internal distributor road connecting to the Graham's Cottage access should be constructed in accordance with the details approved (Drawing No. NW/CAP/WHYN.1/1003).

Reason: In order to maintain network reliability and safety and ensure that residents of the development have satisfactory access to services and facilities

- 11 No more than 200 dwellings or 25% of the employment land of the development hereby approved shall be occupied unless and until the improvements to the Graham's Cottage / Preston New Road (A583) Access, as shown in outline on Mayer Brown Plan No. NW/CAP/WHYN.1/1001 Rev H dated 4/10/2013, have been constructed in accordance with the details agreed in Condition 5 above and completed to the satisfaction of the local planning authorities in consultation with the local highway authorities and Highways England

Reason: To ensure that the surrounding highways network continues to fulfil its purpose as part of the national system of routes for through traffic in accordance with section 10(2) of the highways act 1980, maintaining the safety of traffic on those roads and in order to maintain network reliability and safety, to ensure that residents of the development have satisfactory access to services and facilities and to ensure that the delivery of infrastructure keeps pace with the development of the site.

- 12 No more than 700 dwellings or 50% of the employment land of the development hereby approved shall be occupied unless and until the improvements to the Clifton Road / Preston New Road (A583) Access, as shown in outline on Mayer Brown Plan No. NW/CAP/WHYN.1/1001 Rev H dated 4/10/2013, have been constructed in accordance with the details agreed in Condition 5 above and completed to the satisfaction of the local planning authorities in consultation with the local highway authorities and Highways England.

Reason: To ensure that the surrounding highways network continues to fulfil its purpose as part of the national system of routes for through traffic in accordance with section 10(2) of the Highways Act 1980, maintaining the safety of traffic on those roads in order to maintain network reliability and safety, to ensure that residents of the development have satisfactory access to services and facilities and to ensure that the delivery of infrastructure keeps pace with the development of the site.

- 13 No more than 50 dwellings of the development hereby approved shall be occupied unless and until the "interim" highway improvement scheme at M55 Junction 4, as shown in outline on Mayer Brown Plan No. NW/CAP/WHYN.1/1007 Rev B dated 14/11/2013, has been constructed in accordance with the details agreed in Condition 5 above and completed to the satisfaction of the local planning authorities in consultation with the local highway authorities and Highways England.

Reason: To ensure that the surrounding highways network continues to fulfil its purpose as part of the national system of routes for through traffic in accordance with section 10(2) of the

highways act 1980, maintaining the safety of traffic on those roads , in order to maintain network reliability and safety , to ensure that residents of the development have satisfactory access to services and facilities and to ensure that the delivery of infrastructure keeps pace with the development of the site.

- 14 No more than 750 dwellings of the development hereby approved shall be occupied unless and until the “final” highway improvement scheme at M55 Junction 4, as shown in outline on Mayer Brown Plan No. NW/CAP/WHYN.1/1008 Rev A dated 27/2/2013, has been constructed in accordance with the details agreed in Condition 5 above and completed to the satisfaction of the local planning authorities in consultation with the local highway authorities and Highways England.

Reason: To ensure that the surrounding highway network continues to fulfil its purpose as part of the national system of routes for through traffic in accordance with section 10(2) of the highways act 1980, maintaining the safety of traffic, in order to maintain network reliability and safety, to ensure that residents of the development have satisfactory access to services and facilities and to ensure that the delivery of infrastructure keeps pace with the development of the site

- 15 Prior to commencement of any phase or part of any phase of the development a Full Travel Plan for that phase shall be submitted to, and approved in writing by, the Local Planning Authorities. 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 and to ensure that the surrounding highway network continues to fulfil its purpose as part of the national system of routes for through traffic in accordance with section 10(2) of the highways act 1980, maintaining the safety of traffic on that road.

- 16 There shall not at any time in connection with the development hereby permitted be planted or allowed to grow hedges, trees or shrubs over 1metre in height 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.

- 17 Prior to commencement of any phase or part of any phase of the development details of an external lighting scheme for that phase shall be submitted to and approved in writing by the Local Planning Authorities. 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) and lighting along the northern boundary shall be hooded in accordance with agreed details to ensure that the Biological Heritage Site remains dark. The approved lighting scheme shall be carried out and permanently maintained in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authorities.

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

- 18 No development, to which the application relates, shall be begun which would result in the maximum gross floor space, for buildings within the specified use class, of the Town and Country Planning (Use Classes) Order 1987(as amended), and subsequent amendments to that order, exceeding the limit for each class shown below:

Use Class	Maximum Gross Floor Area
B2 Industrial	40,000 square metres
B8 Warehouse	80,000 square metres

Reason: To ensure that the surrounding highway network continues to fulfil its purpose as part of the national system of routes for through traffic in accordance with section 10(2) of the highways act 1980, maintaining the safety of traffic on that road.

- 19 There shall be no direct vehicular or pedestrian access of any kind between the site and the M55 motorway. To this end prior to the occupation of any employment element of the site a close-boarded fence or similar barrier not less than two metres high shall be erected along the frontage of the site with the motorway the details of which shall be approved in writing by the Local Planning Authority. The fence shall be erected a minimum of one metre behind the existing motorway boundary fence on the developer's land and be independent of the existing fence and shall be retained thereafter.

Reason: In the interests of safety and to prevent inappropriate access to the M55 motorway.

- 20 There shall be no development on or adjacent to the M55 motorway embankment that shall put any embankment or earthworks at risk.

Reason: To maintain the stability of the motorway and ensure the safety of its users.

- 21 No drainage from the proposed development shall run off into the M55 motorway drainage system, nor shall any such new development adversely affect any motorway drainage.

Reason: To maintain the stability of the motorway and ensure the safety of its users.

- 22 No development shall take place on any phase until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation which shall include provision for the investigation of the existing ponds on the site, and shall first have been submitted to and agreed in writing by the Local Planning Authorities

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with the National Planning Policy Framework

- 23 Prior to the commencement of development a scheme for the provision and layout of the outdoor sports provision (including both summer and winter layouts) within the application site shall be submitted to and approved in writing by the Local Planning Authorities (after consultation with Sport England) and shall include:

i) the siting and purpose of each sports pitch to be provided within or in association with the development;

ii) a scheme for the management of the sports provision to be made within or in association with the development, including provision to be made for use by other organisations / individuals within the local community

iii) A timescale for the implementation of the outdoor sports provision.

No development shall commence on site until the details referred to in this condition have been submitted to and approved in writing by the Local Planning Authorities.

Reason: In order that the site is served by appropriate areas of outdoor recreation pitches

- 24 No development approved by this planning permission shall take place until a scheme for the provision, management and enhancement of the pond network on site is submitted to and

approved in writing by the Local Planning Authorities. Enhancement works should be timed to occur outside of the main amphibian, bird and invertebrate breeding season (March – September). There shall be no net loss of ponds associated with the development and the development shall subsequently proceed in accordance with the approved scheme and shall be retained thereafter.

Reason: To protect and enhance the aquatic environment and ensure that the development does not result in the loss of any aquatic habitats and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

- 25 No works to any phase of development shall commence until full details of bat roosting opportunities to be installed within the re-developed site (in addition to that required by NE licence) and evidence that a licence from Natural England has been obtained when necessary has been submitted to and approved in writing by the Local Planning Authorities. This shall include details of linkages across the site at each stage of development and a further precautionary bat and barn owl survey to be carried out on any existing building on the application site. The survey reports shall be submitted to the local planning authority for approval in writing prior to the commencement of demolition works, and the works shall be carried out in the accordance with the methodology for any mitigation identified in the further bat and barn owl survey. The approved details shall be implemented in full in accordance with an agreed timetable.

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.

- 26 No site clearance, site preparation or development work shall take place for any phase or part of any phase of the development until mitigation/compensation schemes for impacts on protected and priority species and habitats as appropriate for that phase have been submitted and approved by the Local Planning Authorities in consultation with specialist advisors; and approved schemes shall be implemented in full in accordance with an agreed timetable.

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.

- 27 Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not take place between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections to be submitted to and agreed in writing with the Local Planning Authorities in accordance with an agreed timetable.

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.

- 28 No site clearance, site preparation or development work shall take place until a landscaping framework for the site as a whole (including wildlife habitat creation, enhancement and management) has been submitted and approved by the Local Planning Authorities in consultation with specialist advisors.

Following agreement of the landscaping framework for the site as a whole each development phase shall submit a specific landscape scheme which shall demonstrate (1) adequate planting of native species appropriate to the locality to compensate for direct and indirect impacts, (2) that habitat connectivity through the site and to the wider area will be retained as a minimum, including for amphibians (3) that any planting along site boundaries will comprise appropriate native species, (4) provide details of habitat creation for amphibians and (5) maintenance and enhancement of the biodiversity value of retained and established habitats and the site as a whole. The approved management plan shall be implemented in full in accordance with an agreed timetable.

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.

- 29 Prior to any phase of works on site, a Construction Environment Management Plan shall be submitted for approval and subsequent implementation. The plan will need to include measures

for the protection of habitats and species both on and off site, including but not limited to;

- Details of the storage of fuels and chemicals during construction
- Sediment fences to be erected alongside ditches during construction.
- Details of safeguard areas of retained habitats on site and how they will be protected during construction. Fencing should be erected prior to the topsoil strip on site and the fencing chosen should not prevent the movement of animals but prevent the accidental encroachment of workmen (e.g. post and rail or post and wire fence)
- Details of how brown hares will be allowed to escape construction areas if necessary.
- Details of how ground nesting birds will be monitored and measures to be put in place to avoid these species from nesting.
- Details of a monitoring programme to assess the impact of construction on the European Site and Marton Mere SSSI. To be put in place to assess and take action if disturbance is recorded. Prior to any phase of works that starts between November and March (inclusive), there will be a one day baseline survey. This survey would establish whether any of the qualifying bird species of the two European designated sites are using the fields to the east and north and within 1 km of the scheme. This will also allow the typical distribution and behaviour of SPA/Ramsar site species to be clearly identified in advance of any works

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.

- 30 All existing lengths of hedgerow within the proposed residential development areas as shown on the masterplan 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 Authorities. 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 Authorities.

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.

- 31 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 the Local Planning Authorities. Any approved details shall be implemented in full. The method statement shall include details of repeat surveys of Newts to be undertaken as development occurs within 500m of ponds on the site. If the presence of Great Crested Newt is detected at any point then works in the vicinity shall cease until advice has been sought in writing 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.

- 32 Prior to the commencement of any works approved by Reserved Matters applications there shall be a further precautionary inspection/survey of ditches to inform any change in the habitat quality for and use by any protected species including voles or otters. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to the Local Planning Authorities for approval in consultation with specialist advisors. Any necessary and approved measures for the protection of protected species will be implemented in full in accordance with an agreed timetable.

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.

- 33 Prior to commencement of any phase or part of any phase of the development details of bird nesting opportunities to be installed within that phase shall be submitted and approved in writing by the Local Planning Authorities. The details shall include but not be limited to provision for Song Thrush, Dunnock and House Sparrow (Species of Principal Importance). Consideration should also be given to provision of opportunities for other declining species of bird such as House Martin and Swift. The approved details shall be implemented in full in accordance with an agreed timetable and shall thereafter be retained

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.

- 34 All trees currently on the site shall be retained unless their removal is agreed in writing with the Local Planning Authorities. 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 Authorities. No development 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 Authorities. Such fencing shall be retained throughout the development where work of any kind is undertaken within the root protection area of any 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.

- 35 At the same time as the submission of the First Reserved Matters application for a phase or part of a phase of the development hereby permitted a Foul and Surface Water Drainage Strategy for the entire site shall be submitted to the Local Planning Authorities for approval (in consultation with United Utilities PLC and LCC Flood Risk Assessment Team as Lead Local Flood Authority). The strategy to include the following details as a minimum:

2.1 a. unless otherwise agreed in writing, the foul connection point shall be to the 675 mm combined sewer in Clifton Road for the entire site;

b. the details of any additional off-site drainage infrastructure required as a result of the entire development; and

c. any drainage infrastructure connections (foul and surface water) between the different phases of the development.. Where drainage infrastructure connects development from different phases, it will be necessary to show how much development will be served by the connecting drainage infrastructure.

d. details of the implementation of the drainage proposed.

2.2. At the same time as the submission of each subsequent Reserved Matters application for a phase or part of a phase, an updated Foul and Surface Water Drainage Strategy shall be submitted to the Local Planning Authorities for approval (in consultation with United Utilities PLC), such Strategy to include as a minimum the details listed above at part 2.1.

2.3. Unless otherwise agreed with the local planning authorities (in consultation with United Utilities PLC), there shall be no foul and surface water connections between phases of development defined by condition 4 other than in accordance with the connections identified and approved under item 2.1.c. The detailed drainage schemes for each phase of development required shall be submitted for approval in accordance with the foul and surface water drainage details approved under this condition.

2.4. No development shall be commenced on any phase or part of any phase of the development

hereby permitted unless and until the Foul and Surface Water Drainage Strategy submitted with the relevant Reserved Matters application has been approved in writing by the Local Planning Authorities in consultation with United Utilities PLC.

Reason: To ensure a holistic approach to the construction of the detailed drainage infrastructure for the site so that the drainage infrastructure which is constructed is able to cope with the foul and surface water discharges from the entire development site. This condition is imposed in light of policies set out within the National Planning Policy Framework (NPPF) and Fylde Borough Local Plan Alterations Review (October 2005).

- 36 Surface water shall drain separately from the foul drainage. Unless otherwise agreed in writing, no surface water shall discharge directly or indirectly into the public foul, combined or existing surface water sewerage systems in accordance with the Foul and Surface Water Drainage strategy submitted and approved pursuant to condition 35 above and with the details contained in the submitted application form, flood risk assessment prepared by Mayer Brown dated 28 March 2011, the Flood Risk Addendum prepared by Mayer Brown dated October 2013 and the email from Mayer Brown dated 16 September 2013.

Reason: To promote sustainable development, secure proper drainage and to reduce the risk of flooding and pollution. This condition is imposed in light of policies set out within the NPPF and Fylde Borough Local Plan Alterations Review (October 2005).

- 37 Prior to commencement of any phase or part of any phase of the development hereby permitted, full details of the foul drainage scheme for that phase including full details of any connections to the foul sewer network and any necessary infrastructure shall be submitted to and approved in writing by the local planning authorities (in consultation with United Utilities PLC). The details for each part or phase must be consistent with the Foul and Surface Water Drainage Strategy submitted and approved pursuant to condition 35 above. No housing or other development shall be occupied for that phase until the approved foul drainage scheme for that phase has been completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to reduce the risk of flooding and pollution. This condition is imposed in light of policies set out within the NPPF and Fylde Borough Local Plan Alterations Review (October 2005).

- 38 Prior to the commencement of each phase or part of the development hereby permitted, full details for a surface water regulation system and means of disposal for that phase or part phase, based wholly on sustainable drainage principles and evidence of an assessment of the hydrological and hydrogeological context of the development for that phase shall be submitted to and approved by the local planning authorities (in consultation with United Utilities PLC) in writing. The drainage scheme shall demonstrate that the surface water run off generated up to and including the 1 in 100 year critical storm including 30% climate change allowance will not exceed the run-off from the existing undeveloped site and following the corresponding rainfall event. The details for each phase must be consistent with the Foul and Surface Water Drainage Strategy submitted and approved pursuant to condition 35 above and with the principles established in the submitted application form, flood risk assessment prepared by Mayer Brown dated 28 March 2011, the Flood Risk Addendum prepared by Mayer Brown dated October 2013 and the email from Mayer Brown dated 16 September 2013. The development shall be completed in accordance with the approved details in accordance with an agreed timetable.

Reason: To promote sustainable development, secure proper drainage and to reduce the risk of flooding and pollution. This condition is imposed in light of policies set out within the NPPF and Fylde Borough Local Plan Alterations Review (October 2005).

- 39 Prior to the commencement of each phase or part phase of the development hereby permitted, a sustainable drainage maintenance and management plan for the lifetime of that phase or part

phase of the development shall be submitted to and approved in writing by the Local Planning Authorities (in consultation with United Utilities PLC). The plan shall include arrangements for permanent adoption by a management body, Statutory Authority or other relevant party of any sustainable drainage features including any outfalls into local water courses, structures, ponds and bridges. Each phase shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to reduce the risk of flooding and pollution. This condition is imposed in light of policies set out within the NPPF and Fylde Borough Local Plan Alterations Review (October 2005).

- 40 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) for Whyndyke Farm, Blackpool (reference H/ALBANP244; DATED 28 March 2011; Issue 1) and subject to the following requirements;
- a) Surface water run-off from the site shall be attenuated up to a 1 in 100 year critical storm event (plus 30% allowance for climate change)
  - b) The discharge rate for surface water shall be limited to that it will not exceed the run-off rate from the undeveloped site or 6.3liters per second per hectare; whichever is lowest.
  - c) The area of the site within Flood Zone 2 will only be used for water compatible features designed to enhance the aquatic environment.

The mitigation measures detailed in the FRA shall be fully implemented prior to occupation of any dwelling forming part of any phase or within any other period as subsequently may be agreed, in writing, by the Local Planning Authorities

Reason: To ensure the development is not at an unacceptable risk of flooding or exacerbates flood risk elsewhere

- 41 Prior to the submission of the first reserved matters application in situ permeability testing and other necessary geotechnical investigations shall be carried out to establish the ground conditions and suitability of the land for appropriate sustainable drainage components. The subsequent detailed drainage strategy must accommodate these findings which should be used to inform an appropriate Sustainable Drainage System (SuDS).

Reason: To ensure the use of suitable sustainable drainage components, to be satisfied that the proposed development does not pose an on-site or off-site local flood risk, to ensure water quality is not compromised, and to satisfy Paragraph 103 of the National Planning Policy Framework.

- 42 The Neighbourhood Centre 1 of the development hereby approved shall be restricted to 0.7 hectares, and the foodstore (Use Class A1) approved within that area shall not exceed 400sq.m gross internal floor area, including, for the avoidance of doubt any mezzanine floorspace. The Neighbourhood Centre 2 of the development hereby approved shall be restricted to 0.4 hectares.

Reason: In order to ensure there is no significant adverse impact on existing retail centres.

- 43 Within the neighbourhood centres within the development, the opening hours of each individual unit shall be submitted to and approved in writing by the local planning authorities prior to the occupation of that individual unit.

Reason: To protect the amenities of the area.

- 44 The proposed development shall be designed so that cumulative noise from industrial or

commercial sources within habitable rooms does not exceed 35dB LAeq (16 hour) from 07.00 to 23.00, 30dB LAeq (8 hour) from 23.00 to 07.00, and 45dB LAFmax from (19.00–0700\* or 2300-0700) for single sound events, or any such level as agreed in writing by the Local Planning Authority. Prior to the submission of any Reserved Matters application incorporation of industrial or commercial development on the site a noise study including any necessary mitigation measures shall be undertaken to demonstrate that the development meets this requirement and shall be submitted to and approved in writing by the Local Planning Authorities. .

\* 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

Reason: To protect the residential amenities of the area.

- 45 The proposed development shall be designed so that cumulative noise from industrial or commercial sources to all outdoor living areas, for example rear gardens and balconies, do not exceed 55dB LAeq (16 hour) from 07.00 to 23.00 or any such level as agreed in writing by the Local Planning Authorities. Prior to the submission of any Reserved Matters application incorporation of industrial or commercial development on the site a noise study including any necessary mitigation measures shall be undertaken to demonstrate that the development meets this requirement, and shall be submitted to and approved in writing by the Local Planning Authorities

Reason: To protect the residential amenities of the area.

- 46 With regard to the existing environmental noise that may affect the proposed development, prior to the commencement of any residential development a noise impact assessment shall be carried out to assess the noise from **road traffic** and submitted to and approved in writing by the Local Planning Authorities.

This assessment shall demonstrate that the following standards are met at and within the proposed development.

LAeq 55 dB 16 hours – gardens and outside living areas (for example balconies)

LAeq 35 dB 16 hours – indoors daytime

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)\*

\* The evening standard LAFmax will only apply were the existing evening LAFmax exceeds the LAeq by 10 dB and the maximum levels reached are regular in occurrence, for example several times per hour

Reason: To protect residential amenity.

- 47 Non-residential properties within the development hereby approved shall comply with the following restrictions;

There shall be no deliveries or collections of goods to or from any retail/commercial/industrial/warehouse premises between midnight and 07:00 hours and 21:00 hours and midnight on weekdays and Saturdays and not at any time on Sundays, Bank or Public Holidays.

No vehicle delivering to such premises, or waiting within any part of the application site, shall

operate a bulkhead-mounted diesel powered or other mechanical refrigeration unit.

The use of reversing alarms on delivery vehicles shall be prohibited within the application site between the hours of 23:00 and 07:00

No metal roll cages shall be used during any Sunday, Public and Bank Holiday delivery activities at retail premises within the application site.

Signs (details to be agreed by the local planning authorities), clearly legible by delivery vehicle drivers, shall be posted at all times on any commercial/retail/industrial/warehouse premises outside the delivery bay notifying drivers of; the permitted hours for deliveries; the need to switch off refrigeration equipment; the need to switch off vehicle engines; that they are in a noise sensitive area

Reason: In order to protect residential amenity.

- 48 The Maximum Instantaneous Noise Levels (LAF<sub>max</sub>) from any commercial premises shall not exceed 60 dB(A) evening (19.00-23.00hrs)\* and night-time (23.00–07.00hrs) at the nearest noise sensitive premises to the proposed development. Alternative levels and monitoring locations may be used subject to the prior agreement of the Local Planning Authorities.

\* The evening standard LAF<sub>max</sub> will only apply were the existing evening LAF<sub>max</sub> significantly exceeds the LA<sub>eq</sub> and the maximum levels reached are regular in occurrence, for example several times per hour

Reason: In order to protect residential amenity.

- 49 Prior to the commencement of commercial development a noise assessment shall be submitted, and if necessary a scheme of noise mitigation between the commercial use and the residential use shall be agreed by the Local Planning Authorities and implemented before occupation of the building and shall thereafter be retained.

Reason: In order to protect residential amenity.

- 50 With regard to all buildings located within the employment area adjacent to the residential areas of the development hereby approved the following measures if required to satisfy conditions shall be submitted, approved in writing and complied with;

A scheme of noise insulation, to include acoustic double glazing, with sound attenuated means of ventilation, both to the standard laid down in the Noise Insulation Regulations 1975, (or any equivalent standard approved by the Local Planning Authority). Such scheme shall be agreed by the Environmental Protection Unit (Acoustics Section) and implemented before occupation of the building.

Before any external air conditioning/refrigeration units are used on any premises, they shall be enclosed with sound insulating material to reduce noise and mounted in a way which will minimise transmission of vibration and structure borne sound in accordance with a scheme to be approved by the Local Planning Authority.

The siting, type and method of installation of any industrial plant and machinery within the building(s) approved under this permission are to be agreed in writing with the Local Planning Authority before the building(s) are occupied for the purpose proposed.

Reason: In order to protect residential amenity.

- 51 Prior to the commencement of development, the following information shall be submitted to the Local Planning Authorities for approval in writing:

(a) A desk study which assesses the risk of the potential for on-site contamination and

ground gases and migration of both on and off-site contamination and ground gases.

(b) If the desk study identifies potential contamination and ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property.

The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.

(c) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.

(d) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

Reason - To protect amenity.

- 52 Prior to the commencement of development at the site full details of the infrastructure to serve the proposed employment area shall be submitted to and approved in writing by the Local Planning Authorities. The details shall include drainage, landscaping, highways and other utilities and shall be provided prior to the occupation of the 700th dwelling on the site.

Reason: To ensure that the employment land is available in accordance with the masterplan.

- 53 There shall be no development within 10m of the existing highway boundary on the south side of the development between the A583/M55 Junction 4 roundabout and the eastern edge of the site, unless agreement is given in writing by the Local Planning Authorities in consultation with the Highway Authorities

Reason: To safeguard the blue route corridor from development as identified within the Local Plan to 2032 and the Fylde Coast Highways and Transport Masterplan.

- 54 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no change of use from Use Class C3 (the dwellings subject to this permission) to Use Class C4 shall take place without the written approval of the Local Planning Authorities.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and maintain balanced and healthy communities, in accordance with Policies BH3 and HN5 of the Blackpool Local Plan 2001-2011, Fylde Local Plan and the NPPF.

- 55 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no change of use from Use Class B1 or B8 to Use Class C3 shall take place without the written approval of the Local Planning Authorities.

Reason: To safeguard the employment element of this permission in accordance with Policy CS3 of the Blackpool Local Plan: Part 1 Core Strategy, Policy EC1 of the Fylde Local Plan to 2032 and the NPPF.

- 56 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no change of use from Use Class A1 to Use Class C3 shall take place without the written approval of

the Local Planning Authorities.

Reason: To safeguard the neighbourhood centres which are part of this permission and deemed important in serving the future needs of the residents of the development in accordance with Policy CS4 of the Blackpool Local Plan: Part 1 Core Strategy, the Fylde Local Plan to 2032 and the NPPF.

- 57 Before any part of any phase of development hereby approved is commenced, details of the finished floor levels of the proposed dwellings and any alterations to existing land levels in that phase shall have been submitted to and approved in writing by the Local Planning Authorities. The development shall be constructed in accordance with the approved levels unless otherwise agreed in writing by the Local Planning Authorities.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and in accordance with Policies BH3 and HN5 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027

- 58 The height of the dwellings hereby approved shall be a mix of 1, 2, 3 and 4 storeys and before any part of any phase of the development hereby approved is commenced details of the location of the 3 and 4 storey dwellings forming part of that phase shall be submitted to and approved in writing by the Local Planning Authorities. Any approved reserved matters application shall then accord with the approved details and the development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenities of surrounding residents and the character and appearance of the area in accordance with Policies LQ1 and BH2 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027

- 59 Any application which seeks approval for the reserved matters of layout, scale or appearance pursuant to this permission shall provide for a range of properties that meet or exceed the minimum percentage of bedroom sized dwellings set out in Policy H2 of the Submission Version Fylde Local Plan to 2032.

Reason: To ensure that the identified need for the provision of properties with a range of bedroom sizes, including 1-3 bedrooms, is catered for in this development as required by Policy H2 of the Submission Version Fylde Local Plan to 2032, and the National Planning Policy Framework.

#### **Informative notes:**

1. Information submitted within an Environmental Statement has been considered as part of the decision with regard to this application.
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. Working with Officers of Blackpool Council, advisors from the Advisory Team for Large Applications and representatives of other statutory undertakers in order to provide advice to the applicant/agent during the course of the application on potential problems and possible solutions
  3. Securing revised plans and technical information during the course of the application which have overcome initial problems
3. 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.

4. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council and Blackpool Council as Highway Authorities. 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 Lancashire County Council at County Hall, Preston PR1 0LD, in the first instance, to ascertain the details of such an agreement and the information to be provided.
5. Traffic Regulation Orders, diversions of Public Rights of Way, Stopping Up of existing highway, changes to public transport scheduling/routing and other activities require separate statutory consultation processes beyond the planning application process. The applicant will be obliged to meet all the costs associated with these of works and ensure that any works which rely upon them do not commence until all legal processes have been satisfactorily completed.
6. The applicant is advised that the design and layout of the playing pitches should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to Natural Turf for Sport produced by Sport England.
7. The applicant must obtain Land Drainage Consent for ordinary watercourses from the Consenting Authority (Lancashire County Council), and that the Consenting Authority is informed of the intention to start works on site following approval being obtained in order to comply with Section 23 of the Land Drainage Act 1991, to ensure that any works to the watercourse do not pose an up- or down-stream flood risk, and to ensure that any works, pre-, during and post construction, do not impact on the water quality of receiving watercourses and bathing waters

**Date of Decision:** 05/06/2018

**Signed:**



Mr P. Walker  
Director of Development Services  
Fylde Borough Council  
Town Hall  
Lytham St Annes, FY8 1LW

Mr Cassidy  
CA Planning  
7  
East Cliff  
Preston  
Lancashire  
PR1 3JE

**IMPORTANT – PLEASE CAREFULLY READ THE NOTES BELOW AS FAILURE TO COMPLY COULD  
MAKE THE DEVELOPMENT UNAUTHORISED**

- 1) These notes should be read in conjunction with the decision notice issued by the Local Planning Authority in respect of the application which you have recently submitted to the Council.

**IN CASES WHERE PERMISSION/CONSENT HAS BEEN GRANTED**

- 2) Any permission/consent is granted on the basis of the approved plans listed in the decision notice. The development should be undertaken in strict accordance with the approved plans, as any deviation will constitute unauthorised development which may be liable to enforcement action. Any amendments to the



approved plans are likely to require the submission of a further application to the Council. Should such changes be desired, you are advised to contact the Development Management Service to determine the most appropriate means by which any revisions could be considered.

- 3) Any permission/consent granted is subject to the conditions set out in the decision notice and it is the responsibility of the developer to ensure that these conditions are fully complied with. Any conditions that require work to be carried out or details to be approved before any development can take place form a “condition precedent”. If a condition precedent is not complied with, the whole of the development will be unauthorised and may result in enforcement action being taken by the Council.
- 4) The applicant is reminded of the need to obtain formal approval of those details required by the conditions of any planning permission/consent before development may lawfully commence on the site (or any other relevant trigger as set out in each condition). Formal applications for the approval of matters reserved by condition are currently subject to fees (per request) of £34 for householder applications and £116 in all other cases. Any breach of the imposed conditions may leave you liable to enforcement action or may require you to submit a new application in order to regularise any unauthorised works.
- 5) If the applicant is aggrieved by any of the conditions imposed as part of the planning permission, they may appeal to the Planning Inspectorate. Any appeal against the grant of permission subject to conditions to which the applicant objects needs to be made within 6 months of the date on the decision notice.
- 6) In undertaking any development you should ensure that you have also secured any necessary approval under the Building Regulations or any other approvals or consents required including consent from the landlord or obligations under the Party Wall Act.
- 7) For developments that need a new address or address change, please contact [addresses@fylde.gov.uk](mailto:addresses@fylde.gov.uk) or 01253 658515. New addresses need to be made as early as possible to arrange for Utility connections.

#### **IN CASES WHERE PERMISSION/CONSENT HAS BEEN REFUSED**

- 8) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission/consent, they may appeal to the Planning Inspectorate. The relevant time limits to lodge an appeal following the Local Planning Authority’s refusal of permission/consent are as follows:
  - a) For **householder** planning applications – **12 weeks** from the date on the decision notice.
  - b) For **advertisement** consent applications – **8 weeks** from the date on the decision notice.
  - c) For **minor commercial** development applications – **12 weeks** from the date on the decision notice.
  - d) For **any other** types of planning application – **6 months** from the date on the decision notice.

**SAVE THAT** in circumstances **where an enforcement notice has been served** for the same or very similar development, the time limit to lodge an appeal (in all cases) is:

- within **28 days** from the date of the Local Planning Authority’s decision if the enforcement notice was served before the decision was made, yet not longer than 2 years before the application was made.
- within **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the normal appeal period).

Appeals must be made directly to the Planning Inspectorate and can be dealt with by exchange of written statements or heard before an Inspector at an Informal Hearing or at a Public Inquiry. Further information regarding the appeals process (including application forms) can be obtained from the Planning Inspectorate via their website - <https://www.gov.uk/planning-inspectorate>.