



Planning Committee Agenda

Wyre Borough Council
Date of Publication: 29/09/2020
Please ask for : Emma Keany
Democratic Services Officer
Tel: 01253 887476

Planning Committee meeting on Wednesday, 7 October 2020 at 2.00 pm via remote access.

1. Apologies for absence

2. Declarations of interest

Members will disclose any pecuniary and any other significant interests they may have in relation to the matters under consideration.

3. Confirmation of minutes

(Pages 5 - 10)

To confirm as a correct record the minutes of the Planning Committee meeting held on 04 March 2020.

4. Public Speaking at Virtual Planning Committee Meetings

(Pages 11 - 12)

The attached document details how Parish Councillors, County Councillors, Applicants, Agents and Members of the Public can register their intent to speak to the committee on an application and the three ways in which speakers can address the committee, at this time.

5. Appeals

(Pages 13 - 32)

The Schedule of Appeals lodged and decided between 14 August – 14 September 2020, is attached.

(a) Past appeals of significant interest (1st April- 7th August 2020)

(Pages 33 - 64)

Past decided appeals of significant interest for committee members highlighted at Emergency Powers Non-Executive Decisions meetings:

**1) Land off Holts Lane, Poulton-le-Fylde
(18/00680/OULMAJ)**

Variation of condition 03 (affordable housing) on application 16/01043/OULMAJ.

Seen on the 06.05.2020 Emergency Powers
Non-Executive Decisions meeting agenda.

- 2) 29-31 Coronation Road, Thornton Cleveleys,
Lancashire, FY5 1DQ (19/00902/OUTMAJ)**
Outline application for the erection of a four
storey 44 bedroom nursing home (Use class C2)
following demolition of existing dwellings with
access, layout and scale applied for (all other
matters reserved) (re-submission
18/00643/OUTMAJ).

Seen on the 09.09.2020 Emergency Powers
Non-Executive Decisions meeting agenda.

- 3) Sandpiper Hotel, Cleveleys Avenue, Thornton
Cleveleys, Lancashire, FY5 2NH
(19/00764/FULMAJ)**
Demolition of existing Public House and
redevelopment of the site to provide 15 no. new
affordable dwellings, consisting of 3 no. 2
bedroom houses, 3no. 1 bedroom apartments
and 9 no. 2 bedroom apartments with associated
parking and amenity space.

Seen on the 09.09.2020 Emergency Powers
Non-Executive Decisions meeting agenda.

6. Planning applications

Background Papers:

In preparing the reports on this agenda the following documents have
been used:

1. The Wyre Borough Local Plan (2011-2031)
2. Draft Revised Joint Lancashire Minerals and Waste Local Plan
3. Joint Lancashire Minerals and Waste Local Plan
4. Statements of Government Policy/guidance (NPPF, NPPG,
Ministerial Statements etc.)
5. Supplementary Planning Guidance and evidence base
documents specifically referred to in the reports
6. The application file (as per the number at the head of each
report)
7. The forms, plans, committee reports and decisions as
appropriate for the historic applications specifically referred to in
the reports
8. Any additional information specifically referred to in each report.

These background documents are available on line, or for inspection
by a written request to Planning Services, Civic Centre, Breck Road,
Poulton-le-Fylde, FY6 7PU.

Reports of the Head of Planning Services on planning applications to be determined at this meeting:

- (a) **Application A- Land East Of Hollins Lane, Forton, Preston, Lancashire (20/00505/FULMAJ)** (Pages 65 - 86)
Residential development comprising of 60 dwellings with access from Hollins Lane, open space and associated infrastructure (Pursuant to variation of conditions 2 and 16 on approved application 18/00660/FULMAJ to amend site levels).
- (b) **Application B- 26 Coniston Avenue, Hambleton, Poulton-Le-Fylde, Lancashire, FY6 9BW (20/00453/FUL)** (Pages 87 - 96)
Proposed two storey side extension, single storey side and rear extension, front porch, new raised roof with front and rear dormers and external alterations.

7. Tree Protection Order

(Pages 97 - 110)

The Corporate Director Environment has submitted a report regarding an objection to the making of Wyre Council Tree Preservation Order No 8 of 2020: Land to the south of the River Wyre and to the west of Wyre Bridge, Station Lane, Scorton.

PLEASE NOTE:

Members of the public will be able to view the meeting via the Council's YouTube page (<https://www.youtube.com/WyreCouncil>).

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Planning Committee Minutes

The minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday, 4 March 2020 in the Council Chamber - Civic Centre, Poulton-le-Fylde.

Planning Committee members present:

Councillors Moon, Ballard, I Amos, R Amos, Lady D Atkins, Catterall, Ingham, Le Marinel, Orme, Raynor, Stirzaker and D Walmsley

Apologies for absence:

Councillors Holden and Williams

Other councillors present:

Councillor Henderson.

Officers present:

Emma Keany, Democratic Services Officer
David Thow, Head of Planning Services
Lyndsey Hayes, Planning Development Manager
Marianne Hesketh, Corporate Director Resources

5 members of the public attended the meeting.

PA.47 Declarations of interest

None.

PA.48 Confirmation of minutes

The minutes of the Planning Committee meeting held on Wednesday 5 February 2020 were confirmed as a correct record.

PA.49 Appeals

That the position regarding the appeals, as set out on pages 19 - 20 of the agenda, be noted and that any Member requiring any further details or clarification on any appeal, should contact the relevant Case Officer.

PA.50 Planning applications

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

PA.51 Application A- Former Police Station, Market Place, Poulton-Le-Fylde, Lancashire, FY6 7AS (19/01306/FUL)

The application was brought before Members of the Planning Committee for determination as the application was deemed to be of public interest.

A site visit took place to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

An update sheet with additional information was published on the council's website and made available at the meeting, this information only having become available after the original agenda was published. The committee considered the update sheet, which indicated that a condition that had been required regarding a contaminated land assessment was no longer necessary following the submission of Phase 1 Ground Investigation Report that had been assessed by the Council's Environmental Health Officer.

Deborah Smith (Agent to the applicant) spoke in favour of the application.

It was proposed by Councillor Moon, seconded by Councillor Ballard and a decision was taken that the application be **approved** (as per the recommendation) under the provisions of the Town and Country Planning Act 1990, subject to the conditions as set out below.

Conditions:

1. The development must be begun before the expiration of three years beginning with the date of this permission.

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. 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 08/01/2020 including the following plans/documents:

- Location Plan 1970/Ex00 Rev C
- Proposed Site Plan 1970/PL02 Rev C
- Proposed Floor Plans - Ground 1970/PL02 Rev B
- Proposed Floor Plans - First 1970/PL03/ Rev B
- Proposed Elevations / Sections 1 of 2 1970/PL04 Rev B
- Proposed Elevations / Sections 2 of 2 1970/PL05 Rev B
- Proposed Lighting - Ground floor 019.127.E1 Rev PL1
- Proposed Lighting - First Floor 019.127.E2 Rev PL1

- Proposed Mechanical Services - Ground Floor 019.127.M1 Rev P2
- Proposed Mechanical Services - First Floor 019.127.M2 Rev P2
- Proposed Mechanical Services - Roof 019.127.M3 Rev P2

The development shall be retained hereafter in accordance with this detail.

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

3. No development above ground level shall be commenced until details of the materials and external finishes to be used in the construction of the external surfaces of the building (including the external walls, roof, and windows) have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:

- (a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays
- (d) contractors' compounds and other storage arrangements
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period
- (f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (h) external lighting of the site during the demolition / construction period

- (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (j) recycling / disposing of waste resulting from demolition / construction work

The construction of the development including any demolition works shall be carried out in accordance with the approved CEMP.

Reason: Such details were not submitted with the application and need to be in place throughout the demolition / construction period in the interests of the amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

5. There shall be no deliveries or collections of goods to or from the use hereby permitted outside the hours of 07:00 - 10:00hrs and 16:00 - 21:00hrs on Monday to Sundays.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with the provisions of Policy CDMP1 of the Wyre Local Plan (2011-2031).

6. The premises shall not be open to customers or members of the public outside the hours of 09:00 - 23:00 hrs Monday to Sunday.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

7. No development, site clearance/preparation, or demolition shall commence until the applicant or their agent or successors in title has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. These works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.

The programme of work should include:

- a) An archaeological building recording of the former police station buildings
- b) An archaeological watching brief on any engineering evaluation test pits excavated on the site
- c) An appropriate archaeological response to the site based on the results of b) and the overall significance of the site in terms of its location within the medieval core of Poulton-le-Fylde

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policy CDMP5 of the Wyre Local Plan (2011-31) and section 16 of the NPPF.

8. Prior to first use / first occupation of the development hereby approved, the noise mitigation measures set out in the supporting Noise Assessment (Red Acoustics R1189-REP01-JR - Section 7) submitted with the application shall be implemented. The approved noise mitigation measures shall thereafter be retained and maintained.

Reason: To ensure there is no adverse effect on the health and quality of life of future occupants and to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

9. Prior to first use / first occupation of the development hereby approved, the odour mitigation measures set out in the supporting Odour Assessment (Miller Goodall report number 102234 - Section 8 and 9) submitted with the application shall be implemented. The approved odour mitigation measures shall thereafter be retained and maintained.

Reason: To ensure there is no adverse effect on the health and quality of life of future occupants and to avoid an unacceptable impact on residential amenity by virtue of odour in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

10. A watching brief shall be undertaken 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 and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In order to safeguard human health and the environment against potential contamination and in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

11. Notwithstanding the details indicated on the approved plans and supporting documents, the following details shall be submitted to, and approved in writing by, the Local Planning Authority prior to their installation / presentation to the highway:

- Full details including external finishes of the proposed canopies/awnings and housing boxes (including details of fixtures and fittings); and
- Full details including external finishes of street furniture including tables, chairs and any partition screens

The development shall be carried out in accordance with the approved details. Only the approved details shall be subsequently used in the event of any repair or replacement.

Reason: In the interest of visual amenity of the area, and the appearance and character of the building in accordance with Policies CDMP3 and CDMP5 of the Wyre Local Plan (2011-31).

12. The premises shall be used for the purposes identified on the approved floor plans (Drawing Numbers 1970/PL02 Rev B & 1970/PL03 Rev B), namely for A3 café and restaurant use as well as A1 retail use in the ground floor retail unit indicated at the front of the food hall and D1 leisure and assembly use in the ground floor police cell being retained as a leisure attraction, and for no other purpose.

Reason: To ensure that the mix of uses makes a positive contribution to the vitality and viability of the Primary Shopping Area of Poulton-le-Fylde town centre and in the interests of neighbouring residential amenity in accordance with Policies EP6 and CDMP1 of the Wyre Local Plan (2011-2031)

Notes: -

1. It is an offence to disturb, harm or kill any species specifically protected under the Wildlife and Countryside Act 1981. In the event of any such species being unexpectedly encountered before and during site clearance or development work, then work shall stop immediately until specialist advice has been sought from a suitably qualified Ecologist regarding the need for additional survey(s), a license from Natural England and/or the implementation of necessary mitigation measures.

2. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the expressed approval of the County Highway Authority. The applicant is requested to apply for a s178 licence, and any other license which may be deemed necessary by the local highway authority, before the seating area and awning is fitted and first used. The applicant is requested to email highways@lancashire.gov.uk.

3. This permission does not relate to the display of any advertisements which may require consent under the Town and Country Planning (Control of Advertisements) Regulations 1989.

The meeting started at 2.00 pm and finished at 2.14 pm.

Date of Publication: 20 April 2020

Arrangements for external speakers during the period of virtual meetings:
Planning Committee

The Planning Committee will resume on 7th October 2020. This document will provide a quick summary on how Parish Councillors, County Councillors, Applicants, Agents and Members of the Public can register their intent to speak to the committee on an application. This document will also detail the three ways in which speakers can address the committee, at this time.

Public speaking at Planning Committee:

Before the Committee makes a decision about a planning application, an individual can make a request to speak for or against an application at the meeting. Any such request to speak must be made in advance of the meeting, and individuals should be aware that, due to the limited time available for public speaking, they might not necessarily be allowed to speak.

The current procedures for public speaking at virtual meetings of the Planning Committee will be supplementary to [our normal procedure](#), and the only changes will be to the way in which external councillors register to speak and the format in which individuals are able to put their views across to the committee. These changes are to accommodate the change of venue (from physical meetings to virtual meetings) and to ensure all external speakers are able to put their views across in a format to suit.

What this means in practical terms:

Parish Councillors, County Councillors, Applicants, Agents and Members of the Public who wish to register their intent to speak at the Planning Committee meeting should contact the Democratic Services Officer (emma.keany@wyre.gov.uk or 01253 887476) 24 hours (usually 14:00) before the committee meeting. Individuals should also detail the way in which they would like to address the committee. The Democratic Services Officer will then make arrangements with the individuals who have successfully registered to speak.

The three ways in which individuals will be able to address the committee:

- 1) Video link - details of the meeting will be shared with individuals after successful registration.
- 2) Telephone - details of the number will be shared with individuals after successful registration.

- 3) Letter - Individuals who have successfully registered and have chosen to do so by letter, should ensure that their comments are made an hour before the published start time on the day of the committee and should be sent to the Democratic Services Officer.

Contact details:

Email: emma.keany@wyre.gov.uk

Address: Emma Keany - Democratic Services (209), Wyre Council, Breck Road, Poulton-le-Fylde, Lancashire, FY6 7PU.

If you have any questions relating to this document, please email emma.keany@wyre.gov.uk. If your query is relevant to a specific planning application please follow the normal procedure and contact Planning Services.

Emma Keany

Democratic Services Officer

29.09.2020

APPEALS LODGED AND DECIDED

Appeals Lodged between –14th August – 14th September 2020

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
19/01074/FUL	Fair View Knitting Row Lane Out Rawcliffe Preston Lancashire PR3 6SX	Construction of a new boarding kennels and new access	Committee	Written Representations	2 nd September 2020

Appeals Decided between –14th August – 14th September 2020

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
19/00151/FUL	Poulton Plaiz Holiday Park Garstang Road West Poulton-Le-Fylde Lancashire FY6 8AR	Demolition of existing barn and house to allow for the siting of 11 timber lodges	Delegated	Dismissed	19 th August 2020
19/01030/FUL	18 Lynwood Drive Stalmine- With-Staynall Poulton-Le- Fylde Lancashire FY6 0PZ	Two storey side extension (over part of an existing garage), side dormer and single storey rear extension	Delegated	Dismissed	28 th August 2020
19/01228/FUL	Torbant Lodge Brick House Lane Hambleton Poulton-Le-Fylde Lancashire FY6 9BG	Removal of existing residential caravan and erection of one dwelling	Committee	Dismissed	1 st September 2020
19/00636/OUT	Land North Of Woodlands Wallace Lane Forton Preston Lancashire PR3 0BB	Outline application for the erection of 1no. detached dwelling with access applied for (all other matters reserved)	Delegated	Dismissed	9 th September 2020

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Appeal Decision

Site visit made on 21 July 2020

by **Sarah Manchester BSc MSc PhD MIEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 19th August 2020

Appeal Ref: APP/U2370/W/20/3251061

Poulton Plaiz Holiday Park, Garstang Road West, Poulton-Le-Fylde, Lancashire FY6 8AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M McCarthy against the decision of Wyre Borough Council.
 - The application Ref 19/00151/FUL, dated 01 February 2019, was refused by notice dated 22 November 2019.
 - The development proposed is demolition of existing barn and house to allow for the siting of 11 timber lodges.
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Decision

1. The appeal is dismissed.

Procedural Matters

Main Issues

2. The main issues are:
 - i) Whether or not the proposal would be inappropriate development in the Green belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies; and
 - ii) If the proposal is inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposal would be inappropriate development

3. The appeal site is a parcel of land that is largely undeveloped except for a former dwelling and traditional agricultural barn. It forms part of a continuous swathe of countryside between the edge of the settlement and the holiday park. It is in the Green Belt.
4. Policy SP3 of the Wyre Local Plan 2011-2031 Adopted February 2019 (the LP) states that in the Green Belt, permission will not be granted for inappropriate development as defined in national policy except in very special circumstances. Paragraph 143 of the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of listed exceptions, including Paragraph 145 g) the limited infilling or the partial or complete redevelopment of previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt than the existing development.
6. The definition of PDL in the Framework includes land which is or was occupied by a permanent structure, including the curtilage of the developed land. However, land that is or was last occupied by agriculture or forestry buildings, and land in built up areas such as residential gardens, are excluded.
7. The appeal site is not in a built up area. Therefore, the garden associated with the former dwelling is PDL for the purposes of the Framework. However, the attached barn was previously in agricultural use as part of an agricultural unit. Consequently, the barn and its curtilage are not PDL.
8. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
9. With the exception of the area including the modest former dwelling and attached barn, the appeal site is open and undeveloped. In contrast, the numerous chalets and internal access road would result in a significant increase in the spatial footprint of development at this site. Notwithstanding that each chalet would be relatively small, cumulatively there would be a significant visual impact in this location as a result of the chalets, each with a veranda and dedicated parking area, internal access road, the parking of cars and the domestic paraphernalia associated with the use of the chalets. Consequently, there would be a moderate loss of openness of the Green Belt in this location.
10. The landscape boundary planting would partially screen views of the proposal. Nevertheless, it would be visible from the surrounding area, including during times of the year when trees are not in leaf and overnight, when domestic lighting would be conspicuous.
11. While there is no dispute that there would be a loss of openness, it is suggested that this should be considered in the context of the extant planning permissions¹ at this site. However, paragraph 145 g) of the Framework relates to the redevelopment of PDL which would not have a greater impact on the openness of the Green Belt than the existing development. The baseline for the assessment must then be the existing development.
12. Therefore, the proposal would not be the redevelopment of PDL which would not have a greater impact on the openness of the Green Belt than the existing development at the site. It would not meet the exception set out in Paragraph 145 g) of the Framework. It would conflict with Policy SP3 of the LP and the policies in the Framework that protect the Green Belt.

Other considerations

13. Although there is some uncertainty as to whether or not the existing planning permissions could both be implemented, I have taken a precautionary

¹ Ref 17/00953/FUL - the erection of a dwelling and new access following demolition of existing buildings on site and Ref 17/00952/COUQ - prior approval for change of use of the agricultural building to 2 dwellings.

approach and assumed that they would be implemented if the appeal should fail. Therefore, while I have considered the appeal scheme on its own merits, I have considered whether the impact would be significantly different to that arising from the fallback position. In this regard, the appeal proposal would have a larger spatial footprint and a greater visual impact than the approved schemes. Consequently, the fallback position does not provide a justification for the proposal and it therefore attracts neutral weight in my assessment.

14. The proposal would be an expansion of the appellant's business, which includes several holiday parks in the district and in adjacent administrative areas. In this regard, the income from rental or sale of chalets would be a private benefit. There would be a small benefit in terms of support for local services and facilities and there would be a small contribution to the wider UK tourism industry. Although the economic benefits might be sufficient to support 5 full-time jobs in the tourism industry, the evidence indicates that no additional employment opportunities would be created in this area. Therefore, these are matters that carry limited weight in favour of the scheme.
15. There is no evidence that the existing business is not economically viable or that its continuing contribution to the local economy is dependent on the appeal scheme. Therefore, the existing business does not justify the proposal.
16. While the chalets would be temporary and they could be moved, the appeal scheme would be permanent. The proposal is not exempt from consideration against the relevant policies in the Framework and the development plan. The temporary nature of the chalets does not weigh in favour of the proposal.
17. The Framework encourages the effective use of land, including PDL. However, paragraph 145 g) of the Framework is clear that the redevelopment of PDL in the Green Belt is only acceptable in certain circumstances. Therefore, the re-use of PDL does not provide a justification for the proposal.
18. Evidence has been provided in relation to the purposes of the Green Belt, which include assisting in safeguarding the countryside from encroachment. However, even if the proposal would not conflict with the purposes of the Green Belt, Paragraph 145 g) of the Framework does not require an assessment in this regard. Therefore, this is not a matter that weighs in favour of the scheme.
19. On the basis of the evidence, the proposal would be in keeping with the character and appearance of holiday accommodation in the area. It would not harm the living conditions of neighbouring residential occupiers or the safe operation of the highway. There are no significant concerns in relation to land contamination or flood risk. However, these are requirements of policy and they do not weigh in favour of the scheme.

Green Belt Balance

20. I have concluded that the proposal would be inappropriate development in the Green Belt. It would result in a moderate loss of openness of the Green Belt. These matters attract substantial weight.
21. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Therefore, the very special circumstances necessary to justify the proposal do not exist.

European protected species

22. The ecological survey is dated 2017 and it is therefore out of date. I note that the Council considers that updated European protected species surveys, together with mitigation measures if required, could be secured by planning condition.
23. However, Paragraph 175 of the Framework is clear that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. In this respect, the Planning Practice Guidance advises that where a proposal is likely to affect a protected species, planning permission can be granted if an appropriate survey has been carried out and subject to any necessary proposals for mitigation or compensation being found acceptable.
24. Therefore, the assessment of impacts on protected species and the need for mitigation are not matters that should be dealt with by planning condition. Nevertheless, as I have concluded that there are no very special circumstances to justify the proposal in the Green Belt, it is not necessary for me to further consider the impact on protected species.

Conclusion

25. For the reasons set out above, the appeal should be dismissed.

Sarah Manchester

INSPECTOR



Appeal Decision

Site visit made on 22 July 2020

by **R Morgan MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 August 2020

Appeal Ref: APP/U2370/D/20/3253326

**18 Lynwood drive, Stalmine-with-Staynall, Poulton-le-Fylde, Lancashire
FY6 0PZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Liam Jenkinson against the decision of Wyre Borough Council.
 - The application Ref 19/01030/FUL, dated 8 October 2019, was refused by notice dated 21 February 2020.
 - The development proposed is two storey side extension (over part of an existing garage), side dormer and single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of development used in the Council's decision notice and appeal form which more succinctly describes the proposal than that on the application form.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal property is located at the end of a row of houses fronting onto Lynwood Drive. Whilst there is a variety of house types within the surrounding area, the appeal property is viewed in the context of its immediate neighbours on this side of Lynwood Drive, all of which have distinctive steeply pitched gables on their front elevations. Like other properties in the row, 18 Lynwood Drive (No 18) has a flat roofed porch and garage to the side, set well back from the front building line. The recessed siting and low height of the porches and garages reinforces the prominence of the steep gables, which strongly define the character of this side of the street.
5. Many of the properties in the row have been extended in some way, frequently with two storey side extensions. However, these extensions have been set well back from the front elevations so that the steep gables are retained as the dominant feature of the houses. In contrast, the proposed two storey side extension would be sited forward of the existing porch and garage, with a

- limited set back from the front gable. The steep gable would no longer be viewed in isolation, but instead as a part of a much larger building.
6. The extension would be more than half of the width of the existing front gable and its substantial size would appear out of scale and overly dominant in relation to the host dwelling. Although the roofline would slope away when viewed from the street, the long ridge would be almost the height of that of the existing gable roof. As a result of its significant height and width, combined with the limited set back, the proposed extension would not appear subservient to, nor would it complement, the host dwelling.
 7. The appeal property is the only truly detached house in the row and its side garden, adjacent to the corner, provides a gap in the built form, which contributes to a feeling of spaciousness. However, this gap would be filled to a considerable extent by the proposed development. Furthermore, on turning into the street, the proposed side elevation would appear as an overly large and bulky feature, the design of which, with four windows and a partial hip, would fail to respect the character of the houses along this side of the street.
 8. Overall, as a result of its size and design, the proposal would appear overly dominant in relation to the host dwelling and would form an incongruous and prominent feature in the street, which would cause harm to the character of the area.
 9. The appellant has drawn my attention to a similar extension which was granted planning permission at 1 Rosemount Avenue¹. However, it is clear from the planning officer's report relating to that case that the extension did not fully meet the Council's guidance, and was described as bulky and excessively large. It was permitted having regard to the particular circumstances of the case, including the planning history and surrounding context. Those circumstances are not the same as in the current appeal, and the permission at Rosemount Avenue does not provide a justification for allowing harmful development in this case.
 10. I note the appellant's comment that the existing house is not energy efficient, but there may be other ways of improving its energy rating without causing the harm to the host dwelling and wider area that I have identified.
 11. I conclude that the proposal would cause harm to the character and appearance of the area. It conflicts with Policy CDMP3 of the Wyre Local Plan which requires development to be of a high standard of design that respects or enhances the character of the area. There is further conflict with the Extending your Home Supplementary Planning Document 2007, which in Design Note 1 explains that alterations or extensions should be designed to appear subordinate to the original dwelling and not visually dominate it. Conflict also exists with the requirements for high quality design contained in the National Planning Policy Framework.

¹ Application reference 16/00833/FUL

Conclusion

12. For the reasons given, I conclude that the appeal is dismissed.

R Morgan

INSPECTOR

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Appeal Decision

Site visit made on 21 July 2020

by **Sarah Manchester BSc MSc PhD MIEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 1st September 2020

Appeal Ref: APP/U2370/W/20/3248771

**Torbant Lodge, Brick House Lane, Hambleton, Poulton-Le-Fylde,
Lancashire FY6 9BG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Bamber against the decision of Wyre Borough Council.
 - The application Ref 19/01228/FUL, dated 20 November 2019, was refused by notice dated 24 February 2020.
 - The development proposed is removal of existing residential caravan and erection of one dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. My attention has been drawn to a Lawful Development Certificate for the use of part of an agricultural building as a residential dwelling and siting of a caravan for residential use (ref 10/00028/LAWE). However, the caravan is not located in the appeal site and, on the basis of the evidence, the certificate of lawfulness does not relate to the appeal site. I have therefore determined the appeal on the basis that the appeal site does not have a lawful residential use.

Main Issues

3. The main issues are:
 - i) Whether the location is suitable for new residential development, having regard to local and national policies for new rural housing;
 - ii) The effect of the proposal on the character and appearance of the countryside; and
 - iii) Whether the proposal would be at an unacceptable risk, or increase the risk elsewhere, of flooding.

Reasons

Whether the location is suitable for new residential development

4. The appeal site is close to a loose cluster of built development that includes residential dwellings and agricultural and stable buildings. It is accessed via a private road from Brickhouse Lane, a rural road that is increasingly developed

as it approaches the A588 approximately half a mile from the appeal site. The appeal site is in the countryside for planning purposes.

5. Policy SP1 of the Wyre Council Local Plan 2011-2031 Adopted February 2019 (the LP) sets out the Council's locational strategy. This seeks to focus development in the settlements and to limit new development in the countryside with certain exceptions. This is broadly consistent with the rural housing aims of the National Planning Policy Framework (the Framework).
6. There is no existing building or dwelling in the appeal site. Therefore, while the proposal would replace the appellant's nearby living accommodation, it would not be a replacement building. The proposed market dwelling does not require a rural location and it would not address an identified rural housing need. The proposal would not meet the exceptions for development in the countryside set out in Policy SP4 of the LP.
7. Notwithstanding the presence of tea rooms, a bistro and a veterinary practice, the immediate area does not have the range of services or facilities necessary to meet the reasonable daily needs of future occupiers. Consequently, the need to travel in this location would not be minimised.
8. The closest rural settlement with a reasonable range of services and facilities is Hambleton, approximately 2km from the appeal site via Brickhouse Lane and the A588. The private access road that serves the appeal site is narrow and unlit and it has an uneven surface. Brickhouse Lane is a narrow rural road with no footway or street lighting and it is subject to the national speed limit. While the A588 does have a footway, it appears to be largely unlit. Consequently, future occupiers would not meet their daily needs by walking. Moreover, although the appeal site is within cycling distance of Hambleton such that some journeys could be made by bicycle, the closest bus stops are next to the A588. Therefore, the appeal site is not readily accessible by sustainable transport modes.
9. I accept that the appellant intends to live in the property, such that there would be no increase in vehicular movements. However, there would be no occupancy restriction and the market dwelling could therefore be occupied by a large family with an associated large number of vehicles. Nevertheless, irrespective of whether or not car journeys would increase in this location, future occupiers would be heavily reliant upon private car journeys.
10. By virtue of proximity to properties including Torbant Farm, Brook Farm and Cottage and Brick House, the proposal would not result in the creation of isolated homes in the countryside which the Framework seeks to avoid. However, it would be remote from services and facilities.
11. My attention has been drawn to planning permissions for residential development elsewhere in the countryside. However, those schemes appear to differ from the appeal scheme in a number of ways. Several appear to have been considered in an earlier policy context, including at a time when the Council was unable to demonstrate a 5 year housing supply. Some are in accessible locations with regard to services and facilities and sustainable transport modes. Others relate to larger housing developments or tourism accommodation. I cannot be certain that any of them is directly comparable to the appeal scheme or that they provide a justification for it.

12. Therefore, the location is not suitable for new residential development, with particular regard to the accessibility of services and facilities. It would conflict with Policies SP1, SP2, SP4 and CDMP6 of the LP. These require, among other things, that development is located in the settlements unless there is a rural justification for a countryside location, that it contributes to sustainable communities, minimises the need to travel and promotes sustainable forms of transport. It would conflict with policies in the Framework that relate to rural housing, sustainable forms of transport and climate change adaptation.

Character and appearance

13. The appeal site includes an area of hardstanding and part of a grass paddock. It is located to the front of a large complex of rural buildings, within which the existing caravan is sited. The scattered dwellings and farmsteads along this part of Brickhouse Lane are widely separated from the small settlement located around the junction of Brickhouse Lane and the A588. The surrounding countryside is a sporadically developed rural landscape that allows distant and panoramic views across open fields with hedgerows and scattered trees.
14. The caravan is a modest feature that is screened by sheds and stable buildings. In contrast, the dwelling would be substantially large and it would be well separated from, and poorly screened by, the nearby buildings. There would be a conspicuous increase the mass of built development in this location. There would be cumulative visual impacts as a result of the residential garden and associated domestic paraphernalia. Consequently, the proposal would be a prominent feature that would encroach into the open countryside.
15. On the approach from the A588, the proposal would be seen in the context of the existing buildings. However, from locations elsewhere along Brickhouse lane the proposal would be seen separately from the buildings and it would increase the visual extent of built development and erode the openness of the rural landscape. Although the design of the dwelling would be acceptable, nevertheless the proposal would be poorly related to nearby built development.
16. Therefore, the proposal would harm the open character and appearance of the area. It would conflict with Policies SP4 and CDMP3 of the LP which require, among other things, that development respects the open rural character and makes a positive contribution to the area. It would conflict with policies in the Framework that require development to recognise the intrinsic character and beauty of the countryside and to be sympathetic to its landscape setting.

Flood risk

17. The appeal site is in Flood Zone 3 where there is a high probability of flooding and the proposed residential dwelling is classed as a more vulnerable development.
18. I acknowledge the appellant's desire to live locally and her concerns regarding the cost of housing elsewhere. Nevertheless, it has not been demonstrated that there are no suitable alternative sites at lower risk of flooding. Moreover, while the existing caravan may be vulnerable to flooding, and the proposal would be of more substantial construction than the caravan, this is not a justification for a permanent residential development in a flood risk area.
19. The submitted information, including the Flood Risk Assessment, does not demonstrate that future occupiers would not be at an unacceptable risk of

flooding or that the proposal would not increase the risk of flooding. The proposal does not demonstrate that any necessary mitigation or adaptation measures could be accommodated within the appeal scheme. Therefore, this is not a matter that could be addressed by planning condition.

20. Therefore, the proposal fails to demonstrate that it would not be at unacceptable risk of flooding or that it would not increase the risk of flooding. It would conflict with the aims of Policy CDMP2 of the LP, the Framework and the Planning Practice Guidance in relation to directing development away from areas at risk of flooding.

Other Considerations

21. Paragraph 74 of the Framework sets out that a five year supply of deliverable housing site can be demonstrated where it has been established in a recently adopted plan or in a subsequent annual position statement. In this case, the Council has a current annual position statement, which is valid until 31 October 2020. Moreover, there is no substantive evidence before me to demonstrate that the Council is failing to deliver a sufficient number of houses. Consequently, paragraph 11 d) of the Framework is not engaged. In any case, the proposal would make a negligible contribution to the supply of housing.
22. I accept that the dwelling would provide a higher standard of living accommodation for the appellant and her family, including her son, than the caravan. In this regard, the proposal would be a private benefit to the appellant and her family. Nevertheless, on the basis of the limited information before me, I cannot be certain that the existing accommodation does not provide a reasonable standard of living accommodation.
23. The caravan is sited close to buildings that were damaged by fire. The appellant's desire to provide her family with a more substantial dwelling further from those buildings is therefore understandable. In this regard, the Council has suggested that the caravan could be relocated. However, while this option appears to have been discounted on the grounds that the caravan itself is a fire risk, no substantive evidence has been provided in this regard nor has not been demonstrated that the caravan is not habitable. Moreover, it has not been demonstrated that alternative proposals which could deliver similar benefits have either been investigated or discounted. For this reason, I cannot be certain that their requirements could not be met by alternative means that would avoid the conflict with the development plan.
24. The appellant tends land and keeps animals, including horses. However, the proposed market dwelling would not be for a rural worker and no functional need relating to livestock and animal welfare has been demonstrated. While I acknowledge the particular personal circumstances of the appellant's mother, there is little evidence to indicate that the appellant could not continue to live close to her mother in the event that the appeal should fail. Therefore, these matters carry limited weight in favour of the proposal.
25. While the appellant intends to build the property herself, I am not aware that she is entered onto the relevant register for the purposes of The Self-build and Custom Housebuilding Act 2015 (as amended). Therefore, while self-build would be likely to be a more cost effective option than purchasing a house elsewhere, this is a matter that carries neutral weight.

26. The appellant has raised the issue of the Human Rights Act 1998, the provisions of which include the right for respect for private and family life. However, taking the above factors into account and based on the evidence before me, I find that refusal of the planning permission does not constitute interference with the appellant's rights in this regard. This is because there is no compelling evidence that the appellant and her family could not continue to live in their current accommodation. Therefore, while I am sympathetic, the evidence does not demonstrate that the appellant's personal circumstances are of sufficient weight to outweigh the harm that I have identified.
27. While I note third party concerns in respect of the use of the private access, this is a private legal matter and it is not a matter for this appeal to address.

Conclusion

28. For the above reasons, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR

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Appeal Decision

Site visit made on 17 August 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/U2370/W/20/3253480

Land North of The Woodlands, Wallace Lane, Forton, Preston, Lancashire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Duxbury against the decision of Wyre Borough Council.
 - The application Ref 19/00636/OUT, dated 26 June 2019, was refused by notice dated 4 March 2020.
 - The development proposed is outline application for the erection of 1no. detached dwelling with access applied for (all other matters reserved).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description and location of the development provided on the planning application form have been replaced by amended versions on the decision notice and in subsequent appeal documents. I consider those subsequent versions to be more comprehensive and I have therefore used them within this decision.
3. The appeal has been submitted in outline with all matters reserved for future consideration except access. I have dealt with the appeal on that basis.

Main Issues

4. The main issues are whether the site would be a suitable location for residential development with regards to:
 - Development plan policy in respect of development in countryside areas;
 - Access to services; and
 - Whether there are other material considerations which indicate that determination should be made otherwise than in accordance with the development plan.

Reasons

Development Plan Policy

5. Policy SP4 of the Wyre Local Plan 2019 (the Local Plan) sets out the Council's approach to managing development in countryside areas. The appeal site is

located within a hamlet which is included within a countryside area as defined in the Local Plan.

6. The first limb of Policy SP4 seeks to preserve the open and rural character of the countryside. The Council submit that the proposal would be an additional built form in the countryside detrimental to the intrinsic beauty of the surrounding landscape. However, the site is located within the body of the hamlet and the evidence suggests that this is on previously developed 'brownfield' land. The site does not contribute to the open and rural character of the countryside and the proposal would appear as an infill development within the built extent of the hamlet. Whilst I acknowledge that the proposal would introduce further built development into the countryside area, I consider that a dwelling of a suitable design would not harm the intrinsic beauty of the open and rural character of the countryside, and would therefore not conflict with the first limb of Policy SP4.
7. However, the second limb of Policy SP4 sets out that in countryside areas planning permission will only be granted for new development that is for a number of specified purposes. The proposal would not meet any of these purposes and would therefore conflict with the second limb of Policy SP4.
8. I conclude that the proposal would conflict with Policy SP4 of the Local Plan when read as a whole as it would not be for one of the purposes set out in the second limb of that policy.

Access to Services

9. The appeal site is located in a hamlet which has minimal, if any, services. The hamlet is separated from the village of Forton which contains some key facilities, albeit of a limited nature. In any event, access to Forton is via a country lane which does not have a demarcated footway and is largely unlit.
10. The nearest settlement which would provide the key facilities and services to meet the needs of residents of the proposal is Garstang which is over 3 miles from the appeal site. There is a bus stop less than 500m from the site which provides a service to Garstang. The appellant submits that this bus stop is within the average walk journey parameters of the Institute of Highways and Transportation. However, the route to the bus stop also does not have a demarcated footway and is largely unlit.
11. Due to the nature of these routes to access services, they would be likely to deter pedestrians and cyclists, with the result that residents of the proposal would have to rely on the private car. As a result, the proposal would not be in a sustainable location with regards to access to services, with resultant harm to the social and environmental objectives of sustainable development. The proposal would therefore conflict with the requirements of Policies SP1 and SP2 of the Local Plan with regards to development strategy, ensuring accessible places and minimising the need to travel by car.

Other Material Considerations

12. Outline planning permission has previously been granted for a dwelling on this site, although this permission has lapsed. Even though this lapse may have occurred relatively recently, the adoption of a new Local Plan represents a material change in circumstances since the previous outline permission was granted. This appeal must be determined on the basis of the development plan

as it currently stands. The circumstances of a lapsed planning permission granted under a different policy regime carry little weight and do not outweigh the conflict with the adopted development plan.

13. My attention has been drawn to a nearby appeal decision which referred to the potential for residents of that proposal to enhance the viability of existing facilities and the vitality of the community, including those in Forton. The appellant also submits that in granting planning permission for dwellings in this hamlet, the Council has deemed those sites as being sustainable. However, it has not been demonstrated that the circumstances of those schemes are a direct parallel to the appeal before me, including in respect of the number of houses proposed, planning policy and housing land supply. Furthermore, the benefits arising from the single dwelling which would result from the appeal proposal would be very limited. Consideration of these matters does not lead me to a different conclusion in respect of the sustainability of the location of the proposal, and in any event I have determined this appeal on its own merits.
14. As stated previously, the evidence suggests that the site represents brownfield land. The Framework gives great weight to using suitable brownfield land within settlements for homes. However, whilst the appeal site is not isolated in respect of its proximity to other dwellings, the hamlet in which it is located is not a defined settlement in the Local Plan. Moreover, the site is not suitable for this form of development due to the previously identified conflict with development plan policy. Policy SP2 of the Local Plan also seeks to maximise the use of previously developed land, although the proposal would conflict with other elements of this policy with regards to accessibility and minimising the need to travel by car. As a result, whilst the proposal would represent the redevelopment of brownfield land, this carries no more than limited weight in favour of the proposal.
15. It is proposed that the dwelling would be an eco-style house including a number of sustainable features. However, there is no substantive evidence that this would mitigate the harm arising from the unsustainable location of the proposal with regards to access to services. In any event, such a dwelling could be provided in a sustainable location or be of a purpose which would comply with the Local Plan with regards to development in countryside areas. I give the proposed eco-style design of the dwelling limited weight in favour of the proposal.
16. The appellant queries what the future of the site would be if the appeal is dismissed, as it is not within a domestic curtilage and may therefore lead to blight. However, it has not been demonstrated that it is unfeasible to put the site to a purpose which complies with the Local Plan, including those purposes set out in Policy SP4. This matter does not therefore weigh in favour of the appeal.

Planning Balance and Conclusion

17. For the reasons stated above, the proposal would conflict with the development plan in respect of development in countryside areas and access to services. Due to the no more than limited weight I have given to other material considerations, these are not of such weight either individually or cumulatively to indicate that the appeal should be determined otherwise than in accordance with the development plan.

18. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR



Appeal Decision

Site visit made on 3 February 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 April 2020

Appeal Ref: APP/U2370/W/19/3241233

Land off Holts Lane, Poulton-le-Fylde.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Hollins Strategic Land LLP and Tim Claxton Property Ltd against the decision of Wyre Borough Council.
 - The application Ref 18/00680/OULMAJ , dated 11 July 2018, was refused by notice dated 3 October 2019.
 - The application sought planning permission for outline application for the erection of up to 130 dwellings with means of access off Holts Lane (layout, landscaping, scale and appearance reserved), following demolition of existing buildings (re-submission of 16/00233/OULMAJ) without complying with a condition attached to planning permission Ref 16/01043/OULMAJ, dated 12 April 2017.
 - The condition in dispute is No 3 which states that: Prior to commencement of development hereby approved, a scheme for the provision and retention of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided and thereafter 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:
 - a) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
 - b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - c) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing];
 - d) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
 - e) 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.
 - The reason given for the condition is: To ensure the adequate provision and delivery of affordable housing in accordance with the National Planning Policy Framework (March 2012).
-

Decision

The appeal is allowed and planning permission is granted for outline application for the erection of up to 130 dwellings with means of access off Holts Lane (layout, landscaping, scale and appearance reserved), following demolition of existing buildings (re-submission of 16/00233/OULMAJ), Land off Holts Lane, Poulton-le-Fylde in accordance with application Ref 18/00680/OULMAJ, dated 11 July 2018,

without complying with condition number 3 previously imposed on planning permission Ref 16/01043/OULMAJ dated 12 April 2017, but subject to the conditions in the attached schedule.

Procedural Matters

1. The Council's 5-year housing land supply has been confirmed through the publication of an Annual Position Statement (APS). Consequently, the Council can demonstrate a 5-year housing land supply of deliverable housing sites until 31 October 2020. The housing land supply figure includes the appeal site.
2. Outline planning permission has been granted at the appeal site for the erection of up to 130 dwellings subject to a section 106 agreement. Matters relating to layout, landscaping, scale and appearance were reserved. The planning permission was subject to a condition which requires the provision of affordable housing in accordance with the definition and requirements of the National Planning Policy Framework as at March 2012.
3. Since the approval of the planning permission the Wyre Local Plan (2011-2031) adopted 28 February 2019 (Local Plan) has been adopted. Further, an amended version of the National Planning Policy Framework (2019) (the Framework) has come into force.
4. The Framework states that where a need for affordable housing is identified planning policies should specify the type of affordable housing required and generally expect it to be met on site. Policies in the adopted Local Plan require the provision of 30% affordable housing. The appellant asserts that the scheme would not be viable with an affordable requirement of 30% and seeks to vary the condition to allow for a reduced affordable housing provision.
5. I have been provided with a copy of a signed Unilateral Undertaking (UU) dated 4th February 2020. The obligation varies the section 106 agreement related to the original outline planning permission Ref 16/01043/OULMAJ dated 12 April 2017. The UU requires financial contributions towards education, traffic management and a travel plan. The Council consider that the UU is enforceable and secures the necessary provisions as per the original Section 106 Planning Obligation. I am satisfied that the provisions of the UU are directly related to the development and fairly and reasonably related in scale and kind to it.

Main Issue

6. The main issue is whether the variation of the condition would provide adequately for the provision and delivery of affordable housing within the site.

Reasons

7. The appeal site comprises predominantly green field land on the edge of Poulton-le-Fylde. There is open agricultural land to the south, an industrial estate beyond the railway line which forms the eastern site boundary, and residential development on the northern side, from where access to the development is proposed. The site is allocated for residential development in the Local Plan.
8. The Framework states that in preparing and reviewing local plans, contributions expected from developments, including levels and types of affordable housing, should be set out. Such policies should not undermine the deliverability of the

- plan. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.
9. Policy HP3 of the Local Plan requires that new residential developments of 10 dwellings or more contribute towards meeting the identified need for affordable housing. For sites in Poulton-le-Fylde the policy requires 30% affordable housing provision. Policy SP6 of the Local Plan states that the Council's overarching objective is to ensure that development is viable.
 10. Based on the evidence before me it seems that, although the approved outline permission is for up to 130 units, it has been discovered that adverse ground conditions would limit the numbers of houses that can be accommodated on the site. It is considered that the site could deliver a scheme for 102 houses. Based on the requirements of Policy HP3 a development consisting of 102 dwellings would equate to a need for 31 affordable houses. However, the appellant contends that an affordable housing requirement in line with Policy HP3 would render the scheme unviable.
 11. The indicative site layout submitted with the appeal for the 102 dwelling units would comprise 12 no.1-2 bed units, 66 no. 3 bed units and 24 no. 4 bed units. This housing mix forms the basis of the viability assessment submitted with the appeal.
 12. Officers from the Council recommended that the application be approved, based on the assessment of viability carried out on their behalf by Keppie Massie. It appears to me that the approach in the viability document is consistent with the guidance set out in the viability section of the Planning Practice Guidance (PPG). The Council's consultant indicates that based on the housing mix proposed 9 affordable housing units is the maximum that could be provided to ensure the scheme's viability. The viability is based on a developer profit margin of close to 20%. The Council's consultant considers that the site has a relatively high-risk profile and that the level of profit is reasonable in this case.
 13. However, the Council in coming to their decision considered that the ground conditions at the site should not have come as a surprise to land promoters and therefore it should not be necessary to seek to review the affordable housing requirements at this stage. Indeed, the Council say part of the original support for the development of the site was based on the site bringing forwarded much needed affordable housing.
 14. Taking into account local and national policy I have some sympathy for the Council's view that affordable housing is needed within the district and that schemes should be required to deliver it. Particularly on sites allocated for development which have been assessed as viable and deliverable. However, based on the information put to me I cannot conclude that the scheme in question would be capable of delivering 30% affordable housing whilst providing sufficient incentive for the developer to carry out the development. On this basis, persisting with the existing condition would prejudice the delivery of any housing on site.
 15. Further, the appeal site is allocated for housing and is part of the Council's 5-year housing land supply. The affordable housing provision would be lower than

- the Local Plan policy requirement, but this has been justified and the nine dwellings proposed to be affordable would contribute to meeting an identified need.
16. Given that the delivery of housing is a central aim of the Framework, this is a matter to which I attribute significant weight. As well as securing the delivery of housing on an allocated site, the Council acknowledge that the proposed housing mix would accord with the latest housing market assessment and that additional green infrastructure secured by the reduced density of the scheme would be a visual benefit. These considerable benefits of the scheme would outweigh the harm in not achieving greater affordable housing. In this respect the development would be consistent with the approach in SP6 of the Local Plan.
 17. The Council propose two conditions to replace the original condition 3 to secure the amended affordable housing provision. Condition 3 would be framed as per the original condition with point (a) reworded to replace the requirement for 30% affordable housing with a requirement to provide 9 housing units, 4 of which would be for affordable rent and 5 to be shared ownership. A second condition is proposed to secure the number and mix of dwellings to accord with the assessed viable housing mix which is based on a total of 102 units.
 18. The Council propose amendments to a number of the other conditions attached to the original permission including those affecting drainage and public open space. However, these other conditions are not before me and I have limited evidence that the variation to affordable housing provision would require the reconsideration of these other elements of the planning conditions. Including condition 18 in relation to open space.
 19. The UU acts as a deed of variation, it secures the traffic management and a travel plan required as part of the section 106 agreement related to the original outline planning permission. It also provides for an education contribution for primary school places and, where required, secondary school places. The UU also provides for the recalculation of the education contribution in the event that the required number of primary and secondary school places changes. The UU proposes to divert any surplus monies that may accrue through reduced education contributions towards a contribution to off-site affordable housing. The appellant and the Council agree that, although Policy HP3 seeks on site provision of affordable housing in the first instance, it would not be practical or reasonable to expect any reserved matters scheme to be amended to enable available surplus education contribution to provide on-site affordable housing. Thus, an off-site affordable housing contribution is seen as an exceptional circumstance in relation to Policy HP3 and I see no reason to disagree.
 20. I invited the parties comments on the need to reappraise the scheme in the event of a delay in the commencement of construction or a change in types or mix of dwellings. A possibility suggested in the Council's viability assessment. The proposed variation of the planning conditions would prevent a re-appraisal of the numbers and mix of dwellings without further application. Further, as the outline planning permission is near to expiry it is likely that there would be a shorter than normal delay from the grant of outline permission to the commencement of construction, consequently, I am satisfied that no specific requirement for reappraisal is necessary in this specific case.

21. Overall, I consider that the variation of condition 3 would provide adequately for the provision and delivery of affordable housing within the site and would accord with Policy HP3 of the local plan. In this respect it would also accord with the Framework.

Other Matters

22. I appreciate that there are third-party concerns including about additional traffic, the amount of development, new housing in the area not selling and objections to social housing. However, the original extant planning permission establishes the principle of the development to which most of the objections relate. My role is not to reconsider the established principle of the development but to consider the variation of condition 3 in so far as it relates to the amount of affordable housing to be provided as part of the development.

Conditions

23. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under Section 73 of the Town and Country Planning Act 1990 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

24. I have amended the condition relating to the time to implement the permission to accord with the original planning permission. I have amended condition 3 and added condition 25 as set out above. These conditions are necessary to ensure a suitable mix and number of dwellings and provide for affordable housing in accordance with the Council's viability appraisal.

25. I have considered the comments made by the parties with regard to conditions. However, for the reasons set out I have not found it necessary to amend the other conditions of the permission. I have therefore reapplied the conditions attached to the original permission for clarity.

Conclusion

26. For the reasons given above the appeal is allowed.

Diane Cragg

INSPECTOR

Schedule of Conditions

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 on the 12 April 2017;

(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.
2. The development hereby permitted shall be carried out in accordance with the following approved plan: - 1409/01B Proposed site access arrangements.
3. Prior to commencement of development hereby approved, a scheme for the provision and retention of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided and thereafter 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. Unless otherwise agreed in writing by the Local Planning Authority the scheme shall include:
 - a) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of the location on the site of the affordable housing provision to be made which shall consist of not less than 9 dwelling units, 4 of which shall be for affordable rent and 5 of which shall be shared ownership;
 - b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - c) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing];
 - d) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
 - e) 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.
4. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) February 2016, Ref: HYD055_HOLTS.LANE_FRA&SDA by Betts Hydro Consulting Engineers and the following mitigation measures detailed within the FRA:
 - Limiting the surface water run-off generated by the development to greenfield runoff rate so that it will not increase the risk of flooding off-site.
 - Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

- Finished floor levels are set no lower than 150mm following any re-grade above Ordnance Datum (AOD).

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

5. Prior to the commencement of any development, full details of a surface water drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. For the purpose of this condition, the drainage scheme shall include;
 - a) information about the lifetime of the development 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, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
 - b) any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of any existing culverts and headwalls or removal of unused culverts where relevant);
 - c) flood water exceedance routes, both on and off site;
 - d) a timetable for implementation, including phasing where applicable;
 - e) site investigation and test results to confirm infiltrations rates;
 - f) details of water quality controls, where applicable.

The scheme shall be fully implemented and subsequently maintained in accordance with the approved details and the details to be agreed by condition 6 and 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.

6. (i) Prior to the commencement of development, a management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and agreed in writing by the Local Planning Authority. For the purpose of this condition, this plan shall include:
 - a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company;
 - b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components and designed biodiversity features) and will include elements such as on-going inspections relating to performance and asset condition assessments, operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other

arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

- c) Means of access for maintenance and easements where applicable;
- d) The maintenance and management of any designed biodiversity features.

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

7. No development hereby permitted shall be first occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan approved under condition 6.
8. Prior to the commencement of development, a scheme for the disposal of foul waters within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
9. Vegetation shall only be removed / cleared outside of the optimum period for bird nesting (March to July inclusive) unless, before the removal / clearance commences, a report has been submitted to and approved in writing by the Local Planning Authority demonstrating that the nesting / breeding birds have been shown to be absent.
10. Prior to the commencement of development hereby approved, including any vegetation clearance or ground works, and notwithstanding any information submitted with the application, a Comprehensive Great Crested Newt Reasonable Avoidance Measures Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall give full details of how any possible harm to great crested newts is to be avoided during the course of the development. The development shall be carried out in accordance with the approved Method Statement.
11. Prior to the commencement of development hereby approved, including any vegetation clearance or ground works, a Barn Owl Mitigation Method Statement, in line with section 5.5 of the submitted Ecological Survey And Assessment reference (ERAP Ltd ref: 2015_069 and amended April 2016) shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall give full details of the type, location, management and maintenance of the barn owl tower. The development shall be carried out in accordance with the approved Method Statement.
12. Prior to the commencement of development hereby approved, including any vegetation clearance or ground works, a Landscape and Ecology

Management Plan (LECoMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall identify the opportunities for biodiversity enhancement on site including (but not limited to):

- a) Species rich hedgerow planting;
- b) Bolstering of hedgerows;
- c) Creation of ponds;
- d) Bat bricks and/or tubes within the new development;
- e) Bat boxes;
- f) Bird boxes;
- g) Native tree and shrub planting.

The approved scheme shall be implemented in accordance with the approved scheme details.

13. Prior to commencement of development hereby approved, a scheme which provides for the assessment, retention and protection of trees, shrubs and hedges within (or overhanging) the site, which may be affected by the construction process (apart from those whose removal is approved through the reserved matters application(s)), shall be submitted to and approved in writing by the Local Planning Authority in the form of a Tree Protection Plan and Arboricultural Impact Assessment. The agreed tree protection measures shall remain until all development is completed and no work, including any form of drainage or storage of materials, earth or topsoil shall take place within the perimeter of such protective fencing.

14. Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority to include details of the measures proposed during construction to manage and mitigate the main environmental effects. The following matters shall be addressed:

- a) the times of construction activities on site;
- b) the parking of vehicles of site operatives and visitors;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) wheel washing facilities;
- g) measures to control the emission of dust and dirt during construction;
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- i) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity;
- j) measures to prevent the pollution of watercourses;
- k) measures to avoid light pollution;
- l) routes to be used by vehicles carrying plant and materials to and from the site and measures to be taken to ensure that drivers use these routes as far as is practicable;
- m) management of silt and run-off during the build out of the development.

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

15. Prior to commencement of development hereby approved, a desk study shall be 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 be 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 in writing by the Local Planning Authority and the scheme implemented in accordance with the approved details 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.

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

- 50dB LAeq 16 hours (07.00 to 23.00) in gardens and outside living areas, daytime
- 35dB LAeq 16 hours (07.00 to 23.00) - indoors, daytime
- 30dB LAeq 8 hours (23.00-07.00) - indoors, night-time
- 45dB LAFmax (23.00-07.00) - indoors, night-time
- 60 dB LAFmax 8 hours-(23.00-07.00) façade level night time
- 60 dB LAFmax 4 hours-(19.00-23.00) façade level night time

(b) Any mechanical ventilation system shall meet or exceed the specifications set out in clause 6, schedule 1 of the Noise Insulation Regulations 1975 with regard to acoustic performance and airflow rates.

(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.

17. Prior to the commencement of the development hereby approved, an assessment and a scheme for the mitigation of intrusive lighting effects from the railway shall be submitted to and approved in writing by the Local Planning Authority. The assessment and the mitigation measures shall demonstrate that the lighting will be in accordance with the institution of Lighting Professionals.' "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" and shall be oriented and screened to mitigate light spillage from the railway onto the development.

The light intrusion into the windows of any residential premises shall not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3). The mitigation measures shall be installed prior to the first occupation of any of the dwellings or the completion of the development whichever is the earliest and shall be maintained thereafter.

18. 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 made 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 approved in writing by the Local Planning Authority prior to the first occupation of any dwelling on the site.
19. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (which shall include the timetable for the investigation) which has been submitted by the applicant and approved in writing by the Local Planning Authority.
20. The land indicated on drawing SAF(001) submitted with the planning application shall be safeguarded for use in connection with the construction of a railway footbridge and ramped access required by Network Rail in connection with the electrification of the Blackpool-Preston-Manchester line, unless written confirmation is provided by Network Rail to the Local Planning Authority that this safeguarded land is no longer required for such purpose. Prior to construction work on the railway footbridge and ramped access, the land shall be used in connection with no other development hereby approved other than in accordance with landscaping details to be approved at the reserved matters stage.
21. No part of the development hereby approved shall commence until a timescale for the construction of the site accesses and the agreed scheme of 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. The highway improvements shall thereafter be constructed in accordance with the agreed timescale. The agreed scheme of highway improvements/works are as shown on drawings 1409/01/ B, 1409/05/B, 1409/07, 1409/08/A and 1409/09/A and include:
 - Resurfacing of footway on both sides of Site Access 1 including dropped kerbs and tactile paving.
 - Resurfacing of footway on both sides of Site Access 2 including dropped kerbs and tactile paving.
 - Resurfacing of footway the south side of Holts Lane between Site Access 1 and Brockholes Crescent.

- Repatch and repair existing footway on east side of Holts Lane between Brockholes Crescent and proposed pedestrian refuge on Garstang Road East.
- Introduce tactile paving at the junction of Holts Lane with Brockholes Crescent.
- Introduce tactile paving at the junction of Edenfield Avenue with Holts Lane.
- Introduce dropped kerbs and tactile paving at the junction of Broadfield Avenue with Holts Lane.
- Revise layout of Main Drive/Brockholes Crescent junction to reduce bell mouth and introduce dropped kerbs and tactile paving to provide a safer environment for pedestrians.
- Introduce tactile paving and junction treatment at the junction of Holts Lane with Garstang Road East.
- Introduce tactile paving and junction treatment at the junction of Argyle Road with Garstang Road East.
- Introduce pedestrian/cycle refuge on Garstang Road East in the vicinity of the junction with Holts Lane. Pedestrian/cycle refuge to be sited on the desire line of residents of the proposed development undertaking trips to Tesco, Hodgson Academy and Poulton town centre.
- Widen footway on the north side of Garstang Road East between Lower Green to a point beyond Argyle Road. With surface treatment at the Tesco access and egress.
- Introduce tactile paving and junction treatment at the junction of Carr Head Lane with Garstang Road East.
- Revise existing pelican crossing facilities at Garstang Road East/Lower Green junction to 'Toucan' type.
- Revise existing pelican crossing facilities at Garstang Road East/Garstang Road West/Hardhorn Road junction to 'Puffin' type. Introduce 3.0m wide shared footway/cycleway along the north side of Garstang Road East between Lower Green and Argyle Road (distance of circa 200m), with pedestrian/cycle refuge on Garstang Road East in the vicinity of the junction with Holts Lane.
- Introduce 'Toucan' format crossing facilities at Lower Green/Garstang Road East junction. Upgrade 2no bus stops (with shelters) on Garstang Road East. These are located at (iii) Westbound services: 90m east of Holts Lane; (iv) Eastbound services: 120m west of Holts Lane.
- Introduce a new stop on Carr Head Lane. Details to be agreed. Garstang Road East / Holts Lane junction - introduce right turn lane waiting areas on Garstang Road East to cater for movements into Holts Lane and Argyle Road (Drg No 1409/09/A).
- Garstang Road East / Carr Head Lane junction - increase width of right turn lane on Garstang Road East to assist right turn movements out of Carr Head Lane (Drg No 1409/07).
- Hardhorn Road / Highcross Road / Beech Drive junction - introduce 'KEEP CLEAR' markings on Hardhorn Road at the Beech Drive and

Highcross Road junctions with supporting surface treatment (Drg No 1409/08/A).

22. The approved Travel Plan (Ashley Helme, November 2016, Report Reference 1409/3/C) must be implemented in full in accordance with the timetable contained within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum period of at least 5 years.
23. As part of any reserved matters application where layout is applied for, a footpath link / links shall be provided on site between the application site and the land to the west. The approved footpath link(s) is only to be provided in the event that development on the land to the west is permitted. In which case, the footpath link shall be constructed in accordance with the approved details prior to development on land to the west being first occupied.
24. No dwellings shall be first occupied until the provision of electric vehicle charging points are provided for the dwelling to which they relate, and such provision shall be permanently retained for that purpose thereafter.
25. The development hereby permitted is for 102 dwelling units only which shall comprise of the following housing mix schedule:
- 4 x 1 bed dwelling units
 - 8 x 2 bed dwelling units
 - 66 x 3 bed dwelling units
 - 24 x 4 bed dwelling units

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Appeal Decision

Site visit made on 22 June 2020

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2020

Appeal Ref: APP/U2370/W/20/3247443

29-31 Coronation Road, Thornton Cleveleys, Lancashire FY5 1DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Raj Shah on behalf of Morvern Care Centre against the decision of Wyre Borough Council.
 - The application Ref 19/00902/OUTMAJ, dated 2 September 2019, was refused by notice dated 5 December 2019.
 - The development proposed is 'erection of a four storey 44 bedroom nursing home (Use Class C2), following demolition of existing dwellings with access, layout and scale applied for (all other matters reserved)'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address and description of development given by the application form have been updated by subsequent documents. I have adopted the site address and description of development given on the appeal form accordingly, as they reflect the proposal upon which the Council made its decision.
3. The application was submitted in outline with approval sought for access, layout and scale only and the remaining matters reserved for future approval. I determine the appeal on that basis, treating the details of appearance and landscaping within the submitted plans as illustrative.

Main Issues

4. The main issues of this appeal are:
 - the effect on the character and appearance of the area, and;
 - the effect on the living conditions of occupiers of neighbouring properties, with particular regard to matters of outlook and privacy.

Reasons

Character and appearance

5. The appeal site comprises two detached single-storey bungalow style buildings (Nos 29 and 31a), with the latter being orientated with a side elevation facing Coronation Road and having been converted into residential flats with accommodation in its roof space. The properties are located on the southern side of Coronation Road on a relatively flat section of the street before it rises

beyond an adjacent access road towards the junction with South Promenade. The existing Morvern Care Centre is located on the increasing land levels at the corner of Coronation Road and South Promenade.

6. The surroundings of the site include large imposing buildings, such as the Morvern Care Centre and Grosvenor Court, which front onto South Promenade and have elevations of extensive depth adjoining Coronation Road and Ellerbeck Road respectively. Those buildings provide a backdrop of considerable built form to the west and rear of No 31a. However, aside from the presence of a three-storey building at the rear of No 29 which faces Ellerbeck Road, the pattern of development significantly changes to the north, east and south of the site to a more modest scale of predominantly semi-detached and terraced two-storey houses. The character differs slightly as terraced dwellings rise to three and four-storeys on the opposite side of Coronation Road when approaching the junction with South Promenade and also more significantly toward the Bispham Road junction where commercial premises are located.
7. Having regard to the above, the existing single storey dwellings within the site of differing architectural styles, form and materials somewhat contrast with the character of their surroundings rather than positively contributing to it. Such circumstances offer a potential opportunity for redevelopment of the site with a building or buildings of a design which would respect or enhance the character of the area by improving the transition between the tall buildings closest to South Promenade and the two-storey houses in Coronation Road.
8. The proposal seeks to address the concerns of an Inspector who dismissed a previous appeal¹ relating to an application for a part four-storey and part three-storey 48-bed nursing home building. The Inspector, amongst other things, found harm upon the character and appearance of the area arising from the scale, bulk and massing of the building.
9. In response to the above, the proposal before me is a 44-bed nursing home with ancillary accommodation. The illustrative appearance in the submitted plans is of a stepped flat roofed design fronting Coronation Road with a minimum two-storey height of 5.5m approximately 1m from the boundary of No 27 which would align with the eaves and sit below the ridge of the hipped roof of that property. The subsequent stepped sections would increase its height to three-storeys up to 8.9m high and then to four-storeys of 11.5m high, rising to a maximum height of 12.9m at its western extent to match the eaves height of the Morvern Care Centre that is separated from the site by an access road. The footprint of the building would be approximately 18.5m in depth by 29.5m in length along the Coronation Road frontage.
10. The reduction of the height of the building to two-storeys in closest proximity to No 27 would improve its relationship with the two-storey properties to the east of the site. However, the brief section of two-storey built form would appear somewhat incongruous relative to the adjacent and much wider sections of three-storey and subsequent four-storey built form. In that regard, the proposed building would be four-storeys in height for more than half of its front elevation. Those circumstances reflect a comparable situation to the previous proposal which the Inspector found to be harmful.

¹ Appeal Ref: APP/U2370/W/19/3219903 – Dismissed - 25 June 2019

11. Having regard to the above and based upon my own observations, I agree with the previous Inspector that a continuation of a scale and massing similar to the four-storey eaves height of Morvern Care Centre, which has its fifth floor set back in a mansard roof, would not be typical of the area. The transition from taller and bulkier buildings on corner plots of South Promenade to two and three-storey buildings typically begins as the gentle downward slope of land levels reduces to a more even topography such as where the site is located. Consequently, the proposed development would be viewed as an overly dominant and incongruous addition to the street scene. Its scale, bulk and massing would appear discordant with a stark visual contrast relative to the more modest scale and form of two-storey dwellings opposite and further to the east. As the harmful effect arises from the scale of the building it could not be overcome through additional details of appearance, such as use of materials or architectural features, as part of a reserved matters submission.
12. In reaching the above findings, I have taken account of the presence of the part three-storey and part four-storey building at Grosvenor Court which forms part of the backdrop to the existing site and has an increased depth beyond the South Promenade frontage when compared with the Morvern Care Centre. Nonetheless, its relationship as a single building at the corner of South Promenade and Ellerbeck Road is different to the proposal before me. I observed that it sits more comfortably within a setting of large buildings opposite in Ellerbeck Road. It also has a more appropriate transition to the more modest height of two-storey dwellings through use of spacing, differences in land levels and the presence of an intervening three-storey building.
13. The presence of Grosvenor Court, therefore, reflects the typical situation in the area where the tallest buildings are located on higher land levels adjacent to South Promenade with a transition to smaller scale buildings beginning much closer to that road and much more effectively than the relationship of the proposal to its immediate surroundings. Its existence as part of the backdrop of the site is, therefore, not justification for the harm to the Coronation Road street scene that would arise from a replacement of the existing bungalows with the significant scale, bulk and massing of the building proposed. In that respect, the attempt to transition to the more modest scale of neighbouring residential properties through graduated stepping of the roof heights of the proposed building would appear less subtle and more contrived.
14. The appellant has referred to the potential benefits of the proposal in removing the existing incongruous bungalows and providing some screening of the rear elevation of Morvern Care Centre which is a dominant, bulky and undistinguished façade when viewed as part of the backdrop of the site. However, the limited benefits of the replacement of the existing bungalows and the partial screening of the existing Morvern Care Centre from some vantage points along Coronation Road does not justify what I consider would be, of itself, a harmful addition to the street scene.
15. The site is largely free from trees and vegetation and has only limited areas of landscaping fronting the existing properties. Approval is not sought for the provision of landscaping as part of the proposal subject of this appeal. Nonetheless, it is reasonable that a reserved matters submission could include soft landscaping in between the building and boundary walls as set out in the illustrative details. The provision of landscaping of that nature would have

benefits in softening the appearance of the building at ground floor level but would not overcome the harm I have otherwise identified.

16. Having regard to all of the above, I conclude that the development would significantly harm the character and appearance of the area. The proposal, therefore, would conflict with Policy CDMP3 of the Wyre Local Plan 2011-2031 (LP), adopted February 2019. The policy, amongst other things, seeks a high standard of design, appropriate to local context and which makes a positive contribution to the local area including respecting or enhancing its character and townscape having regard to relevant issues of density, siting, layout, height, scale, massing and orientation. The policies are consistent with the design objectives of the National Planning Policy Framework (the Framework).

Living conditions - neighbours

17. Policy CDMP3 of the LP also seeks that development must not have an unacceptably adverse impact on the amenity of occupants and users of surrounding or nearby properties and must provide a good standard of amenity for the occupiers and users of the development itself. The Council's Supplementary Planning Guidance 4: Spacing Guidance for New Housing Layout (SPG), adopted September 1998, provides specific guidance in that respect that front elevations should be a minimum of 21m apart in order to protect residential amenity.
18. With regard to the above, the siting and layout of the proposal before me has been carefully designed to overcome the concerns of the previous Inspector with respect to the impact upon the living conditions of occupiers of Nos. 26 to 36 Coronation Road opposite. To do so, the proposal would provide a separation distance of not less than 21m between the ground and second floors of those neighbouring properties. To my mind, the resultant separation distances to Nos. 26 to 36 Coronation Road would be sufficient to prevent unacceptable overlooking between the bedrooms of the nursing home and habitable rooms of dwellings. Furthermore, notwithstanding my previous conclusion on matters of character and appearance, the separation distances from the two to four-storey building would be adequate to ensure no unacceptable overshadowing or overbearing effects for the occupiers of the neighbouring properties.
19. The proposed building would be sited relatively close to No 27 Coronation Road at the side. However, the proposed layout of the building includes a marginal set back from the front building line of the neighbouring property and a reduced rear depth in the section closest to the shared boundary. Those design features, together with the possibility of obscuring non-habitable windows in the facing side elevation, would ensure no unacceptable loss of outlook, light or privacy for habitable windows in the rear elevation of No 27 or its rear garden.
20. To the west of the site, the illustrative appearance of the development incorporates a largely blank elevation facing Morvern Care Centre aside from windows at the front corner of the building. In that regard, I have some concerns that there could be potential for overlooking between bedrooms of the proposal and existing windows of the care home at a distance of only marginally in excess of 13m. However, exact window positions are for future consideration. Furthermore, there would be potential to omit windows from the facing side elevation of the building given that the affected bedrooms could be alternatively and adequately served by windows in the front elevation. Given

the potential for such changes as part of a reserved matters submission, I am satisfied that a suitable relationship with Morvern Care Centre could be achieved to avoid harmful overlooking. The separation distance would otherwise be sufficient to comply with the recommended interface distance in the SPG to ensure no unacceptable overbearing or loss of light to the neighbouring property.

21. The separation distance to Grosvenor Court and other properties facing Ellerbeck Road at the rear of the site would be in excess of 21m from the deepest rear section of the proposed building and would be sufficient to ensure no overlooking, overbearing or loss of light to the respective properties even when taking account of some differences in land levels. The proposed kitchen, delivery and service yard would be located towards this aspect. However, safeguards in those respects to limit odours, noise and disturbance could be provided by the imposition of conditions if the appeal were allowed. In reaching that view, I have taken into account that the existing Morvern Care Centre is located close by and that the application indicates that the proposed building would be managed in conjunction with the existing care home.
22. The living environment for residents of the development would otherwise be suitable and based on the evidence before me, the internal layout would comply with the Department of Health "Care Homes for Older People" National Minimum Standards and the layout indicates that adequate external amenity areas would be provided.
23. Having regard to all of the above, I conclude that the development would not harm the living conditions of occupiers of neighbouring properties and would provide a suitable living environment for its future occupiers. The proposal, therefore, would not conflict with Policy CDMP3 of the LP or the Framework in that particular respect.

Other Matters

24. The site is within an accessible location near to Cleveleys Town Centre and lies close to a wide range of facilities, services, and public transport options. The evidence before me indicates that there are benefits in terms of meeting a need for C2 residential accommodation, particularly due to an ageing population in Wyre. There would also be evident economic benefits of the development in providing additional employment opportunities when operational - indicated as 9 jobs (5 full time and 4 part time posts), together with employment involved in the construction phase and benefits to existing businesses and services in the local area, which is a matter afforded significant weight. The appellant has also indicated that the development is intended to support and enhance the viability of the adjacent Morvern Care Centre, and that any further reduction in the number of bedrooms would seriously threaten the viability of the proposed development. However, there is no substantive evidence before me to support those specific assertions regarding financial viability and therefore, I can afford only limited weight to such matters.
25. The effect on highway and pedestrian safety is not a matter contested by the Council. The Framework advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. The existing access road off Coronation Road would be utilised with

parking spaces located at the side of the development in a similar manner to Morvern Care Centre on its opposite side.

26. Only five of the six allocated parking spaces would meet the required dimensions and such a provision would fall short of the maximum parking standards in the LP for the proposed use by four spaces. However, when taking into account that the proposal is in an accessible location for public transport with a proposed cycle store also included to encourage sustainable travel, such arrangements are appropriate and would be safe and suitable to accommodate the traffic and parking demand arising from the development. To my mind, any overspill parking could be accommodated without a harmful impact on Coronation Road where parking restrictions are already in place and short term parking is limited to one hour for some periods on Mondays to Saturdays, or alternatively the opportunities for longer periods of parking within walking distance in the surrounding area. The yard at the rear of the development could also be suitably accessed via Ellerbeck Road or the existing access road, including for deliveries and by emergency vehicles. However, the absence of concern in those respects is a neutral factor.
27. The site is within Flood Zone 2. Having regard to Planning Practice Guidance, dwellings located in Flood Zone 2 are classified as 'more vulnerable' and require a Sequential Test, but not an Exception Test. The proposal includes a site-specific Flood Risk Assessment (FRA) and a Sequential Test that reasonably discounts comparable sites as not being suitable, available or sequentially preferable. The Sequential Test is passed and the development is, therefore, appropriate subject to a condition to secure the flood resilience and resistance measures in the FRA which would make the development safe from flooding and would not increase the flood risk elsewhere. Full details of foul and surface water drainage could also be secured by condition. However, the absence of concern in those respects are a neutral factor.
28. The appellant has referred to the officer recommendation to Planning Committee being for approval subject to conditions. However, such matters have little influence on the outcome of this appeal which I have necessarily assessed on its merits to reach my own conclusions.

Conclusion

29. The Framework does not change the statutory status of the development plan as the starting point for decision making. Based upon my previous findings, the proposal is not in accordance with the development plan as it would harm the character and appearance of the area.
30. The harm identified above and associated conflict with the development plan and the Framework are significant and overriding factors. The material considerations in this case, including the absence of harm to the living conditions of neighbouring properties and the benefits previously identified including support for and expansion of a local business and provision of employment, do not indicate that the application should be determined otherwise than in accordance with the development plan.
31. For the reasons given above, I conclude that this appeal should be dismissed.

Gareth Wildgoose

INSPECTOR



Appeal Decision

Site visit made on 22 June 2020

by **Gareth Wildgoose BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 August 2020

Appeal Ref: APP/U2370/W/20/3247708

Sandpiper Hotel, Cleveleys Avenue, Thornton Cleveleys FY5 2NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Adactus Housing Association Limited against the decision of Wyre Borough Council.
 - The application Ref 19/00764/FULMAJ, dated 17 July 2019, was refused by notice dated 5 December 2019.
 - The development proposed is demolition of existing Public House and redevelopment of the site to provide 15no. new affordable dwellings, consisting of 3no. 2 bedroom houses, 3no. 1 bedroom apartments and 9no. 2 bedroom apartments with associated parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing Public House and redevelopment of the site to provide 15no. new affordable dwellings, consisting of 3no. 2 bedroom houses, 3no. 1 bedroom apartments and 9no. 2 bedroom apartments with associated parking and amenity space at Sandpiper Hotel, Cleveleys Avenue, Thornton Cleveleys FY5 2NH in accordance with the terms of the application, Ref 19/00764/FULMAJ, dated 17 July 2019, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. A signed and dated planning obligation by way of unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (UU) has been provided as part of the appeal. It includes obligations relating to affordable housing and green infrastructure. I consider the agreement in relation to the Regulatory tests of the Community Infrastructure Levy (CIL) in my decision.
3. The appellant has requested that the applicant name of "AHA - Part of the Jigsaw Homes Group Ltd" given by the application form is updated to "Adactus Housing Association Limited" to ensure consistency with the UU. Based on the evidence before me, I am satisfied that such an amendment to the applicant name relates to the same company, that the change is necessary in the interest of certainty and that the interests of other parties would be unaffected.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site consists of a vacant part two-storey and part single-storey public house and associated car parking areas. It comprises a large plot adjoining the junction of Cleveleys Avenue with the eastern section of Oxenholme Avenue in an otherwise established residential area. The site is within an accessible location that is close to a range of facilities, services, schools, public amenity areas and public transport opportunities, including nearby bus stops on Cleveleys Avenue.
6. The immediate surroundings of the site consist of bungalows to the north, together with a mix of two-storey dwellings and a larger two and a half storey block of flats known as Oakleaf Court on the opposite side of Cleveleys Avenue. Dormer bungalows are on the opposite side of Oxenholme Avenue and at the rear which face onto Hexham Avenue. Further mixed groupings of bungalows and dormer bungalows lie beyond the junction of Cleveleys Avenue with Oxenholme Avenue and transition to predominantly two-storey dwellings close to and beyond the junction with Westmorland Avenue and Ringway.
7. As a result, when approaching the site along Cleveleys Avenue, there are noticeable changes in character between a predominant mix of bungalows and different styles of buildings with significant variations in height and massing. The varied architectural styles, building heights, detailing, materials, proportions and spacing of properties visible within the Cleveleys Avenue and Oxenholme Avenue street scenes offers an opportunity for development of the site with an original design if it would respect or enhance the character of the area by making a positive contribution to an attractive and coherent landscape.
8. The proposal comprises an apartment block of three-storey height closest to the junction of Cleveleys Avenue with Oxenholme Avenue in broadly the same location as the existing public house it would replace, together with a row of 3no. two-storey terraced dwellings at the side which would adjoin the boundary with No 146 Cleveleys Avenue (No 146). The proposed apartment block would be of a distinctive design comprising four main blocks connected by a projecting glazed and cladding entrance stairwell facing Cleveleys Avenue, together with recessed entrances and walkways to other elevations. The extent of those architectural features, when taken with a mix of red brick and render materials and landscaping fronting the highway elevations, would provide visual interest. The row of three terraced properties facing Cleveleys Avenue would have gable ended pitched roofs and would align with the predominant front building lines of No 146 and the other bungalows beyond to the north.
9. Having regard to the above, the apartment block would be a large building which would be taller than the mix of bungalows and dormer bungalows which surround the site. However, the height, scale and footprint of the building within a more spacious plot would be not unlike or significantly taller than the imposing presence of Oakleaf Court immediately opposite on Cleveleys Avenue and therefore, would not appear incongruous in its surroundings.
10. The apartment building would be in a more prominent position at the corner of Cleveleys Avenue and Oxenholme Avenue with a considerably greater bulk and massing than adjoining properties given its increased height and different shallow pitched roof design behind a parapet wall. However, the more spacious nature of the site and the mixed character of surrounding properties provides

an opportunity for the unique building to be a complimentary landmark feature and focal point of the respective street scenes.

11. The integration of the building with its surroundings would be assisted by the high standard of design and visual interest provided by the coherent use of various materials, detailing and fenestration to complement the mixed palette of materials and styles of properties in the surrounding area. The imposing presence of the apartment building would also be softened to a degree by landscaping, a set back from the main building line of Cleveleys Avenue and broad consistency with the surrounding building lines facing the northern side of each section of Oxenholme Avenue. The transition to the much lower height of No 146 and other bungalows beyond on Cleveleys Avenue would be assisted by the intervening two-storey terraced row that would link with the established front building line of No 146. The proposed terraced dwellings would be in-keeping in terms of scale, form and materials with similar properties on the opposite side of Cleveleys Avenue and in the surrounding area. In addition, the separation distance of the apartment block to the properties on the opposite side of Oxenholme Avenue and those facing Hexham Avenue would be sufficient to provide appropriate demarcation of and transition to the change in character of properties when viewed as part of those street scenes.
12. The proposal would result in the introduction of a denser form of development within the site than the existing public house and the loss of existing space used for access and car parking between No 146 Cleveleys Avenue. However, the site would not appear overly cramped, over developed or an overbearing feature given the different building lines, use of landscaping and respective spacing between the proposed apartment block, terraced row of dwellings and surrounding properties, including the retention of the existing access from Oxenholme Avenue and a car parking area at the rear.
13. The car park to serve the development would be altered into 19no. marked bays along the northern and eastern boundaries of the site with associated turning areas. A bin store and cycle store would also be appropriately located in that area. The bin store would be positioned in and partly screened by an enclosure and new boundary wall in a similar location to an existing recycling unit that currently lies adjacent to the access onto Oxenholme Avenue. Its collection point would be adjacent to a rear access road that serves the terraced row of dormer bungalows where other bins are stored. Consequently, the access, parking area and bin and cycle stores would not detract from the character and appearance of the site or the surrounding area.
14. It follows from all of the above that the development would integrate appropriately with the varied appearance of surrounding properties. Furthermore, it would make a positive contribution to the character and appearance of the local area when replacing an existing commercial building and site that are currently vacant and are in a declining condition. In doing so, it would provide an efficient use of previously developed land and new homes in an otherwise relatively dense and established residential area with natural surveillance that would provide some deterrence to anti-social behaviour and crime. The removal of a limited number of trees and vegetation within the site to accommodate the development is acceptable as the specimens are either in poor condition or offer little amenity value, and therefore, are capable of being appropriately replaced as part of the suitable landscaping scheme.

15. I conclude that the development would not harm the character of the area. The proposal, therefore, would not conflict with Policy CDMP3 of the Wyre Local Plan 2011 - 2031 (LP), adopted February 2019. The policy, amongst other things, seeks a high standard of design, appropriate to local context and making a positive contribution to the local area including respecting or enhancing its character and townscape having regard to issues of density, siting, layout, height, scale, massing, orientation, landscaping and use of materials. The policies are consistent with the design objectives of the National Planning Policy Framework (the Framework).

Other Matters

16. The site is within Flood Zone 2. Having regard to Planning Practice Guidance (PPG), dwellings located in Flood Zone 2 are classified as 'more vulnerable' and require a Sequential Test, but not an Exception Test. The proposal includes a site-specific Flood Risk Assessment (FRA) and a Sequential Test that reasonably discounts comparable sites as not being suitable, available or sequentially preferable. The Sequential Test is passed and the development is, therefore, appropriate subject to a condition to secure the flood resilience and resistance measures in the FRA which would make the development safe from flooding and would not increase the flood risk elsewhere.
17. The mitigation measures include a proposed finished floor level of 5.31m AOD relative to the estimated flood level for the site of 5.01m AOD which falls below the EA standing advice of 600mm above. However, in this particular case, I am satisfied that the FRA appropriately sets out the constraints to delivering floor levels of 5.61m AOD which includes necessarily minimising the height of the building and reducing the complexity of providing level access as part of the overall costs of providing the affordable housing scheme. In that regard, the FRA includes sufficient alternative measures to minimise the risk of flooding for occupiers such as raised sockets at a height of 5.74m AOD and engineering bricks up to that level which reflects a pragmatic solution.
18. The public house was previously designated as an asset of community value until 2017. However, it is now common ground between the main parties that it is no longer viable for such a use given the passage of time since it ceased trading and a lack of formal interest following the expiry of the designation. As previously mentioned, there is a signed and appropriately executed UU dated 8 July 2020. It secures the delivery of the scheme as 100% affordable housing for affordable rent to contribute to meeting identified affordable housing needs. The UU, therefore, secures a benefit which offsets and outweighs the loss of the public house and its previous function as a community facility in the circumstances previously set out. To meet LP requirements, the UU also includes a contribution of £13,410 towards a local green infrastructure project at Jubilee Gardens which I observed is within walking distance of the site.
19. Having regard to the above, I am satisfied that the contributions are necessary, directly related and fairly and reasonably related in scale and kind to the proposed development in accordance with CIL Regulations and paragraph 56 of the Framework. The precise financial contributions reflect identified needs and detailed calculations specific to meet those needs arising from the development. I have, therefore, attached weight to them in my decision.
20. There is no substantive evidence before me that the other available services, facilities and utilities would not have sufficient capacity to accommodate

demand arising from the development beyond those that require planning obligations as set out in the UU. Furthermore, the imposition of conditions would ensure appropriate mitigation of contaminated land if necessary and provision of suitable drainage measures. Based upon the evidence, conditions could also be imposed to secure an electric vehicle recharging scheme if possible. The energy efficiency of dwellings and fire safety of materials such as external cladding would necessarily be addressed via Building Regulations.

21. The development has been carefully designed to ensure a satisfactory relationship with surrounding buildings. The buildings would have adequate separation distances to surrounding properties to preserve the living conditions of neighbouring occupants in terms of outlook, light and privacy, including with respect to land levels and building heights. In reaching that view, I have taken into account that the terraced properties closest to No 146 would not project beyond the main building lines of that property and the proximity to windows in its side elevation would not have an unacceptable impact given that they are secondary windows or serve non-habitable rooms. The three-storey apartment block would be a minimum of 23m from the nearest properties which face Oxenholme Avenue, 27m to the facing properties on Cleveleys Avenue and 26m to the rear elevations of properties which face Hexham Avenue. Those separation distances would ensure no unacceptable impact on outlook, privacy or light for occupiers of those neighbouring properties.
22. I have no substantive evidence that would lead me to consider that the occupation of the development would result in an unacceptable increase in noise and disturbance when compared with the previous use of the site as a public house. Furthermore, a Construction Environmental Management Plan could also be secured by condition to limit the impact of noise and other forms of disturbance during the construction phase on occupiers of neighbouring properties and to ensure appropriate waste management.
23. The development would provide an acceptable living environment for future residents of the apartment block and the dwellings, with the flats served by communal external areas and each of the terraced dwellings served by private gardens. In that regard, the apartment block incorporates a set-in of its rear section to increase the separation distance to the nearest private garden which would prevent any unacceptable overbearing or overshadowing. Furthermore, a condition could be imposed to ensure that the facing windows in the upper floor apartments and communal hallways are obscure glazed and non-opening up to 1.7m to prevent any harmful overlooking of the private gardens. The design of the buildings are also capable of achieving Building Regulations in terms of visitable dwellings with reasonable provision for most people, including wheelchair users, to approach and enter the buildings and access habitable rooms and sanitary facilities on the entrance storey.
24. The effect on highway and pedestrian safety is not a matter contested by the Council. The Framework advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. The use of an existing access and the car parking arrangements below maximum standards, when taking account of the historic use of the site and the accessible location, would be safe and suitable to accommodate the traffic and parking demand arising from the development. Furthermore, any increase in existing traffic and overspill car parking, including for visitors, could

be suitably accommodated on Cleveleys Avenue, Oxenholme Avenue and the surrounding highway network without a harmful impact. It follows that there would be no unacceptable impacts on the safety of pedestrians or young children attending the nearby school. In reaching those findings, I am satisfied that conditions could be imposed to remove the existing taxi rank on Oxenholme Avenue and to secure the installation of necessary dropped kerbs, reinstatement of footways and kerbs following the closure of the existing vehicular access onto Cleveleys Avenue.

25. A Bat Survey dated April 2019 found no evidence of bat activity and that the building is considered to offer negligible bat roost suitability. There is no contrary evidence before me and based on my observations I have no reason to consider that the condition of the building has significantly altered since the date of the report. I, therefore, find that the proposed development would not have an adverse impact upon ecology and biodiversity, subject to the imposition of a condition to ensure that the existing assessment is updated if the demolition of the existing building were to take place more than two years following the date of the report.
26. Interested parties have raised a number of other concerns, including the potential for anti-social behaviour from tenants which I afford little weight as such matters can be appropriately managed by the Registered Provider or the Police if necessary. Matters such as potential damage to neighbouring properties are a private matter and the impact on local property values is not an influential factor as the planning system does not exist to protect private interests. Based on my previous findings, none of those matters raised or the strength of objections reflected in the submission of individual representations are reason to withhold planning permission in circumstances where I have identified no harm or impacts that could not be suitably addressed or overcome by the imposition of conditions.

Conditions

27. I have had regard to the planning conditions that have been suggested by the Council. Where necessary, I have reordered the conditions and amended the wording to ensure consistency with the Framework. Conditions 1 and 2 relate to the time limit for the planning permission and require compliance with the submitted details which are necessary to provide certainty of the planning permission hereby granted. The listed plans necessarily include those submitted to the Council prior to its decision.
28. Condition 3 is imposed to secure a Construction Environmental Management Plan pre-commencement which is necessary to ensure that a satisfactory method of construction is provided to avoid unacceptable impacts upon the living conditions of occupiers of neighbouring properties during the construction phase and to mitigate local environment impacts. The condition omits reference to routing of delivery vehicles to/from the site as that would unreasonably impose controls on the highway network in circumstances where an appropriate site access could be secured.
29. Condition 4 seeks to ensure that a detailed site investigation of the risks posed by contamination and ground gases has been carried out following the evidence which accompanied the application. It is necessarily a pre-commencement condition to ensure that any potential land contamination within the site can be suitably remediated before the development commences so as to ensure that

- there would be no pollution of ground and surface waters both on and off site, and to remove any risk associated with land contamination and ground gases for construction workers and future occupiers of the development.
30. Conditions 5 and 6 are imposed to secure details of suitable foul and surface water drainage to serve the development, and a scheme of highway works to ensure that the site access is suitable for vehicles, pedestrians and cyclists and to provide a future maintenance regime so as to ensure that the development does not have an unacceptable impact on highway safety. The approval of details for both conditions 5 and 6 are necessarily required before any above ground development, excluding demolition, takes place to ensure that the respective drainage and highways schemes are in place with any necessary agreements for the works and maintenance regime before the development commences. Condition 7 is also imposed in the interest of highway safety to ensure that the adequate off-road parking is provided within the site before the first occupation of the development.
 31. Condition 8 seeks to ensure compliance with LP policy requirements in terms of the provision of an electric vehicle recharging scheme where practical. The approval of such a scheme is necessarily required before any above ground development takes place, excluding demolition, with any agreed electric vehicle recharging points as part of the scheme installed before occupation of the dwelling it is intended to serve and retained thereafter.
 32. Condition 9 is imposed to secure the mitigation measures in the FRA as previously set out before first occupation of the development or in accordance with a timescale otherwise agreed with the Local Planning Authority if the buildings were to be delivered in different timescales. The condition is required to reduce the risk of flooding for occupiers of the proposed development.
 33. Condition 10 is necessary to secure agreement of samples of all external facing materials before any works above slab level take place, whilst conditions 11 and 12 are necessarily imposed to secure implementation of the landscaping scheme and boundary treatments. The conditions are necessary in the interest of the character and appearance of the development. Condition 13 is imposed to ensure that the north facing first and second floor windows of the apartment block are obscured glazed and non-opening up to 1.7m to prevent unacceptable overlooking of the rear gardens of neighbouring properties.
 34. Condition 14 is imposed to ensure no changes to existing ground levels on the site as shown on plan ref: S19-SPB-DI Rev 01 unless changes have otherwise been agreed in writing. The condition is imposed in the interest of preventing impact upon the living conditions of occupiers of neighbouring properties, the character and appearance of the area and minimising flood risk. Condition 15 imposes the aforementioned requirement to review the Bat Survey if necessary, based on the timing of demolition of the existing public house.

Conclusion

35. For the reasons given above and taking all other matters into account, I conclude that the appeal should be allowed and planning permission granted subject to the conditions set out in the attached Schedule.

Gareth Wildgoose

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18163-100-A; 18163-101-F; 18163-106-B; 18163-107-A; 18163-108-B; 18163-109-A; 18163-110-C; 18163-111-D; 18163-112; 18163-113-A; 18163-114-A; 18163-115 & D7602.001C.
- 3) Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include and specify the provision to be made for the following:
 - a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team;
 - b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team;
 - c) hours and days of demolition / construction work for the development expected to be 8.00-18.00 Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays;
 - d) contractors' compounds and other storage arrangements;
 - e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period;
 - f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities);
 - h) external lighting of the site during the demolition / construction period;
 - i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate, and;
 - j) recycling / disposing of waste resulting from demolition / construction work.

The construction of the development including any demolition works shall be carried out in accordance with the approved CEMP.
- 4) Prior to the commencement of development, a detailed site investigation of the risks posed by contamination and ground gases shall have been carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and it shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale to remediate the site to render it suitable for the approved development, shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance

with the approved measures and timescale and a verification report relating to the remedial works shall be submitted to and approved in writing by the local planning authority before any development takes place. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the works being completed for approval in writing by the local planning authority.

- 5) Prior to any above ground development, excluding any demolition works, a drainage scheme including measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan requirements.

The scheme details shall include, as a minimum:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change as set out within the Environment Agency's advice on Flood risk assessments: climate change allowances' or any subsequent replacement EA advice note), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) Demonstration that the surface water run-off would not exceed the pre-development greenfield runoff rate;
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates;
- g) Details of water quality controls, where applicable;
- h) Details of any future management and maintenance arrangements of any sustainable drainage system.

For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No part of the development shall be first occupied or brought into first use until the drainage works and levels have been completed in accordance with the approved scheme. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

- 6) Prior to any above ground development, excluding any demolition works, a scheme for the construction of the site access and highway improvements, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The highway improvement works shall consist of namely;
 - a) Reinstatement of the footway and kerbs following the closure of the existing vehicle access on Cleveleys Avenue.
 - b) Installation of dropped kerbs and tactile paving at the junction of the site access and Oxenholme Avenue and at all four crossing points of Oxenholme Avenue/Cleveleys Avenue.
 - c) Removal of the taxi rank lines and signs located on Oxenholme Avenue.

The site access and highway improvement works shall be constructed and completed in accordance with the approved scheme details.

- 7) No part of the development hereby approved shall be first occupied until the parking / turning area(s) shown on the approved Site Plan ref: 18163-101-F has been laid out, surfaced and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.
- 8) Prior to any above ground development, excluding any demolition works, an electric vehicle recharging (EVCP) scheme (or evidence which demonstrates that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints) shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until any agreed electric vehicle recharging point has been provided for the dwelling to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.
- 9) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Waterco ref: w10913-190617-FRA and the mitigation measures detailed within the Mitigation Section of the report.

The mitigation measures shall be fully implemented prior to first occupation of the development or in accordance with any timing / phasing arrangement otherwise approved in writing by the local planning authority before any above ground development, excluding demolition, takes place. The mitigation measures as agreed and implemented should be retained thereafter.

- 10) Notwithstanding any description of materials within the application details, no development above slab level shall take place until full details or samples of all external facing materials for the buildings and the hard surfaced area materials shown on the approved Site Plan ref: 18163-101-F have been submitted to and approved in writing by the local planning authority. The relevant works for each building shall be carried out in accordance with the approved details, and the hard surfaced areas shall be carried out in accordance with the approved details prior to first occupation of any part of the development and shall thereafter be retained and maintained.

- 11) The landscaping works shall be carried out in accordance with the approved details in plan ref: D7602.001C prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the local planning authority and shall thereafter be retained and maintained. Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the local planning authority gives its written consent to any variation.
- 12) Prior to the first occupation of any dwelling hereby permitted the boundary treatments as shown on plan ref: 18163-106-B shall be implemented in full. The boundary treatments shall thereafter be maintained and retained in accordance with the approved details.
- 13) Notwithstanding condition 2, prior to the first occupation or use of the development hereby approved:

The first and second floor windows of the flats in the north facing elevation of the apartment block shall be:

 - i. obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
 - ii. non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The first and second floor windows of the communal hallway in the north elevation of the apartment block shall be:

 - i. obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
 - ii. be top hung with the window opening restricted to a distance no greater than 1 foot.

The window(s) (including any subsequent repaired or replacement window) shall be maintained and retained thereafter in accordance with this detail.
- 14) There shall be no changes to the existing ground level on site as shown on plan ref S19-SPB-DI Rev 01 unless proposed ground level changes are submitted and approved in writing by the local planning authority prior to such change taking place. The ground levels shall be constructed and completed in accordance with the approved details.
- 15) If demolition works within the site have not commenced before April 2021, an updated ecological survey of the building by a qualified ecologist shall have been completed and submitted for approval by the local planning authority before any development takes place. The submitted details shall include a scheme and/or programme to safeguard protected species during demolition works should any protected species have been identified in an updated ecological survey. Any approved scheme or associated programme shall be implemented in full prior to any construction or demolition works within the site or in accordance with any timetable otherwise agreed in writing by the local planning authority.

END OF SCHEDULE

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Committee Report

Date: 07.10.2020

Item Number 01

Application Number 20/00505/FULMAJ

Proposal Residential development comprising of 60 dwellings with access from Hollins Lane, open space and associated infrastructure (Pursuant to variation of conditions 2 and 16 on approved application 18/00660/FULMAJ to amend site levels)

Location Land East Of Hollins Lane Forton Preston Lancashire

Applicant Damian Howarth

Correspondence Address 15 Beecham Court Smithy Brook Road Wigan WN3 6PR

Recommendation Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Karl Glover

Site Notice Date: 09/07/2020

Press Notice Date: 15/07/2020

1.0 INTRODUCTION

1.1 This application is presented to Members of the Planning Committee for consideration as the site forms an allocated site in the Wyre Local Plan and is of strategic importance. Furthermore previous applications for development on this site have also been presented to the Committee for determination. A site visit is recommended to assist the Committee to understand the proposal beyond the plans submitted and the photos to be displayed at the meeting.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The site which forms the subject of this application comprises of 2.47 hectares (6.10 acres) and is located on the eastern side of Hollins Lane in the small rural settlement of Hollins Lane. The site is currently under construction developing out 60 residential properties and associated infrastructure following the approval of planning application 18/00660/FULMAJ. The site is allocated for residential development in the Wyre Local Plan (Site SA1/13).

2.2 Along the northern, southern and western boundaries are mature and well established Hawthorn hedgerows with the newly engineered site access centrally located on the western boundary. Along the site frontage and located within the hedge line are four mature trees comprising of 3 Ash Trees and 1 Oak Tree all of which are covered by Tree Preservation Orders (TPO) (Number 003/2016).

Topographically the site levels vary significantly and earthworks have already been engineered and stepped in preparation for the construction of the approved dwellings. There is a decrease in gradient from west and east to the centre and towards the southernmost part of the site. There is a small culverted ordinary watercourse that runs through the site and discharges to an open water course adjacent to Laburnum nurseries approximately 300m to the south of the site. There is also an existing foul water drain which crosses the site and runs parallel with Hollins Lane. Immediately to the east the site is bound by the West Coast Main Railway Line which runs in a deep cutting below beyond which is further rolling open landscape.

2.3 The surrounding area is mixed in character. To the south of the site access along Hollins Lane are large detached dwellings with rear gardens stepping out and backing onto the south-west corner of the application site. The nearest property is a 2 storey dwelling known as Conder Mount. Also to the south beyond the site boundary is further open agricultural pasture land. Hollins Lane is generally characterised as ribbon development which has grown over time with small residential cul de sacs leading off the main highway. At the present time there are a number of development sites under construction. To the west of the site permission has been granted for 9 dwellings on the site of the former dwelling known as the Haighlands and further south a residential development of 38 dwellings is being developed adjacent to the A6 and Hollins Lane (Wyre local Plan site allocation SA1/4). The application site is located within Flood Zone 1 and is not affected by any other constraints.

3.0 THE PROPOSAL

3.1 Planning permission was granted on the 12th December 2019 for residential development comprising 60 dwellings with access from Hollins Lane, open space and associated infrastructure.

3.2 The applicant has begun to implement this planning permission and now seeks to vary the permission under the provisions of Section 73 of the Town and County Planning Act 1990 (herein referred to as the Act).

3.3 Section 73 (s.73) of the Act relates to the determination of applications to develop land without compliance with conditions previously attached. One of the uses of a s.73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. The local planning authority (LPA) must consider only the question of the conditions subject to the application. However, wider considerations affecting the grant of permission cannot be ignored since a successful s.73 application results in a new permission and it must be determined in the light of the development plan and material considerations prevailing at the time of consideration and not those at the time of the original permission. Should the LPA decide to grant permission, it can do so either unconditionally or subject to amended or additional conditions.

3.4 The application seeks consent for the variation of condition 2 (list of approved plans condition) and 16 (approved levels condition) to amend the approved site levels. Condition 16 reads as follows:

The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details (as shown on plan drawing number Slab Levels A2 Rev A & Hollins Lane Street Scene Elevations Rev D)

Reason: To ensure that the development has a satisfactory visual impact on the street scene, a satisfactory impact on neighbouring residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31).

3.5 Engineering works have advanced on site in preparation for the foundations and footings of the dwellings. It was brought to the attention of the LPA that the site levels deviated from those set out on the approved levels drawing. This application has been submitted in an attempt to regularise the changes. 27 of the plots have finished slab floor levels (FFL) higher than those approved and 11 of the plots have FFL lower than approved. The changes in slab levels vary across the site and the difference between approved and now proposed are detailed below:

- 5 plots to be lifted by 15cm (i.e. plots 7, 50, 51, 52 and 53).
- 8 plots to be lifted by 20cm (i.e. plots 15, 22, 23, 25, 26, 34, 35 and 36).
- 4 plots to be lifted by 25cm (i.e. plots 13, 14, 40 and 41).
- 7 plots to be lifted by 30cm (i.e. plots 8, 12, 24, 42, 43, 54 and 55).
- 2 plots to be lifted by 40cm (i.e. plots 38 and 39).
- 1 plot to be lifted by 80cm (i.e. plot 37).

- 3 plots to be lowered by 10cm (i.e. plots 20, 21 and 27).
- 3 plots to be lowered by 20cm (i.e. plots 15, 22, 23, 25, 26, 34, 35 and 36).
- 2 plots to be lowered by 30cm (i.e. plots 16 and 17).
- 1 plot to be lowered by 40cm (i.e. plot 33).
- 1 plot to be lowered by 70cm (i.e. plot 28).
- 1 plot to be lowered by 80cm (i.e. plot 30).

3.6 The applicant has advised that the change in levels is necessary to allow for the proper drainage of the development. Following the detailed drainage design being undertaken it became apparent that the existing manhole (into which the new drainage is to connect) was too shallow. As a result it was necessary to raise the slab levels on a number of plots to enable the drainage to work. The applicant states that the increase in levels for which approval is sought are the minimum increases necessary to allow the site drainage to work. To minimise the overall effect on the development, this application also seeks approval to lower those slab levels which can be lowered and still allow the drainage to work. As part of the application detailed drainage plans have also been submitted for consideration.

4.0 RELEVANT PLANNING HISTORY

4.1 The site has the following relevant planning history:

4.2 18/00660/FULMAJ - Residential development comprising of 60 dwellings with access from Hollins Lane, open space and associated infrastructure - Permitted subject to conditions and Section 106 Legal Agreement.

4.3 18/00660/DIS - Agreement of details reserved by condition 03 (future management and maintenance of drainage), 04 (drainage), 05 (off-site works of highway improvement), 07 (street phasing), 10 (CEMP), 12 (estate management), 15 (hardscaping and play area details), 18 (tree protection), 20 (electric vehicle charging points) and 23 (older person housing) on application 18/00660/FULMAJ - Split Decision issued

4.4 18/00660/DIS1 - Agreement of details reserved by condition 15 (hard landscaping and play details) on application 18/00660/FULMAJ - Pending Consideration

4.5 17/00233/OUTMAJ - Outline application for a residential development comprising up to 43 dwellings with new access from Hollins Lane applied for (all other matters reserved) - Approved 23.1.2018

4.6 15/00968/OUT - Outline application for residential development (up to 8 dwellings) with access applied for (all other matters reserved) - Permitted 09.09.2016

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance to this Section 73 application:

- SP2 - Sustainable Development
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- SA1 - Residential Development
- SA1/13 - Land East of Hollins Lane

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.2.1 The revised National Planning Policy Framework (NPPF) was published on the 19th February 2019. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2019 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2 - Achieving Sustainable Development
- Section 3 - Plan - Making
- Section 4 - Decision Making
- Section 12 - Achieving well designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 The following Supplementary Planning Guidance is considered to be of relevance to the determination of this application:-

- Supplementary Planning Guidance 2 - Development and Trees
- Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

5.4 HOLLINS LANE MASTERPLAN

5.4.1 The Hollins Lane Masterplan was approved on 31 July 2019 and represents a significant material planning consideration to this application.

6.0 CONSULTATION RESPONSES

6.1 FORTON PARISH COUNCIL

6.1.1 Neither object nor support the proposal however raise the following observations:

- Potential for overlooking as a result of the increase in levels of plots 38 and 39
- Confusion as to the differences in levels and from that set out in the committee report
- FFL of Plots 38 and 39 should remain unchanged, if not obscure glazing should be secured and side fencing should be at a height to prevent overlooking
- 20% of dwellings should be adaptable for people with mobility issues and for the elderly, it would be requested that more bungalows are provided which would mitigate against the impact on Conder Mount
- Flooding problems for residents
- The existing 150mm surface water pipe is old and does not work, raising the slab levels may increase this

6.2 LANCASHIRE COUNTY COUNCIL (LOCAL HIGHWAY AUTHORITY)

6.2.1 No objections regarding the proposed changes in slab levels. The proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

6.3 LANCASHIRE COUNTY COUNCIL (LOCAL EDUCATION AUTHORITY)

6.3.1 No observations to make as the previous education assessment undertaken on application 18/00660/FULMAJ still stands

6.4 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.4.1 No observations received at the time of compiling this report

6.5 HIGHWAYS ENGLAND

6.5.1 No observations to make

6.6 HEALTH AND SAFETY EXECUTIVE (HSE)

6.6.1 The application site does not cross any consultation zones or lie within the consultation distance of a major hazard site or major accident hazard pipeline.

6.7 UNITED UTILITIES

6.7.1 First response - Request additional information in relation to manhole covers and the topography arrangements located in close proximity to them. Advised that the discharge rate of surface water into the watercourse should be checked with the Lead Local Flood Authority and the Council's Drainage Engineer. The current proposals would not be adoptable by the United Utilities. United Utilities are not responsible for advising on the rate of discharge onto watercourses. With regards to on site sewers it is not clear as to whether or not a maintenance strip has been secured in the site layout in particular plot 44.

6.7.2 Second response – Relationship with existing lower watercourse manhole at S1 is not clear however this matter will be reviewed via the s104 adoption process if the system is offered for adoption. Proposed discharge rate is now significantly reduced; the LPA and the LLFA need to confirm the final rate is acceptable. Note the culvert survey was abandoned after 12.8m as a result of root ingress. Have concerns with the downstream network and this could have implications for the adoptability of the proposed network. Request to review draft planning conditions. Previous comment remains about maintenance strip.

6.8 LANCASHIRE FIRE AND RESCUE SERVICE

6.8.1 Highlight the relevant building regulations and the need to provide adequate turning facilities for fire service vehicles.

6.9 NETWORK RAIL

6.9.1 Sought clarification on what the variations would be within 10m of the railway boundary. No further response received following re consultation

6.10 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.10.1 No objections. Advised that the culvert forms part of the local watercourse network and the Developer has the right to connect to it. Responsibility for its maintenance will remain with the riparian owner, who must maintain it in good, working condition. No objections to the revised submitted drainage plans. The discharge rates are acceptable for a site of this size.

6.11 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY CONSIDERATIONS)

6.11.1 No objections, it is not anticipated that the proposal will add significant adverse environmental impacts as a result of the variations.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there has been 68 letters of objection received including 5 objection letters from Hollins Lane Action Group and 1 objection

from County Councillor Matthew Salter. Photographic evidence has been submitted with some of the objections. The primary planning reasons for opposition are set out below:

Residential Amenity

- Loss of privacy as a result of increase in levels
- Loss of outlook and amenity
- Plots 38 and 39 will look down into rear gardens
- Overbearing impacts upon amenity due to increase in levels
- Noise from piling impacting on residential amenity

Drainage and Flood Risk

- Will exacerbate flood risk
- Existing drainage system is very poor and old
- Detrimental impacts upon the existing drainage system for Hollins Lane
- Level of effectiveness of the water holding tanks
- Existing sewers cannot cope
- Photographic images of flooding of rear gardens and pictures of the culvert and levels
- Contrary to Policy CDMP2 of the WLP
- Professional assessment of drainage should be undertaken
- Existing surface water pipe should be replaced
- Lack of investigating into the existing surface water drain
- Discharge rate of 15ltr per sec will result in flooding
- Images of old map showing identifying a watercourse
- Challenges to the Council Drainage Engineers observations
- Detailed observations in relation to discrepancies in the drainage plans and supporting drainage documents

Visual Impact

- Hollins Lane ruined in character
- Visual impacts as a result of the increase in levels
- Contrary to Policy CDMP3 of the WLP
- Levels will be at same height as boundary hedge
- Slab level of plot 39 will be 2m higher than original land levels
- Landscape impacts
- Garden fences will be sat on top of platforms
- Hollins Lane has become a Hamlet
- How the proposed retaining wall would be finished

Highways and Traffic

- Increase in traffic
- Lack of wheel wash facility

Other

- Inconsistency and inaccuracies on the submitted levels plans and section drawing
- Impacts upon wildlife

- Impacts upon the railway
- Contrary to the approved Masterplan
- Plot 39 should be built as original or left as green space
- Development is in breach of conditions
- Concerns of community should be heard
- Application should be listed as retrospective as works have commenced
- Contrary to NPPF
- In depth questions and query's raised over the measurements of the site levels

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 A site visit was undertaken on 9/7/2020 with the site manager and agent. Further contact during the application to discuss the following matters:

- Request for full drainage details to be provided
- Further sectional plans and detailed supporting statement to be submitted
- Further clarification on levels and boundary treatments
- Request for surface water culvert inspection report
- Agreement to extension of time until the 10th October 2020 and to suggested pre commencement conditions

9.0 ISSUES

9.1 The main issues to be considered in the determination of this application are:

- Principle of Development
- Landscape Impacts and Visual Amenity
- Impacts Upon Residential Amenity
- Drainage and Flood Risk

Principle of Development

9.2 The principle of a development for 60 dwellings with associated infrastructure on this site has already been established through planning permission ref: 18/00660/FULMAJ. Whilst observations from neighbouring residents have been received relating to the principle of development on this site along with other matters such as highway impacts, ecology and lack of local infrastructure, this application seeks to deal solely with the changes in site levels and any consequential impacts this may result in. As the site is allocated for residential development within the Wyre Local Plan the original application was assessed against the Key Development Considerations (KDCs) listed within site allocation ref: SA1/13. KDC 1 required the site to be brought forwards in line with a masterplan for the whole site. Hollins Lane Masterplan was formally approved on the 31st July 2019. This masterplan sets out the site constraints and opportunities include views into and out of the site, existing trees and vegetation, flood risk and drainage and the sites rolling topography. As set out below within this report the proposed amendments to the site levels and associated drainage are not considered to conflict with the development principles and parameters outlined within the approved Hollins Lane Masterplan.

Landscape Impacts and Visual Amenity

9.3 Policy CDMP3 of the Wyre Local Plan outlines that all development will be required to be of a high standard of design and appropriate to the end use. The

Policy goes on to state that development will be required to create or make a positive contribution to an attractive and coherent townscape both within the development itself and by reference to its integration with the wider built environment, having regards to landscaping and views into and out of the development. Specifically for this site KDC 3 sets out that the design of the development should provide an organic extension to the village and should utilise important key vistas into the adjoining open countryside and provide a rural transition between the development and the countryside. The Hollins Lane Masterplan also responds to how the development of the site will be viewed within the context of the locality having regards to the local vernacular and the sites topographical constraints.

9.4 The topography of this site means that level changes are inevitable in order to deliver a development. In the centre of the site the approved levels were to increase by approx. 2m and to a lesser extent along the site edges including along sections of the eastern boundary and in the south-western corner in order to work around the sloping gradients. Whilst there are further variations in levels now proposed across the site, the visual impacts upon the character and amenity of the area and landscape as a result of the changes is not considered to be significantly different from the levels already approved. In assessing the impacts the Case Officer has viewed the site from the main surrounding public vantage points. When viewing the site from the east across the railway bridge on Cleveley Bank Lane the 9 plots along the eastern boundary which are to be higher would be between 20cm and 30cm higher and the plots sited between them which are to be lower will be providing a visual break / contrast in ridge heights. When viewed from Hollins Lane the FFL of those dwellings to the west of the site are to remain in accordance with those already approved. These properties will provide a buffer between the road and the plots behind with higher levels proposed. The existing boundary hedgerows and Trees will also provide a visual buffer from views along Hollins Lane.

9.5 The proposed changes to the FFL of dwellings compared to those already approved under application 18/00660/FULMAJ are not considered to result in any significant harm upon the landscape or the visual amenity of the area. The development would still comply with the provisions of Policy CDMP3 of the Wyre local Plan, KDC3 of the site allocation policy, and the contents of the Hollins Lane Masterplan.

Impacts upon Residential Amenity

9.6 Many local residents, the Parish Council, Hollins Lane Action Group and County Councillor Salter have raised concerns about impact on residential amenity. The Case Officers site visit has been undertaken from within the site but also from the rear gardens of some of the dwellings located along Hollins Lane which back on to the western boundary of the site (namely Rosshill and Nannabyl).

9.7 As the site is bound by the West Coast Main line to the east, the siting of area of public open space to the north and open fields to the south the nearby residential properties which would be potentially affected by the variation in levels are to the west of the site fronting Hollins Lane. Those properties are Conder Mount, Ashdell, The Burrow, Nannabyl, Old Broadgate, Rosshill and Thornwood House which are sited on much higher land levels compared to the application site and many of them have large sloping rear gardens. The applicant has provided a sectional drawing to demonstrate the relationship between these properties in conjunction with the proposed levels and any boundary treatments to be installed.

9.8 Policy CDMP3 of the Wyre Local Plan emphasis that development must not have an unacceptably adverse impact on the amenity of occupants and users of surrounding or nearby properties. In assessing any potential impacts arising from overlooking, loss of privacy and overbearing impacts the interface distances set out within Supplementary Planning Guidance 4 (SPG4) are to be applied. The stipulated spacing guidance is designed to safeguard residential amenity and to avoid physical dominance. The nearest property in which the FFL have increased from those originally approved relates to Plot 39 which is a semi-detached dormer bungalow and will have its gable elevation set in 4m from the existing boundary. Plot 39 is proposed to have a 40cm increase from the approved FFL. From the rear elevation of Nannabyl to the side facing gable elevation of Plot 39 there will be a set off distance of approximately 47m. This far exceeds the distance set out within SPG4 where a rear elevation facing a side elevation should be a minimum of 12m apart. Whilst the pre-development levels have significantly changed towards the south western corner of the site the matter for Members to consider is whether or not the difference in levels from that previously approved (37m AOD) to now proposed (37.4m AOD) would result in any significant adverse impacts upon neighbouring amenity. Given the substantial distance from the rear elevations of the neighbouring properties it is not considered that the increase in Finished Floor Levels would result in any significant overbearing impacts upon the amenity of the residents located along Hollins lane.

9.9 To ensure the stabilisation of the land a precast concrete support is to be installed along the western boundary which is to be clad in timber panels on both sides. Sited on top of the support a timber panel fence is proposed. This will provide the necessary screening from the rear gardens of the neighbouring properties and will be at a sufficient height to prevent overlooking and loss of privacy. Whilst there have been concerns raised that the cumulative overall height of the screen fencing (up to 3.6m at its highest point) will be excessive and represent an incongruous feature it is necessary to protect the private amenity of the rear gardens. The garden depths and higher levels on which the existing dwellings sit helps to reduce the impact of this fence on the properties themselves. Furthermore the fence is to be staggered along the boundary, stepping down in height to the south and reducing to approximately 1.8m. This will visually reduce and breakup the overall dominance of the boundary fencing.

9.10 In addition to the boundary fence providing adequate screening from the rear garden of plot 39, it is also necessary to attach a condition requiring the bathroom window on the side (western) facing elevation of this plot to be obscure glazed. This has been annotated on the sectional drawing submitted by the applicant. Given the overall separation distances from the properties backing onto the site from Hollins Lane in conjunction with the higher levels which the existing properties themselves sit at, it is not considered that the change in levels will result in any significant additional harm upon residential amenity above and beyond that already approved under application 18/00660/FULMAJ. Members are advised that the development is considered to accord with the provisions of Policy CDMP3 of the Wyre Local Plan, the spacing Guidance set out in SPG4 and the parameters of the Hollins Lane Masterplan.

Drainage and Flood Risk

9.11 As part of application 18/00660/FULMAJ a site specific Flood Risk Assessment (FRA) was submitted along with a Sustainable Drainage Strategy. This was a requirement of KDC 4 of the site allocation policy which sets out that residual surface water should drain towards Laburnum Nurseries and into Morecambe Bay via the River Cocker. These drainage considerations are also reflected in the

approved Masterplan. The plans and drainage details submitted with the previous application demonstrated that surface water from the site would be discharged into the existing surface water drain/culvert (at a restricted rate with on-site attenuation) which runs through the site and discharges into the watercourse at Laburnum nurseries. Foul drainage was proposed to connect to the exiting mains which cross the site along the western boundary. No objections were raised from the statutory consultees including United Utilities, the Lead Local Flood Authority or the Council's Drainage Engineer. Full technical details of the drainage scheme was conditioned (Condition 4) to be submitted and agreed prior to the commencement of development. Also prior to the commencement of development the submission / agreement of details of management and maintenance of the SuDS system for the lifetime of the development was also conditioned (Condition 3).

9.12 Works had commenced on site prior to the above conditions being formally agreed. During the process of this current application the applicant has submitted full details of the drainage scheme including discharge rates and calculations. The proposed surface water is to be connected via a 140mm diameter pipe into the existing 150mm wide surface water culvert with a hydrobrake flow control device to limit the discharge rate to 12 Litres per second. On site attenuation is also being provided by way of cellular storage towards the north of the site. The Council's Drainage Engineer has confirmed that there is no objections to this scheme including flow rates. United Utilities have confirmed it is for the Council and LLFA to be satisfied with the discharge rates. The Lead Local Flood Authority (LLFA) has not responded.

9.13 In terms of flood risk the site lies within Flood Zone 1 which is defined as having a low probability of flooding (less than 1 in 1000 annual probability). Notwithstanding this the concerns of local residents (including photographic images of surface water flooding to the rear of residential gardens) of the site being at risk of flooding and about increase of flooding in the vicinity of the site due to problems with current infrastructure has been fully considered. In particular the condition of the existing culverted watercourse. The applicant has undertaken a survey of the culvert to confirm the condition and its size within the application site. It has been confirmed that the culvert is in a good condition within the site. The culvert route extends south outside of the site. A camera survey along the culvert beyond 12 metres of the site is not possible due to tree roots blocking the culvert path at that point. Any existing problems with the condition of the culvert downstream cannot be the responsibility of the developer. The Council's Drainage Engineer has advised that it is the responsibility of riparian (land) owners in which the culvert passes through to ensure that it is maintained and is not blocked or restricted in anyway. If the drainage from the development achieves an acceptable discharge rate from the site which mimics the previous green-field site run-off rate then there is no reason to suggest the development would exacerbate the current situation downstream.

9.14 Whilst the condition of the culvert downstream may be a deciding factor in whether United Utilities are willing to adopt the drainage from this development this does not make the drainage scheme unacceptable as the developer would then have the responsibility of maintaining and managing it privately. As it is uncertain at this point in time if UU would adopt the drainage a condition requiring management and maintenance of the drainage to be submitted to the LPA for approval is required. Should subsequent discussions between the developer and UU show that UU would not adopt the surface water drainage system within the site then the applicant would be required to put in place a private management and maintenance company/arrangements for the lifetime of the development.

9.15 The drainage infrastructure for the development has not yet been installed and as such the collection and run off of surface water during prolonged periods of heavy rainfall is a likely event. This is reflected in the images submitted by local residents where surface water has been collected in a purposely engineered (temporary) holding ditch along the western boundary. Once the approved drainage scheme is installed it is expected that all surface water from the development will be directed to the existing surface water culvert and discharged at an acceptable rate to the watercourse south of the site (as detailed above). Importantly, in terms of flood risk, members must consider whether the difference in levels now proposed in this application would result in an unacceptable risk of flooding within the site or within the immediate vicinity of the site compared to the levels of the previously approved development. On the basis of the information provided it is considered that there are no unacceptable drainage issues anticipated and the development is considered to satisfy KDC4 of the site allocation policy, the drainage considerations in the Masterplan and the provisions of Policy CDMP2 of the Wyre Local Plan.

Other Matters

Planning Conditions

9.16 An approval under s.73 of the Act effectively results in the grant of a new stand-alone planning permission. Therefore, all the original planning conditions have been reviewed to ensure they remain necessary and relevant. Where such conditions continue to meet the tests for imposing conditions, the conditions will be replicated. Following the original planning permission, the applicant has submitted various discharge of condition applications to satisfy those conditions requiring details to be agreed ahead of certain triggers throughout the development. Condition 1 of the original planning permission relates to the time limit to which the development must commence and so is no longer relevant to impose. Conditions 7 (Street Phasing), 10 (Construction Environmental Management Plan), 18 (Tree Protection Plan), 20 (Electronic Vehicle Charging points details) and 23 (Older person accommodation adaption) have been formally agreed in consultation with the relevant consultees. These conditions need to be re worded to reflect those previously agreed details. The time triggers in other conditions will be updated as appropriate from 'prior to commencement of development' to 'prior to first occupation of any dwelling' to reflect the fact that a start on site has been made. These new time triggers will still enable the timely submission and approval of information / provision of necessary infrastructure to support the development. All other conditions shall remain as originally imposed and an additional obscure glazing condition is to be imposed (condition 25).

Planning Obligations

9.17 A Deed of Variation to the previously signed section 106 agreement will be required to ensure that the financial contributions secured towards local education provision and the delivery and future management and maintenance of Green Infrastructure and on site Affordable Housing is carried over to this new permission.

10.0 CONCLUSION

10.1 The applicant has set out in the supporting documentation that the levels changes are necessary to drain the development appropriately. The concerns of third parties alongside the professional views of relevant consultees have been considered. The proposed slab levels compared to the approved levels are not considered to compromise the design quality of the development or have a harmful

impact upon the character and visual amenity of the area or on flood risk and drainage. Furthermore they would not significantly adversely affect the residential amenity (outlook, loss of light, loss of privacy or overbearing impacts) of the neighbouring properties to substantiate a refusal of this application. There are no other wider considerations affecting the grant of a new permission. The proposal is therefore considered to be compliant with the Development Plan and the NPPF and is therefore recommended for approval subject to conditions and a new s106 agreement.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

12.1 That it is resolved to grant full planning permission of the Section 73 Planning application subject to conditions and a deed of variation to the approved S106 legal agreement to carry over and secure appropriate financial contributions towards local education provision and the delivery and future management and maintenance of Green Infrastructure and on site Affordable Housing. That the Head of Planning Services be authorised to issue the decision on the satisfactory completion of the s106 agreement.

Recommendation: Permit

Conditions: -

1. 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 22/06/2020 including the following plans/documents:

- Proposed site Layout Rev W
- Boundary Treatments Plan Rev G
- Boundary Treatments Rev B
- Site Location Plan
- 2b3p Bungalow 61
- 2b4p House Type 70 Rev A
- 2b4p Aspect House Type 77 Rev A
- 3b4p Aspect House Type 84
- 3b5p House Type 85 Rev A
- 3b5p Dormer Bungalow 100
- 4b6p Aspect House Type 102
- 4b6p Type E 121 Rev B
- 4b6p Type F 119 Rev D
- Materials Distribution Plan Rev E
- Section Through POS Area Rev A
- MCI.TS.95 Hollins Lane Forton Topo Survey
- Landscaping Proposal 1 of 3 Drawing Number 5896.01 Rev A
- Landscaping Proposal 2 of 3 Drawing Number 5896.02 Rev A

- Landscaping Proposal 3 of 3 Drawing Number 5896.03 Rev A
- Hollins Lane Sections to boundary Drawing Rev A
- External Works Layout Sheet 1 of 2 Ref 30325/8/1 Rev A
- External Works Layout Sheet 2 of 2 Ref 30325/8/2 REV A

The development shall be retained hereafter in accordance with this detail.

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

2. Prior to first occupation of any dwelling hereby approved details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

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

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/ body/ company/ undertaker for the sustainable drainage system in accordance with policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

3. No part of the development shall be first occupied or brought into first use until the drainage works and levels have been completed in accordance with the approved scheme as follows:

- Revised Drainage Layout Plan (Rec 7/9/2020) Setting out full surface water and foul drainage layout and discharge rates
- Additional Topo plan (Map)
- Iornside Farar Ltd Micro Drainage Calculations (Rec 7/9/2020)
- Hydrobrake Details Ref 16_21_3718
- Foul Manhole Schedules Drawing Number 30325/6/2 Rev A

- External Works Layout Sheet 1 of 2 Ref 30325/8/1 Rev A
- External Works Layout Sheet 2 of 2 Ref 30325/8/2 REV A
- Impermeable area Plan Ref 30325/16 REV A
- Longitudinal sections sheet 1 of 2 ref 30325/3/1
- Longitudinal sections sheet 2 of 2 ref 30325/3/2
- Surface water manhole schedules ref 30325/5/1 REV A
- Surface water manhole schedules ref 30325/5/2
- Foul Manhole schedule 30325/5/1 REV A
- Control manhole details 30325/7

Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

4. Prior to first occupation of any dwelling hereby approved the site access and off-site works of highway improvement [namely, upgrading two bus stops on the northbound and southbound side of the A6 near to the New Holly Hotel to quality bus stop standards and providing a 2m wide footpath fronting Hollins Lane along the site frontage] shall be provided, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall be carried out in accordance with any alternative approved timetable for implementation.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

5. The visibility splays identified as that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access from the continuation of the nearer edge of the carriageway of Hollins Lane to a point measured 51m in both directions shall be provided prior to first occupation of any dwelling and shall not at any time thereafter be obstructed by 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 the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

6. Each phase of the development hereby approved shall be carried out in accordance with approved estate street phasing and completion plan (Revised Site Welfare Plan (Hollins Lane / Site Welfare Plan Rev A) and submitted Cover Letter dated 4th February 2020).

Reason: - To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and

users of the highway, in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

7. No dwelling hereby approved shall be first occupied or brought into use until the parking / turning area(s) which serves that particular dwelling as shown on the approved plan (Proposed site Plan Drawing Number Rev W) have been laid out, surfaced to at least base level and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate off road parking is provided to serve the development in the interests of highway safety and in accordance with the provisions of Policy CDMP6 of the Wyre Local Plan (2011-31).

8. (a) The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any other development takes place within the site.

(b) No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to those dwelling(s) has been constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level.

(c) In the event that the new estate road is not proposed for adoption by the Local Highway Authority then details of their road construction (surface materials and depth) and highway infrastructure (footways, street lighting, drainage) shall be submitted to, and approved in writing by, the Local Planning Authority. No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to that dwelling has been constructed in accordance with the approved details.

Reason: To ensure that satisfactory access is provided to the development site, that the road surfaces are visually acceptable, that the private roads are of sufficiently adequate construction to support any loading applied to them to enable effective waste management and emergency services access, and that the necessary infrastructure is provided in the interests of highway safety in accordance with Policies CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

9. The construction of the development shall be carried out strictly in accordance with the approved Construction Environmental Management Plan as set out below:

Revised Site Welfare Plan (Hollins Lane / Site Welfare Plan Rev A) and Construction Method Statement & Dust Management Plan (Version 2)

Reason: Such details need to be in place throughout the construction period in the interests of the amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

10. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the garage(s) hereby approved shall be retained solely for the housing of a private motor vehicle,

and at no time shall any works be undertaken that would prevent it from being used for that purpose.

Reason: To ensure that the on-site vehicle parking provision is maintained to avoid the standing of traffic on the adjoining highway to the detriment of the safety and free flow of traffic thereon and in the interest of the amenity of the street scene and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

11. a) Prior to the first occupation of any dwelling hereby approved, the proposed arrangements for future management and maintenance of the roads/ footways/ cycleways within the development shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include a plan showing areas of highway proposed for adoption by the Local Highway Authority and any areas proposed for private management.

(b) Should the plan required by (a) show that any highway within the estate would be privately managed, details of a Road Management Plan to detail how those sections of highway would be maintained in perpetuity, such as a private management and maintenance company to be established if applicable, shall be submitted to and approved in writing by the Local Planning Authority. The highway shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

(c) Should the plan required by (a) show that any highway within the estate would be proposed for adoption by the Local Highway Authority, those roads/ footways/ cycleways shall be made up to, and retained thereafter to, the Local Highway Authority's Adoptable Standards.

Reason: To ensure that all highways, footways and cycleways will be maintained to a sufficient standard by either the Local Highway Authority or by a site management company in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

12. A watching brief shall be undertaken during the course of the development works. The watching brief shall be undertaken by a suitably qualified person, who shall be responsible to notify the Local Planning Authority immediately if any significant contamination is discovered. The findings of the watching brief shall be reported in writing and submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In order to safeguard human health and the environment against potential contamination and in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

13. The Soft landscaping works shall be carried out in accordance with the approved details [Drawing Numbers 5896.01 Rev A, 5896.02 Rev A, 5896.03 Rev A) prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those

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

The landscaping works shall be carried out in accordance with the approved details prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

14. No development shall take place until full details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of hard surfaced areas and materials (i.e. driveways, paths, structures, furniture, play equipment, benches lighting etc).

The landscaping works shall be carried out in accordance with the approved details prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Reason: The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development and for the purpose of safety and effective use of public areas.

15. The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details (External Works Layout drawings (30325/8/1 Rev A and 30325/8/2 Rev A) and (Revised Drainage Layout Plan (Rec 7/9/2020)

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31).

16. Prior to first occupation of any dwelling hereby approved, the noise mitigation measures set out in the supporting Noise Assessment submitted with the application (by Sound Advice, dated 13/01/17 (ref GAA Hollins Lane) as supplemented by the Echo Acoustics Technical Memorandum dated 20th September 2019 shall be fully implemented (namely the 1.8m high acoustic boundary fence along the eastern boundary and acoustic window glazing for those plots identified in Figure 6 of the Echo Acoustic Technical Memorandum). The approved noise mitigation measures shall thereafter be retained and maintained.

Reason: To ensure there is no adverse effect on the health and quality of life of future occupants and to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

17. The tree protection shall be carried out in accordance with the approved details (Tree Protection Plan 4054-02 Rev B) and shall remain in place during the construction stage of development.

Reason: In order to protect trees from damage or loss in the interests of the amenity of the area in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981.

18. No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, has been submitted to and approved in writing by the Local Planning Authority, demonstrating that nesting / breeding birds have been shown to be absent.

Reason: To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework .

19. No dwelling hereby approved shall be first occupied until the electric vehicle recharging point has been provided for the dwelling to which it relates (as shown on the approved Car Charging Plan Rev B (Hollins Lane / Car Charging Plan) and Confirmation E-mail regarding Power output received from MCI Developments dated 29/7/2020), and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

20. The approved boundary treatment (Boundary Treatments Rev B & Materials Layout Drawing Number 18028_02 Revision B and Boundary Treatment details Rev G and the boundary treatment sited along the western boundary shown on site section to existing boundary plan Rev A) that relate to the relevant dwellings shall be completed before those dwelling(s) are first occupied. The approved details shall thereafter be maintained and retained in accordance with the approved details.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants / neighbours and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

21. The development shall be carried out in accordance with the Cover Letter submitted dated 4th February 2020 highlighting how 20% of the dwellings shall be of a design suitable or adaptable for older people and people with restricted mobility. The approved measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To meet the needs of the ageing population and people with restricted mobility in the borough in accordance with Policy HP2 of the Wyre Local Plan (2011-31) and the provisions of section 5 of the NPPF.

22. Notwithstanding the definition of development as set out under section 55 of the Town and Country Planning Act 1990 (as amended) and the provisions of Parts 1 and 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification);

(a) no fences, gates, walls or other means of enclosure shall be erected along the front or side boundaries of the curtilage of any dwelling house forward of the main front elevation or side elevation of that dwelling house; and

(b) no areas of soft landscaping to the front of properties shall be removed to make provision for additional car-parking, without express planning permission from the Local Planning Authority first being obtained.

Reason: To safeguard the appearance of open plan development and in accordance with Policy CDMP3 of the Adopted Wyre Borough Local Plan.

23. The development shall be carried out strictly using those materials specified on the approved plan (Materials Distribution Plan Rev E) unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

24. Prior to the first occupation of Plot 39, the ground floor window(s) in the western elevation(s) of Plot 39 shall be:

- i) obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
- ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The window(s) (including any subsequent repaired or replacement window) shall be maintained and retained thereafter in accordance with this detail.

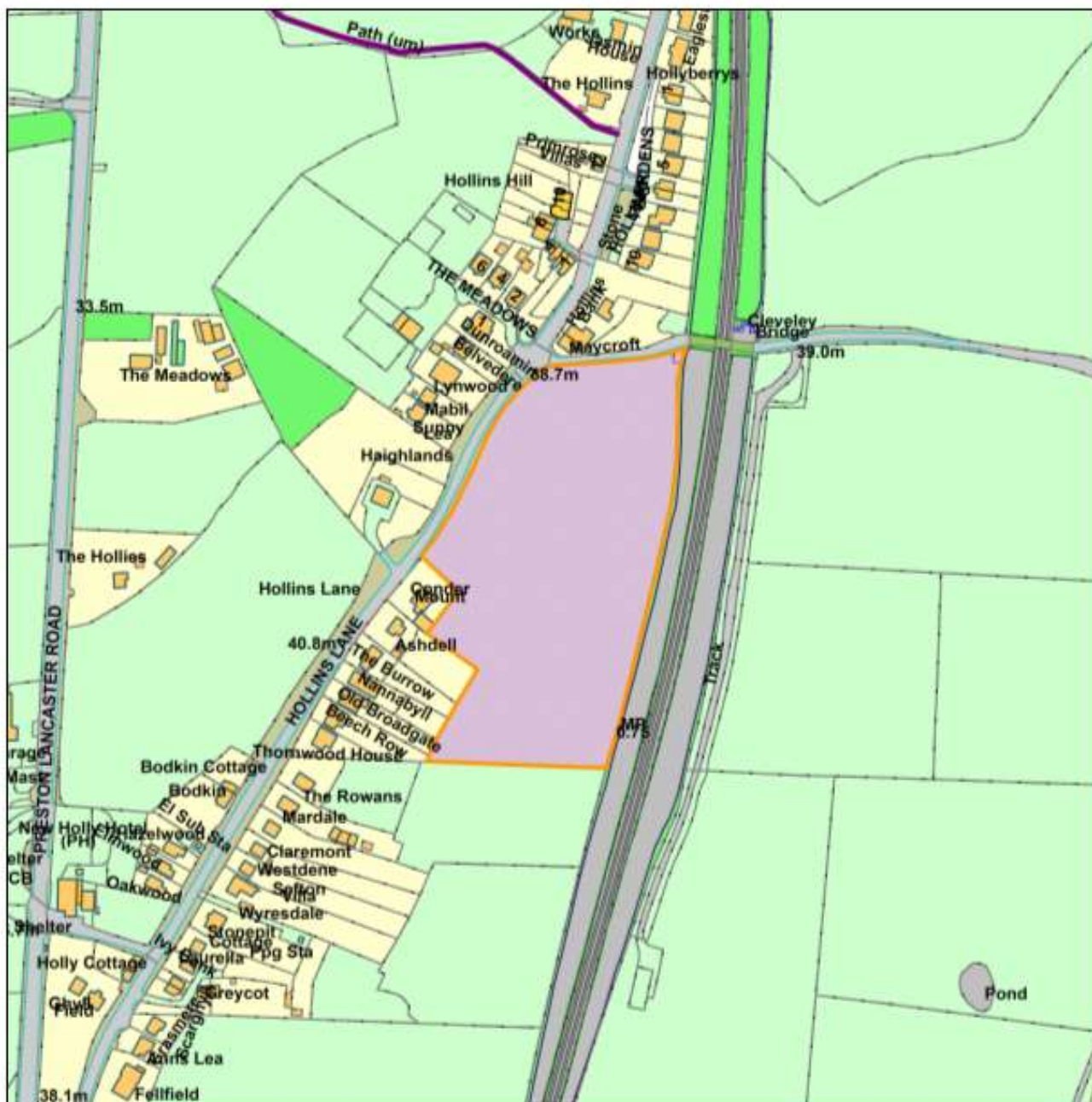
Reason: To safeguard the privacy of adjoining residents and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

Notes: -

- 1. The applicant should be aware that the decision is subject to a separate legal agreement.

Planning Committee

20/00505/FULMAJ - Land east of Hollins Lane Forton



Scale: 1:3256

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Organisation	Wyre Council
Department	Planning department
Comments	Item 1
Date	21 September 2020
SLA Number	100018720

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Committee Report

Date: 07.10.2020

Item Number 02

Application Number 20/00453/FUL

Proposal Proposed two storey side extension, single storey side and rear extension, front porch, new raised roof with front and rear dormers and external alterations

Location 26 Coniston Avenue Hambleton Poulton-Le-Fylde Lancashire FY6 9BW

Applicant Mr Gavin Taylor

Correspondence Address c/o Mr Matt Dorrian
69 Branksome Drive Salford M67pw

Recommendation Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mrs Andrea Stewart

1.0 INTRODUCTION

Site Notice Date: 25.06.20

Press Notice Date: N/a

1.1 This planning application is presented to Members of the Planning Committee at the request of Cllr Robinson. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos to be displayed at the meeting.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is located at the corner of Coniston Avenue and Birchwood Drive in Hambleton. The site consists of a detached house with an attached single storey swimming pool (previously know at Bates Swimming School) to the eastern elevation with car parking for the pool to the eastern boundary onto Birchwood Drive. The house and pool have recently been sold to new owners and it is their intention to live in the dwelling and continue the use of the pool for swimming lessons for the community. The surrounding area is residential and mostly consisting of dormer bungalows however to the east on the opposite side of Birchwood Drive is a pair of three storey properties that were previously shops and have been converted to flats.

3.0 THE PROPOSAL

3.1 This planning application is for a proposed two storey side extension, single storey side and rear extension, front porch, new raised roof with front and rear dormers and external alterations. The two storey extension would be located to the eastern elevation adjacent to the single storey swimming pool and have a width of 2.8m and length of 7.5m, the full length of the existing side elevation of the main dwelling.

3.2 A new raised roof is proposed which has increased eaves height 0.5m higher than the existing, there is also an increase in ridge height of 0.8m from 7.2m to 8.0m. The design of the roof would change and instead of gable ends to the eastern and western ends hips are proposed. To the front and rear roof slopes of the dwelling 2m wide pitched roof dormers are proposed.

3.3 An existing side car port would be removed and a 2.8m wide single storey flat roofed side extension formed with a length of 9.3m to the western elevation which links into a flat roofed rear extension that projects 1.8m beyond that of the main existing rear elevation of the dwelling. The height of the single storey side/rear extension is 3.3m.

3.4 To the front elevation facing Coniston Avenue a new 3m wide by 1m deep pitched roofed porch is proposed. To the western side of the porch a pitched roof canopy would be formed.

3.5 Materials for the development would match the existing dwelling.

4.0 RELEVANT PLANNING HISTORY

4.1 95/00376 - Hipped roof over swimming pool - Approved

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

5.2 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.3 The following policies contained within the WLP 2031 are of most relevance:

- SP2 - Sustainable Development
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP6 - Accessibility and Transport

5.4 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.5 The NPPF sets out a presumption in favour of sustainable development. Good design is a key aspect of sustainable development. The NPPF sets out a number of planning policies concerned with achieving well-designed places including providing a high standard of amenity.

OTHER MATERIAL CONSIDERATIONS

5.6 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.7 Wyre's Extending Your Home Supplementary Planning Document is a material consideration. The following sections are particularly relevant:

- Design Note 1 General Design Principles
- Design Note 2 Single Storey Side Extensions
- Design Note 3 First Floor Side Extensions
- Design Note 4 Single Storey Rear Extensions
- Design Note 6 Dormers and Roof Extensions
- Design Note 7 Corner Extensions
- Design Note 8 Front Extensions

6.0 CONSULTATION RESPONSES

6.1 HAMBLETON PARISH COUNCIL - No comments received

6.2 UNITED UTILITIES (UU) - Objection - United Utilities maps indicate there is a Rising Main in close proximity to the proposed extension (to the western boundary) and consider it is important that the precise location of the rising main and potential impact of the proposal on this pipe is resolved at the planning application stage. The rising main is a highly critical asset, and UU therefore request full details of the proposal and construction methods are provided to UU prior to any construction works. Drainage from the development should follow the surface water SuDS hierarchy. It is also advised that there appears to be a culverted watercourse on the site boundary and whilst this is not a matter for United Utilities as they do not own or have responsibility for this pipeline, it is recommend that the Lead Local Flood Authority is consulted to provide further advice.

6.3 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION) - A watching brief is requested for land contamination.

7.0 REPRESENTATIONS

7.1 Six letters of objection received (4 on behalf of the neighbouring property to the west) with the following comments -

- Detrimental impact on residential amenity and enjoyment of adjacent dwellings
- Conflict with policy CDMP1 and CDMP3
- Detrimental impact by overshadowing/overbearing and loss of light
- Significantly out of scale, character and design with existing dwelling and wider setting
- overlooking
- Impact on existing adjacent structures
- Impact on shared foul drain/United Utilities pipe
- Not in keeping with area of single storey bungalows.

- Inadequate and inaccurate submission which includes no site plan being submitted, inaccurate ownership certificate being submitted, overhanging eaves onto adjacent land and no car parking layout submitted.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Contact with the applicant to allow access to the site to assess the planning application. Various contact with the agent to request amended drawings which satisfy planning policy and guidance and to request additional details. Amended drawings received, a site plan showing car parking has been submitted and a revised ownership certificate has been signed.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Visual Impact / Design / Impact on the street scene
- Impact on residential Amenity
- Highway safety / parking

Principle of development

9.2 Extensions to an existing property within its curtilage are acceptable in principle within settlements. This site is located in a settlement and the proposal is within the existing curtilage. The principle is therefore accepted. Other relevant policy matters are set out below.

Visual Impact / Design / Impact on the street scene

9.3 The NPPF along with adopted Wyre Local Plan (WLP31) policy CDMP3 requires new development to be of a high standard of design and respect or enhance the character of the area having regard to issues including height, scale, massing and materials. For householder extensions, guidance on good design is further detailed in the Council's Supplementary Planning Document 'Extending your Home'. Design Note 1 'General Principles' requires proposals to complement the architecture of the original property, to appear subordinate to the original property and to not form an overly dominant feature.

9.4 The application site is located on a corner plot and the proposal involves significant alterations to the building that would be visible from Coniston Avenue and Birchwood Drive. These alterations include a two storey side extension, alterations to the front of the dwelling and an increase in eaves and ridge height of the main dwelling by 0.5m and 0.8m respectively. The design of the roof would change and instead of gable ends to the eastern and western ends hips are proposed. To the front and rear roof slopes of the dwelling 2m wide pitched roof dormers are proposed.

9.5 The area surrounding the application site consists of mainly single storey gable ended semi-detached dwellings with flat roofed dormers to the front and rear roof slopes. The dwelling at the application site is located in a corner position and already is of a different design and height (currently two storey detached on a larger plot) than the majority of dwellings nearby. That said there is a taller three storey building to the east of the application site on the opposite corner of Coniston Avenue and Birchwood Drive. The most visually prominent aspect of the proposal would be

the changes to the roof namely increased height, addition of dormers and change in design from gable ends to hipped sides.

9.6 The original plans proposed the increase in upper level massing closer to the adjacent property which is a single storey dwelling and a large rear dormer spanning the entire main roof. This was considered to result in a poor relationship with the neighbouring properties and an overly dominant feature to the street scene. As such revised plans were requested.

9.7 The revised plans now propose the increase in upper level massing on the opposite elevation away from the neighbouring property closer to Birchwood Drive. Whilst there is still an increase in roof height the proposals to hip it help to reduce its overall massing. The new roof and two storey element now sit centrally within the plot away from the site edges and the overall plot width is considered large enough to accommodate this additional massing without it appearing overly dominant in the street. Furthermore it would be read in conjunction with the existing taller building on the opposite corner. The revised proposed dormers in the roof space are modest in size with pitched roofs and are set away from the eaves and ridge and side edges of the main roof so as not to appear overly dominant.

9.8 The side/rear single storey extension has a flat roof replacing an existing side carport of similar appearance (almost a flat roof/very shallow pitch) and whilst a different roof design to the main house it is narrow, does not project forward of the front elevation and has a pitched canopy running along the front of it which in part screens the side flat roof directly from Coniston Avenue. The rear flat roofed extension is screened from wider views due to screening along boundaries.

9.9 The proposals are considered in scale and proportion to the main dwelling and of an acceptable design including using appropriate materials that match the existing dwelling. The proposals are not considered visually detrimental to the character of the existing dwelling or street scene. As such they are considered to satisfy policy CDMP3 of the WLP31 and the Council's 'Extending Your Home' SPD.

Impact on residential amenity

Impact on dwelling to the west (No.24 Coniston Avenue)

9.10 No.24 Coniston Avenue is a semi-detached single storey dormer bungalow and objections have been raised from its occupiers that the proposals would have a detrimental impact on their amenity and enjoyment. The facing elevation of No. 24 which is approx. 2.3m distance away from the existing car port at the neighbouring property consists of three windows a kitchen window, a glazed back door and a bathroom window. The bathroom and kitchen only receive natural light from these windows. The back door and bathroom are secondary windows. The main impact would therefore be from loss of sunlight and daylight to the kitchen window however a kitchen does not form main living accommodation such as a living room. Furthermore there is already some impact on this window from the existing car port which sits at 2.3m high on the boundary rising to 2.7m where the slightly slopping roof abuts the main house. This along with the two storey main house already reduces light to the side windows of no24. The proposed side extension would sit slightly further into the site than the existing car port but at a greater height of 3.8m and greater length along the boundary. The resultant impact compared to the existing impact and the fact that this is a side kitchen window affected means the side extension's size and mass would not reduce light to an unacceptable level or have an overbearing impact. In addition there would also be some impact from the eaves and

ridge of the main dwelling increasing in height but the proposal includes a change in the roof from a gable end to hipped roof which reduces the size and bulk of the main roof from the existing situation and this would offset the increase in height of the proposals. The ridge of the new main roof is set off 6m distance from the side boundary with no24. The side/rear extension would only project marginally beyond the main rear elevation of no24 so would not unacceptably affect any rear facing windows or garden area.

9.11 No windows are proposed facing no24 other than a small second floor rooflight in the roof slope but this is at a high level and would not require obscure glass to avoid unacceptable overlooking.

9.12 Overall the proposals would not have a detrimental impact on residential amenity for the occupiers of this dwelling.

Impact of dwelling to the south (25 Birchwood Drive)

9.13 To the south of the application site is the single storey dormer bungalow at 25 Birchwood Drive and an objection has been raised from the occupier of this dwelling. The two storey side extension would be located 13.5m distance from the northern side elevation of no25 and 11.9m from the side/rear garden of this property, the rear dormer is a set in an additional 0.5m distance away. The side/rear single storey extension would be positioned between 11.7m to the northern side elevation and 10.1m from the rear garden. The first floor windows in the two storey extension and the modest sized rear dormer window are no closer than the existing first floor windows in the existing main house and there is also screening along the boundary to assist in screening views from the windows in the proposed rear ground floor extension. Therefore the proposals would not have a detrimental impact on residential amenity for the occupiers of no25 Birchwood Drive in terms of loss of light, overbearing impact or from overlooking.

Impact on dwellings to the front/north and side/east

9.14 Due to the separation distance of at least 21m between the proposals and dwellings to the north and east the size and mass of the proposals would not have a detrimental impact on the residential amenity for these occupiers.

Impact on Highway / Parking

9.15 The proposal would increase the number of bedrooms from 3 to 5 and would remove car parking under the existing car port. However there remains sufficient off road car parking spaces at the site with the plans demonstrating three car parking spaces for the dwelling and seven for the swimming pool used for swimming lessons. The car parking spaces for both the house and swimming school are already existing. In any event the property is located in a sustainable location in the village of Hambleton whereby a slight reduction in the number of spaces required from 3 to 2 could be justified. The proposal would not have a detrimental impact on highway safety or parking.

Other Issues

9.16 The application site is located in an area at high risk of flooding (flood zone 3). An adequate flood risk assessment has been submitted with the planning application with mitigation measures that can be conditioned. Wyre's Environmental

Health Officers have requested that a watching brief is undertaken with regard to land contamination. A note can be attached to draw this to the applicant's attention.

9.17 A response on behalf of the occupiers of no.24 Coniston Avenue expresses concern regarding inaccuracy of the submission and insufficient details submitted. These issues are considered to have been appropriately resolved. They also raise a matter regarding a possible United Utilities (UU) pipe in close proximity to the single storey side extension and contacted UU for a response. On the back of this an objection has now been received by UU until the precise location of the rising main and potential impact of the proposal on this pipe has been resolved. Whilst it is acknowledged that UU have identified this rising main as a highly critical asset for them, safeguarding this asset including appropriate construction measures is a matter between the applicant and UU and the applicant may be required to obtain separate consent from UU before carrying out the works. An informative can be added to inform the applicant of this. As this is a non-planning matter, it does not mean that a decision on this application should be delayed until the issue has been resolved, and is not a ground on which to refuse the application on. It is also advised by UU that there appears to be a culverted watercourse on the site boundary and they recommend that the Lead Local Flood Authority (LLFA) is consulted to provide further advice. However under the relevant legislation (Town and Country Planning (Development Management Procedure) (England) Order 2015) the LLFA are not a relevant consultee for this type of application. Safeguarding this culvert, including the need to secure any necessary consent from the LLFA, is a matter between the applicant and the LLFA. Again it is a non-planning matter which does not justify delay or refusal of this application.

10.0 CONCLUSION

10.1 The proposals as shown on the revised plans received are considered to be of acceptable design and are not visually detrimental to the character of the area, street scene or the existing building, or detrimental to residential amenity or highway safety. Other planning matters have been assessed as acceptable. It is therefore considered that planning permission should be granted subject to conditions.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions.

Recommendation: Permit

Conditions: -

1. The development must be begun before the expiration of three years beginning with the date of this permission.

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. 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 09.06.2020 including the following plans/documents:

- Revised site location plan, proposed plans and elevation drawing 04 rev B received 17.09.20
- Revised proposed site plan 03 rev C received on 09.09.20

The development shall be retained hereafter in accordance with this detail.

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

3. The materials to be used in the construction of the external surfaces of the extensions including the external sides of the dormer being in matching tiles to the main roof hereby permitted shall match those used for the existing building in form, colour, and texture.

Reason: To ensure that the existing materials are used as far as possible, thus protecting the appearance of the building in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) including the mitigation measures detailed within the FRA. The mitigation measures shall be fully implemented prior to first occupation of the development or subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

Notes: -

1. The presence of any significant contamination, which becomes evident during the development of the site, shall be brought to the attention of the Local Planning Authority.

2. A Rising Main is located approximately 2.5 metres distance away from the Western boundary. This is a highly critical asset for United Utilities therefore they request full details of the proposal and construction methods are provided to wastewaterdeveloperservices@uuplc.co.uk prior to any construction works commencing.

3. If any part of the proposed development encroaches onto neighbouring property the approval of the adjoining owners should be obtained before the development is commenced.

Planning Committee

20/00453/FUL - 26 Coniston Avenue Hambleton



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Organisation	Wyre Council
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Report of:	Meeting	Date	Item No.
Mark Billington Corporate Director Environment	Planning Committee	7 October 2020	7

Wyre Council Tree Preservation Order No8 of 2020: Land to the south of the River Wyre and to the west of Wyre Bridge, Station Lane, Scorton.

1. Purpose of report

- 1.1 To consider the objection to the making of Wyre Council Tree Preservation Order No8 of 2020: Land to the south of the River Wyre and to the west of Wyre Bridge, Station Lane, Scorton.

2. Outcomes

- 2.1 To determine whether or not to confirm the Wyre Council Tree Preservation Order No8 of 2020: Land to the south of the River Wyre and to the west of Wyre Bridge, Station Lane, Scorton.

An effective tree preservation order makes it an offence to do any works to the protected trees without first gaining consent from the Local Planning Authority unless such works are covered by an exemption within the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. Recommendation

- 3.1 That the Wyre Council Tree Preservation Order No8 of 2020: Land to the south of the River Wyre and to the west of Wyre Bridge, Station Lane, Scorton ("the TPO") is confirmed subject to modification of the TPO schedule to contain the following additional text within the description '1 poor condition beech tree centred on (E) 349511 (N) 449350 within the southern section of G1 does not merit TPO so has not been included.

4. Legislative background to the TPO

- 4.1 Section 198 of The Town and Country Planning Act 1990 (as amended) empowers Local Planning Authorities to protect trees or woodlands in their area in the interest of amenity by making tree preservation orders. Following the introduction of **The Town and Country Planning (Tree Preservation) (England) Regulations 2012**, The Local Planning Authority

is required to confirm a tree preservation order within six months of the issue date if it is to continue to have effect after that period. When an objection is received, a decision on confirmation is usually referred to the Planning Committee.

- 4.2** Tree preservation orders are usually made because it is considered expedient in the interests of amenity to protect the trees from felling or pruning. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make an order as a precaution.
- 4.3** Amenity is not defined in law but the government's advice is that authorities need to exercise judgement when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future (GOV.UK, 2014).

Therefore the following criteria should be taken into account when assessing the amenity value of trees:

- **Visibility:** *the extent to which the trees or woodlands can be seen by the general public will inform the LPA's assessment of whether its impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.*
- **Individual, collective and wider impact:** *public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to it of their characteristics including:*
 - *Size and form;*
 - *Future potential as amenity;*
 - *Rarity or historic value;*
 - *Contribution to, and relationship with, the landscape; and*
 - *Contribution to the character or appearance of a conservation area.*
- **Other factors:** *where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change.*

(Source: Tree Preservation Orders and trees in Conservation Areas/Planning Practice Guidance March 2014).

- 4.4** The Regulation 5 notice, which is a legal notice that is served with the tree preservation order documents on the owner and occupier of the land affected by a tree preservation order and also the owner and occupier of the adjoining land, states the reason why the trees have been protected and invites objections or representations to be made to the Local Planning Authority within a 28-day period. The Regulation 5 Notice issued in respect of the land affected by the TPO gave the reason for making the TPO as *“it is expedient in the interest of amenity”*.
- 4.5** Once made, a tree preservation order takes effect provisionally for six months, but must be confirmed by the Local Planning Authority within that period to continue to be effective. If it is not confirmed the tree preservation order ceases to have effect and the trees are unprotected. When objections or representations are received the Council must consider those before any decision is made whether or not to confirm the order. In these cases, referral to Planning Committee is usually appropriate.

5. Background to making the TPO

- 5.1** On 31 July the tree officer became aware of a Network Rail enquiry relating to a desire to undertake the felling of trees on private land adjacent to the west coast main line railway (“WCML”) at Station Lane, Scorton.

On 4 August 2020 the Tree Officer visited this land and undertook an appropriate tree evaluation method for preservation orders (“TEMPO”) which guided the subsequent decision to make a tree preservation order. The TPO applies to a group of trees identified as G1. Please note that those trees that did not merit protection due to poor condition and a limited remaining life span have not been included within the TPO.

A copy of the completed 4 August 2020 TEMPO survey data sheet relating to G1 of the TPO along with an associated public visibility image of G1 are appended to this report at Appendix 1.

On 7 August 2020 Wyre Council made Wyre Council Tree Preservation Order No8 of 2020: Land to the south of the River Wyre and to the west of Wyre Bridge, Station Lane, Scorton.

A copy of the TPO plan is appended to this report at Appendix 2.

- 5.2** The Council served correspondence on the owners and occupiers of the land affected by the TPO and on those adjoining, notifying them of the making of the TPO in accordance with Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

The period for any objections and representations to be made to the Council in respect of the TPO ended on 4 September 2020.

5.3 Wyre Council received a formal objection letter from Network Rail dated 2 September 2020 via e-mail dated 3 September.

A copy of the letter of objection is appended to this report at Appendix 3.

6. Summary of Objections

- 6.1**
- (i) The Council has not robustly justified or provided evidence to support the TPO.
 - (ii) The 'group' designation is not appropriate to describe the trees. There are 4 oak, 2 sycamore, 2 beech and 2 pine within the broken line on the TPO map. Government guidance advises that the location of each tree should be indicated within the broken line on the map.
 - (iii) An 'area' category would have been more appropriate.
 - (iv) Whilst the trees at Station Lane may merit protection on amenity grounds, it is clearly not expedient because there is no risk to the trees.
 - (v) The serving of a TPO by the Council on these trees will complicate matters and most likely lead to delays in undertaking any works necessary to maintain the safe and punctual operation of the WCML.
 - (vi) Network Rail is a 'statutory undertaker' and consent is not required for the carrying out of works to protected trees in compliance with any obligation imposed by or under an Act of Parliament. Therefore, any works to the trees at Station Lane in order to maintain the safe and punctual operation of the WCML would possibly be exempt from the normal requirement to apply for consent under the terms of the TPO.

7. Response to Objections

The Tree Officer's response to the objections are as follows:

- 7.1**
- (i) The Tree Officer exercised judgement having regard to government guidance when deciding to make the TPO. An onsite Tree Evaluation Method for Tree Preservation Orders was undertaken on 4 August 2020, (TEMPO) in respect of all the trees

on the site. The TEMPO comprised an amenity assessment in relation to the condition and suitability of G1 trees along with consideration of tree species life expectancy, public visibility, other factors and expediency. It was concluded that the TPO should be made because 'it is expedient in the interest of amenity'. The public visibility image in Appendix 1 clearly shows the contribution of the trees in G1.

(ii) According to government guidance, the group category should be used to protect groups of trees where the individual category would not be appropriate and the group's overall impact and quality merits protection. Officer judgement is that this is the appropriate category in this case and that the 'group' designation describes the trees at this location which merit including within the TPO. G1 is clearly defined in the TPO by the black line on the TPO map. It is clear that the trees that lie within the black line are protected by the Group designation.

The northern portion of broken line on the map follows the top of the river bank. The 2 'not worthy' pines are located down the slope within the green area due north of the northern portion of broken black line and thus outside of G1.

1 poor condition beech tree centred on (E) 349511 (N) 449350 within the southern section of G1 does not merit TPO so has not been included whereas the fair condition beech tree in the western section of G1 is included. Hence the reason that the schedule specification of G1 only includes 1 beech.

- (iii) Government guidance states that the "area category is intended for short-term protection in an emergency and may not be capable of providing appropriate long-term protection. The Order will protect only those trees standing at the time it was made, so it may over time become difficult to be certain which trees are protected. Authorities are advised to only use this category as a temporary measure until they can fully assess and reclassify the trees in the area." The use of an 'area' category was not deployed as the Tree Officer has fully assessed the trees and deemed the group category suitable due to the cohesiveness of the trees therein. Additionally, no perceived or immediate threat was identified in relation to the trees which is usually the case when an intended short term area category is triggered.
- (iv) It is considered that as clearly shown in the TEMPO undertaken clearly shows that G1 merits protection. In consideration of 'Expediency' the circumstances dictated that an assessment score of one 'Precautionary only' be attributed.

For completeness, the TEMPO in Appendix 1 undertaken in relation to G1 trees show the amenity and expediency assessments for those aspects of the TPO.

- (v) The legislation strikes a balance between the private and public interests. The legislative procedures are proportionate and the Regulations contain various exemptions.
- (vi) Regulation 13 provides for certain exceptions from control, including for where a tree is on operational land of a statutory undertaker. The private land on which the trees of G1 are located is not classed as operational land of Network Rail a 'statutory undertaker' and therefore not covered by this exception. Regulation 13 also provides an exemption in connection with compliance with any obligation imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance. The objection is generic and it has not been demonstrated that this exemption would apply in principle in the circumstances of this case. Even if the exemption were potentially to be applicable, it would not be a reason to not confirm the TPO. The legislation does not prevent the confirmation of a tree preservation order where there is a relevant Act of Parliament but instead balances interests by protecting the position of statutory undertaker to the extent of the works it exempts in the appropriate circumstances.

Advice pertaining to Planning Committee and its procedures along with a copy of this report relating to the TPO have been forwarded to Network Rail in reasonable advance of the meeting of Planning Committee on 7 October 2020.

Concluding remarks

It is considered that the TPO has been properly made in the interests of securing the contribution and benefit of the trees to which the TPO applies to the public amenity in the area. The TPO protects important element of the local landscape and contributes to the local environment. All the trees presently protected by the TPO were assessed in a structured and consistent way using an approved method.

It is considered that the procedural requirements of the legislation have been followed in the creation of the TPO and determinations made using a widely accepted method which includes an expediency assessment as has occurred in this case. Having regard to the legislation and the Government Guidance, it is considered that the TPO is fully justified in all respects and should be confirmed subject to the modification of the TPO schedule to contain the following additional text within the description '1 poor condition beech tree centred on (E) 349511 (N) 449350 within the southern section of G1 does not contribute to the collective overall impact and quality of the group so has not been included'.

Financial and Legal Implications	
Finance	None.
Legal	Before confirming a Tree Preservation Order, the Local Planning Authority must consider any objections/representations made within the 28-day objection period. If, having considered any objections/representations received, the Local Planning Authority is satisfied that the tree merits a TPO; it may confirm the Order under the Town and Country Planning Act 1990 and supporting Regulations. The LPA may also confirm an Order in modified form, revoke it, or allow it to lapse. However it cannot add to the Schedule references to a tree to which the Order did not previously apply. There is no right of appeal to the Secretary of State, but a challenge may be made to the High Court on a point of law.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

implications	✓ / x
community safety	x
equality and diversity	x
sustainability	✓
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	✓
data protection	x

report author	telephone no.	email	date
Ryan Arrell BSc (Hons), HND, LANTRA qualified professional tree inspector.	01253 887614	Ryan.Arrell@wyre.gov.uk	29 October 2020

List of background papers:		
name of document	date	where available for inspection
Wyre Council TPO 8 of 2020	29 09 2020	Room 134 or by email to Tree Officer.

List of Appendices

Appendices:

- 1** – 4 August 2020 completed TEMPO G1 survey data sheet and also public visibility Image of G1.
- 2** – Wyre Council Tree Preservation Order TPO map.
- 3** – Copy of letter of objection from Network Rail made on 2 September 2020 received via e-mail on 3 September 2020.

References List

Tree Preservation Orders and trees in Conservation Areas. GOV.UK, (2014) Accessed Via <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

(TEMPO) Tree Evaluation Method for Preservation Orders
<http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf>

Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Appendix 1

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 4 August 2022 Surveyor: R. Arrell

Tree details
 TPO Ref (if applicable): Tree/Group No: 1 Species: oak x 4, SYC x 2
 Owner (if known): Location: Station Lane, Scorton, Beech x 1

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Arsenality assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes

3, (Poor beech in southern section excluded)

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 3) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes

2

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes

4

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes

4

Part 2: Emergency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

1

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-25 TPO defensible
- 26+ Definitely merits TPO

Add Scores for Total:

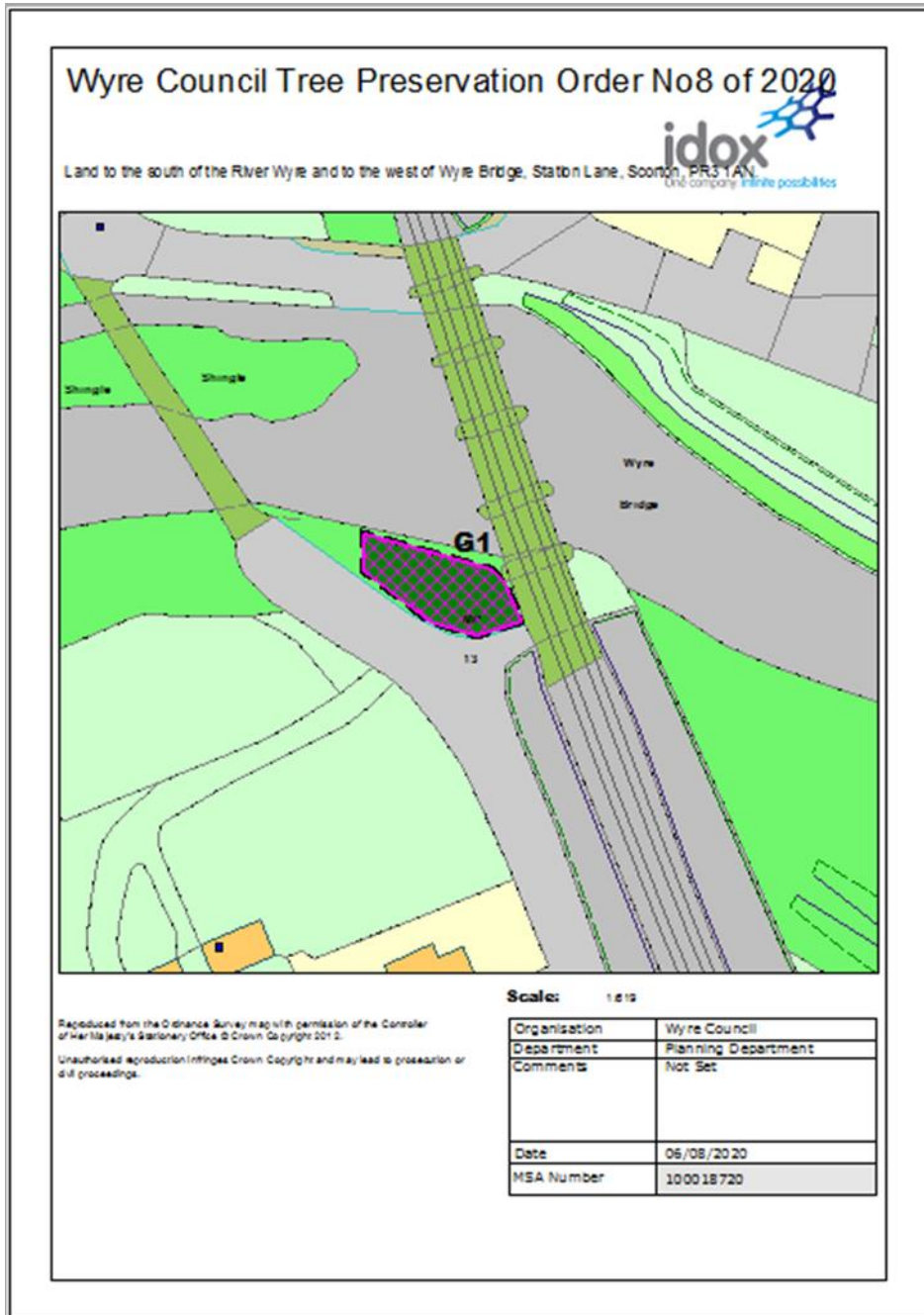
14

Decision:

MAKE TPO.



Appendix 2



Appendix 3

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Network Rail

North Union House
Christian Road
Preston

PR1 8NB

2 September 2020

To whom it may concern,

Formal Objection to the Wyre Borough Council (Land to the south of the River Wyre and to the west of Wyre Bridge, Station Lane, Scorton, PR3 1AN) Tree Preservation Order No 8 2020:

Network Rail own and manage land (the West Coast Main Line) immediately to the east of land to the south of the River Wyre and to the west of Wyre Bridge, Station Lane, Scorton, PR3 1AN. On August 7, 2020 we received notice of the above Tree Preservation Order (TPO) which relates to the land to the south of the River Wyre and to the west of Wyre Bridge.

This letter confirms our formal **objection** to the above TPO. This objection is made on the basis that the Council has not robustly justified or provided evidence to support the TPO and that the 'group' designation is not appropriate to describe the trees at this location.

Background: The West Coast Main Line (WCML) carries a mixture of intercity rail, regional rail, commuter rail and rail freight traffic on a daily basis and is recognised as one of the most heavily used mixed-traffic railway routes in Europe. It is one of the busiest freight routes in Europe, carrying 40% of all United Kingdom rail freight traffic. The line is the primary rail freight corridor linking the Europe (via the Channel Tunnel) through London and South East England to the West Midlands, North West and Scotland. The line has also been acknowledged as a strategic European route and designated a priority Trans-European Networks route. Much of the line has a maximum speed of 125 mph that is utilised by the tilting Class 390 Pendolino and Class 221 Super Voyager electric and diesel multiple units. All other traffic including high-speed freight operations is limited to 110 mph.

With the above in mind, Network Rail arboriculturists have recently carried out a survey of the WCML between Preston and Lancaster to identify trees that due to their size and

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positioning pose a hazard to the safe and punctual operation of the railway. The trees at land to the south of the River Wyre and to the west of Wyre Bridge, Station Lane fall into this category. In the event of a partial failure the trackside trees are capable of striking the overhead line equipment (causing a dewirement) as well as hitting the track itself and causing a derailment in the event of a major failure.

As such and mindful of the proximity of the trees to the railway, Network Rail would propose to alleviate the risk to the railway, travelling public and liability to the landowner via a combination of pruning and felling works to trees within striking distance of our key infrastructure.

In an effort to ascertain the identity of the landowner at Station Lane, contact was made with officers at Wyre Borough Council (WBC) via an initial query Lancashire County Council (LCC). On July 31, 2020 we received a reply by email from Ryan Arrell, Tree & Woodland Officer and Wyre Council confirming that the trees at Station Lane were not within Wyre Council's ownership or maintenance responsibility and that the Council were not aware of who owns the land. Seven days later on August 7, 2020 we received notice that a TPO has been made on seven of the trees that stand on the land at Station Lane.

Grounds for objection: Network Rail is seeking to work proactively with its lineside neighbours and the relevant authorities by seeking out sites with problematic trees and then negotiating a solution that is equitable to all parties. In this instance our polite inquiries with regard to ownership of the land have led to the imposition of a Temporary TPO. Whilst the trees at Station Lane may merit protection on amenity grounds, it is clearly not expedient because there is no risk to the trees. Network Rail is looking to build a collaborative relationship with local authority tree officers to enable an effective and proactive way of working without the need for unnecessary bureaucracy.

The serving of a TPO by the Council on these trees will complicate matters and most likely lead to delays in undertaking any works necessary to maintain the safe and punctual operation of the WCML.

Network Rail involves local authorities in the planning of significant lineside tree works, a fact clearly illustrated by our initial communication with officers at (WBC) via a contact at (LCC).

The matter is further complicated by the use of the 'group' category to describe the trees. Group 1 in the schedule of the Order describes the trees as on the TPO map. However, there are actually 4 oak, 2 sycamore, 2 beech and 2 pine within the broken line on the TPO map. This description is inaccurate and will lead to confusion, particularly if trees within the group are subsequently removed. It should be noted that government guidance advises that it would be better if the location of each tree can be indicated within the broken line on the map.

In this instance, the use of an 'area' category would have been more appropriate. The area category is intended for short-term protection in an emergency and local authorities are advised to use this category as a temporary measure until they can fully assess and reclassify the trees in the area. This would have allowed discussions to have taken place and, if deemed appropriate, another more accurate TPO with an individual and/or group designation to be made on the trees that would remain after any necessary tree work.

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It should be noted that Network Rail is a 'statutory undertaker' and consent is not required for the carrying out of works to protected trees in compliance with any obligation imposed by or under an Act of Parliament. Therefore, any works to the trees at Station Lane in order to maintain the safe and punctual operation of the WCML would possibly be exempt from the normal requirement to apply for consent under the terms of the TPO.

Consideration of the objection: The Government encourages local authorities to meet parties that object to the imposition of a TPO and we would be pleased to attend a meeting to clarify the issues at stake for maintain and operating our public transport network in greater detail. We also note that the procedure by which local authorities must consider objections and decide that an order is confirmed or not is open to criticism because it is the same authority that made it in the first place.

Ideally therefore, any objections should be considered by person/s who were not involved in making the order, such as a committee of elected members. This ensures that an authority is seen to have in place a meticulously fair procedure to deal with objections to a TPO.

If you require any further clarification of the points raised in this objection, please contact me.

Yours sincerely

 **HND Arb F Arbor A**

Network Rail Arboriculturist || Works Delivery || Off Track North Union House || Christian Road || Preston || PR1 8NB || Tel: 07701 062083

Attached below for reference is the plan and schedule for the TPO OFFICIAL