



Planning Committee Agenda

Wyre Borough Council
Date of Publication: 27/10/2020
Please ask for : Emma Keany
Democratic Services Officer
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Planning Committee meeting on Wednesday, 4 November 2020 at 2.00 pm in the Council Chamber - Civic Centre and via WebEx.

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

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

To confirm as a correct record the minutes of the Planning Committee meeting held on 07 October 2020 (already circulated by email).

4. Appeals

(Pages 3 - 8)

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

5. 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 to the North And South Of School Lane, Forton, Preston, Lancashire (18/00469/OULMAJ)
Outline application for the erection of up to 195 dwellings, 1ha of employment, community centre and shop (Use Class A1) and associated infrastructure (following demolition of existing agricultural buildings) with access off School Lane applied for as a detailed matter (all other matters reserved). | (Pages 9 - 46) |
| (b) | Application B- Garstang Business and Community Centre, 96 High Street, Garstang, PR3 1EB (20/00618/FULMAJ)
Erection of 3 storey building to provide approx. 932 sqm (gross) of retail floor space (Class A1) and 23 residential apartments with associated new car parking. | (Pages 47 - 70) |
| (c) | Application C- Brickhouse Cottages, Brickhouse Lane, Hambleton, FY6 9BG (20/00411/FUL)
Application (retrospective) for the erection of a two-storey building comprising of visitors centre, café/restaurant and hydrotherapy pool. | (Pages 71 - 86) |
| (d) | Application D- Bolanja, 45 Pilling Lane, Preesall, FY6 0EX (20/00793/FUL)
Retrospective application for the retention of a detached garden room. | (Pages 87 - 94) |

APPEALS LODGED AND DECIDED

Appeals Lodged between — 14th September – 14 October 2020

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
No Appeals lodged					

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

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
19/01232/FUL	14 Garratt Close Poulton-Le-Fylde Lancashire FY6 7XG	Single storey rear extension, two-storey side extension and conversion of garage into a garden room.	Emergency Powers Decision	Dismissed	13 th October 2020

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Appeal Decision

Site visit made on 25 August 2020

by **Sarah Manchester BSc MSc PhD MIEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 13th October 2020

Appeal Ref: APP/U2370/D/20/3253544

14 Garratt Close, Poulton-Le-Fylde, Lancashire FY6 7XG

- 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 Sykes against the decision of Wyre Borough Council.
 - The application Ref 19/01232/FUL, dated 25 November 2019, was refused by notice dated 07 May 2020.
 - The development proposed is rear single storey extension, side 2 storey extension, conversion of garage into a garden room.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address in the application form is 14 Garratt Close, Poulton. However, in the interests of clarity I have adopted the completed address from the decision notice in the banner heading above.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the residential occupiers of 11 Moorland Gardens, with particular regard to outlook.

Reasons

4. The appeal property is a modern 2 storey semi-detached dwelling in a residential area. It is set at an angle in a large and irregularly shaped plot and it has a long side boundary adjoining the rear gardens of terraced properties on Moorland Gardens. There is a detached double garage with a pitched roof set forward and to the side of the front elevation of the property that provides parking for 12 and 14 Garratt Close.
5. The proposed garden room, formed by the conversion of the garage, would have bifold doors facing into the garden of the appeal property and it would be linked to the appeal property by a tall brick wall. Consequently, the bifold doors would not be visible from public viewpoints to the front of the property. Neither the garden room nor the wall, that would replace the existing tall close-boarded fence, would be detrimental to the street scene.
6. The proposed single storey flat roof rear extension would be the full width of the host property and it would project approximately 3m from the rear elevation. It would be a modest feature that would not overwhelm the host

- property. It would not result in any adverse visual impact and it would not be detrimental to neighbouring residential occupiers.
7. The 2 storey side extension would have single storey front and rear elevations with first floor accommodation provided in the tall pitched roof space above. It would extend beyond the main front elevation of No 14 and it would project sideways by approximately 5.4m. Notwithstanding that it would have eaves and ridge height below those of the host property, it would be a conspicuously large feature. Nevertheless, by virtue of its relative size, its design and materials to match its host, the side extension would appear subservient to No 14. Consequently, it would not harm the character and appearance of the appeal property.
 8. There would be no first floor side facing windows, and the windows in the rear roof slope that would serve a bathroom and dressing area would allow for only limited oblique overlooking at best towards the rears of properties on Moorland Gardens. Therefore, there would no direct or close overlooking and no loss of privacy to the neighbouring occupiers.
 9. However, the significant increase in the bulk of built development at the site would closely approach the shared boundary with the properties on Moorland Gardens. By virtue of its irregular siting relative to the properties on Moorland Gardens, the corner of the side extension would project towards the shared boundary and its side and rear elevations would be at oblique angle to the neighbouring properties. Nevertheless, by virtue of the short length of the neighbouring rear gardens, the proposal would be visually obtrusive when viewed from properties on Moorland Gardens, most particularly No 11.
 10. The side extension would result in some loss of light to the rear of neighbouring properties, although this would not be significantly detrimental. However, it would be overbearing to the neighbouring residential occupiers of No 11 when using their garden and it would diminish the outlook from the habitable room windows in the ground floor rear extension. I am not persuaded that different external materials, such as painted render, would mitigate the harm.
 11. Therefore, the proposal would harm the living conditions of the residential occupiers of 11 Moorland Gardens, with particular regard to outlook. It would conflict with Policy CDMP3 of the Wyre Local Plan 2011-2031 Adopted February 2019 in relation to avoiding unacceptable adverse impacts on the amenity of the occupants of surrounding or nearby properties. It would also conflict with the policies in the National Planning Policy Framework that require proposals to promote health and well-being and high standards of residential amenity.

Other Matters

12. The limited scale of the proposal and the proposed surface water treatment would not result in significant flooding or drainage issues. Notwithstanding the loss of a garage parking space, there is sufficient alternate parking provision and the proposal is in an accessible location such that there would be no adverse impacts on highway safety. By virtue of the separation distance and their location in an area of public open space, the proposal would not result in adverse impacts on protected trees. These are requirements of the development plan and they do not weigh in favour of the scheme.

13. I appreciate that the scheme was amended, including in terms of its size and scale. While the decision will have been a disappointment to the appellant, nevertheless the amendments were not sufficient to address the concerns of the Council. Moreover, while I note concerns relating to the Council's virtual committee procedure, the Council was entitled to exercise its planning judgement and reach a conclusion contrary to the advice of its officers.

Conclusion

14. For the reasons set out above, the proposal would result in 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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Committee Report

Date: 04.11.2020

Item Number 01

Application Number 18/00469/OULMAJ

Proposal Outline application for the erection of up to 195 dwellings, 1ha of employment, community centre and shop (Use Class A1) and associated infrastructure (following demolition of existing agricultural buildings) with access off School Lane applied for as a detailed matter (all other matters reserved)

Location Land To The North And South Of School Lane Forton

Applicant Hollins Strategic Land LLP

Correspondence Address c/o Hollins Strategic Land LLP
FAO Matthew Symons Suite 4 1 King Street Manchester M2 6AW

Recommendation Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Karl Glover

Site Notice Date: 18/06/2018

Press Notice Date: 30/05/2018

1.0 INTRODUCTION

1.1 This application is before the Planning Committee for consideration as the application site forms an allocated site in the Wyre Local Plan and is of strategic importance. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The site which forms the subject of this application relates to two separate parcels of land, currently in agricultural use, located to the north and south of School Lane and west of Preston Lancaster Road (A6) in Forton. The site extends in total to approximately 10.5 hectares and lies immediately to the east of the existing settlement. The northern parcel extends over 7.3 hectares and comprises of Grade 3 (good to moderate quality) undulating agricultural land currently associated with Forton Bank Farm. Site levels increase from approximately 33m Above Ordnance Datum (AOD) in the south to 43m AOD in the north. The existing farm buildings which are sited along the eastern boundary comprise of modern pitched roof portal framed structures used for the housing of livestock and storage of agricultural equipment with associated slurry store located towards the west. Centrally located within the northern parcel is a small pond and coppice of trees with mature hedging connecting to the eastern boundary. From the north western and northern boundaries

mature vegetation also projects in to the site. The northern parcel is enclosed along each boundary by high level and well established mature mixed species hedgerows. Along the northern boundary is a designated Public Right of Way (PROW) (FP12) which crosses the site and connects Preston Lancaster Road (A6) with Wallace Lane.

2.2 The northern parcel is surrounded by a mixture of residential development and open countryside. Immediately adjacent to the western boundary are residential dwellings which back on to the site from Coronation Avenue, Troutbeck, Lakeland Close and Wallace Lane all of which vary in design and scale from two storey terrace and semi-detached dwellings to dormer bungalows and more traditional detached properties along Wallace Lane. To the north/north east is agricultural land with defining field boundary hedgerows and mature trees sporadically located within. To the east immediately adjacent to Forton Bank Farm is a cluster of residential dwellings and holiday lets which are accessed from Preston Lancaster Road (A6). This includes Forton Bank Farm House which adjoins on to one of the converted holiday lets and a detached dwelling known as Forton Bank. Forton Bank is a two storey detached dwelling with side and rear gardens which are located on a significantly lower gradient to the adjacent application site and is bound to the north by a high level stone boundary wall. Within the northern parcel there is a defined Minerals Safeguarding Area located predominantly against the western section of the site, and running in an east to west direction to the north of the site is an underground high pressure gas pipeline.

2.3 The southern parcel extends over 3.2 hectares and also comprises Grade 3 agricultural land. Site levels decrease by approximately 2m towards the centre of the site compared to levels around the site boundary which are 34m AOD. Mature hedgerows line the northern and eastern boundaries adjacent to the highway. Along the southern boundary is a mature tree belt along with a further PROW (FP2) which runs from the A6 and connects to Winder Lane to the west. Along the western boundary are trees and hedgerows. The immediate surroundings to the southern parcel are also mixed in character. A residential dwelling is located to the north-west known as Jesmond Dene with a business premises to the rear, beyond this to the west is the village bowling green and playing field. Beyond the mature tree belt which lines the southern boundary is Oakfield Nursing Home.

2.4 Both the northern and southern parcels of the application site area are located within Flood Zone 1 as identified on the Environment Agency mapping system.

2.5 Existing facilities and services within Forton comprise of Forton United Reform Church, Shirehead and Forton Cricket Club, Bowling Club and a Primary School, all of which are within walking distance to the application site. Both parcels of land benefit from existing gated field accesses. To the east of the site lies the A6. On both sides of the A6 close to the junction with School Lane are designated bus stops with bus services to Lancaster and Preston and other areas within the Borough.

3.0 THE PROPOSAL

3.1 The application seeks outline planning permission for residential development of up to 195 dwellings, 1 hectare of employment, a community centre and shop (neighbourhood centre) and associated infrastructure (following demolition of existing agricultural buildings). The application includes access as a detailed matter with new vehicular access points created from School Lane into the respective northern and southern parcels. Matters of layout, scale, appearance and landscaping

are reserved for consideration at reserved matters stage. The residential development will include 30% affordable homes. The neighbourhood centre would be 0.2 hectares comprising a convenience store with a floor space of up to 500sqm (gross floor area) and a community centre with a footprint of approximately 450sqm (gross floor area). The community centre site is an alternative location should it not be provided on the Village Playing Field land.

3.2 The application has been accompanied by an Indicative Concept Masterplan. This shows the internal spine roads through the northern parcel would generally run north to south, around the existing pond and mature trees in the central area which would be the focal point. In the southern parcel it shows the spine road running south and then looping west up to the site boundary. The 1 hectare (ha) of employment land is shown located in the southern parcel adjacent to the eastern boundary and part way along the southern boundary. The 0.20 ha of land reserved for the neighbourhood centre is shown to be located in the south western corner of the northern parcel adjacent to the site access. Some 2.84 ha of green infrastructure is shown across both parcels which would also feature as ecology corridors and green pedestrian routes linking the development site to the existing PROW's along the northern and southern boundary and on to School Lane and Wallace Lane to the north. A Local Equipped Area of Play (LEAP) is indicated within the northern parcel. An on-site surface water attenuation pond is shown towards the north eastern corner of the southern parcel along with a new green space to create a new 'gateway' to the village. The majority of the existing boundary hedgerows are shown to be retained with additional planting throughout.

3.3 The two main access points going into the northern and southern parcels would be offset along School Lane. The northern access is shown to be directly opposite Jesmond Dene and the southern access, further east of the northern access, would be around 150m from the junction of School Lane and the A6. Both accesses are shown to measure approximately 20m in width tapering to 10m into the site and provide visibility splays measuring 2.4m x 43m to the east and west along School Lane.

3.4 The application has been submitted with the following supporting documents:

- Design Code Influence
- Desk Study Assessment Report
- Ecological Assessment (including Update)
- Flood Risk assessment and Drainage Strategy
- Landscape and Visual Assessment
- Noise Constraints Assessment
- Planning Statement
- Transport Assessment (Revised) and Road Safety Audit
- Tree Survey
- Utilities Statement
- Air Quality Assessment

4.0 RELEVANT PLANNING HISTORY

4.1 There is no planning history associated with the application site area, however Forton Bank Farm has the following relevant planning history:

15/00477/FUL - Removal of condition 4 relating to planning permission
01/01051/FUL to allow for personal use as residential accommodation - Refused

19/00805/FUL - Part retrospective application for the change of use of 3no
tourist/student dwellings to 3 residential dwellings - Pending consideration

4.2 Within the immediate vicinity of the application site the following planning
history is considered to be of relevance:

18/00418/OULMAJ - Land At Lancaster Road Forton - Outline application for the
erection of 147 dwellings, village store and Café, public foot path provision, public
open space and associated infrastructure with access applied for (all other matters
reserved) - Application Refused

19/01000/OUTMAJ - Land off School Lane Forton - Outline application for up to 41
dwellings with access applied for (all other Matters Reserved) (re-submission of
17/00587) - Application refused

17/00587/OUTMAJ - Land off School Lane Forton - Outline application for up to 46
dwellings with access applied for (all other Matters Reserved) - Application refused

18/00596/OUT - The Hollies Lancaster Road Forton- Outline application for the
erection of up to 9 detached dwellings, associated parking and landscaping (following
demolition of existing dwelling and outbuildings) with access applied for off the A6 (all
other matters reserved) - Application Permitted

5.0 PLANNING POLICY

5.1 WYRE BOROUGH LOCAL PLAN 2011-2031

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February
2019 and forms the development plan for Wyre alongside the Joint Lancashire
Minerals and Waste Local Plan. 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:

- SP1 -Development Strategy
- SP2 -Sustainable Development
- SP4 -Countryside Areas
- SP7 -Infrastructure Provision and Developer Contributions
- SP8 -Health and Well-Being
- CDMP1 -Environmental Protection
- CDMP2 -Flood Risk and Surface Water Management
- CDMP3- Design
- CDMP4 -Environmental Assets
- CDMP6 -Accessibility and Transport
- HP1 -Housing Land Supply
- HP2 -Housing Mix
- HP3 -Affordable Housing

- HP9 -Green Infrastructure in New Residential Developments;
- EP1 -Employment Land Supply
- SA1 -Residential Development
- SA3/4 -Forton Extension

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 5- Delivering a sufficient supply of homes
- Section 6- Building a strong, competitive economy
- Section 8- Promoting healthy and safe communities
- Section 9- Promoting sustainable transport
- Section 11- Making effective use of land
- 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

5.2.3 National planning policy allows local authorities to confirm their annual five year housing land supply through the publication of an Annual Position Statement (APS). In line with the process established by National Planning Practice Guidance, the Council published the APS to the Planning Inspectorate on 31 July 2019. The Planning Inspectorate has now considered the evidence and representations submitted. The Planning Inspectors report confirms that Wyre has a 5 year housing supply of deliverable housing sites for one year, i.e. until 31 October 2020. The APS forms the most up to date position on the five year housing land supply. The Council has submitted its latest APS to the Planning Inspectorate for consideration and anticipates that it will be able to demonstrate a deliverable five year housing land supply until 31st October 2021.

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 FORTON EXTENSION MASTERPLAN

5.4.1 The Forton Extension Masterplan was approved by the Council on 24th July 2020 and represents a significant material planning consideration to this application.

5.5 FURTHER RELEVANT PLANNING POLICIES/LEGISLATION

5.6 The National Planning Practice Guidance (2019)

5.7 Joint Lancashire Minerals and Waste Local Plan - M2 - Safeguarding Mineral Sites

5.8 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

5.9 The Conservation of Habitats and Species Regulations 2017 (as amended)

5.10 The Wildlife and Countryside Act 1981 (as amended)

6.0 CONSULTATION RESPONSES

6.1 FORTON PARISH COUNCIL

6.1.1 Neither object nor support the proposal however the following points are highlighted:

The principle of the development has been established as the sites are designated for development in the adopted Local Plan and has been established subject to public consultation on the Forton Masterplan. The Parish Council comments centre of access from the two sites onto School Lane and on the design of the school Lane/A6 junction. The proposal should meet the vision and objectives of the Masterplan and ensure that new highway infrastructure is designed to provide for safe movement of motorised transport and other road users. The Parish Council have highlighted the following observation:

Access on to School Lane

- Development will bring traffic from 195 dwellings on to School Lane so the design of the two new access points as well as the road between them will need to cope with additional traffic and also for the safety of pedestrians and cyclists
- The northern site will serve 145 dwellings with traffic using a single road to join to school Lane. The Parish Council would have a preference for a mini roundabout to control traffic flow.
- It is recognised the widening of School Lane will improve safety of pedestrians
- A cycle lane is recommended to connect to the A6 junction
- Visibility splays/sightlines potentially too short at the south site exit

School Lane/A6 Junction

- The Parish Council requested a dedicated left turn from School Lane onto the A6 and it is noted that the Access Plan has provided one. However this is not satisfactory because it can only accommodate a few vehicles and the great increase in traffic from this development will produce a queue waiting to turn right onto the A6 which will block the left turn lane.

- If no amendments are made it could lead to congestion and drivers using alternative countryside routes which are not suitable for high volumes of traffic and would impact upon the character of Forton
- The proposed refuge islands will leave people marooned in the middle of heavy traffic and will particularly affect children, the elderly and those with restricted mobility.
- The Parish Council also wish to see a pull in for buses going north and south which will improve traffic flow.

6.2 UNITED UTILITIES

6.2.1 The applicant should investigate the surface water hierarchy. In the event that infiltration is not possible then a connection to the identified watercourses should be made. No connection to the combined public sewer should be made. A discrepancy in the discharge calculation rates is noted in the submitted FRA and the submitted Sustainable Drainage Statement. The rate of discharge requires further attention. Surveys of the existing culverts should also be undertaken. In terms of foul water discharge UU recommend that the applicant liaises directly to determine the most appropriate approach to pumping foul waters and connection points. Conditions requested in relation to foul and surface water drainage and the management and maintenance of the systems.

6.3 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.3.1 First response (14/3/2019) acknowledged the scope of (revised) Transport Assessment was acceptable. School Lane / A6 junction improvements are necessary along with improvements to pedestrian and cycle links and nearby bus stops. Appropriate access can be provided from School Lane into site although junction radii may need to be reduced from 10 to 6m. A masterplan is required to enable impact of development to be fully assessed.

6.3.2 Second Response (25/8/20) acknowledged the approved masterplan now in place, the proposed improvements to the School Lane / A6 junction and the revised development description. Given that the (initial) analysis showed that traffic could be accommodated on the highway network with spare capacity no further analysis is required. The A6 / School Lane junction improvement provides a right turn lane with pedestrian refuges both north and south of the junction. The southern refuges provides protection to right turning vehicles and also provides better connectivity to the southbound bus stop. The redesign of the junction will require the re-siting of the northbound and southbound bus stops. LCC are satisfied that an acceptable junction arrangement can be provided. In response to local concern about this junction LCC make the following comments:

- Two lane approach on School Lane. The capacity analysis provided by the developer shows that a single lane approach on School Lane would not create unacceptable queuing on School Lane and as such a single lane approach is acceptable to LCC. However, to appease local concern the developer has produce a plan showing a two-lane approach which is also acceptable.
- Provision of Bus Stop Lay-by. Local concern has been raised as to whether a lay-by should be provided for the northbound bus stop on the A6. LCC do not usually consider lay-bys to be necessary on major traffic routes such as the A6 and accepts that minor delays to general traffic suffers is off-set by buses being able to re-join the flow of traffic easier, reducing journey times and encouraging public

transport travel. The developer has produced a plan showing that a lay-by could be provided, however, the detailed layout of the junction would require technical approval following a safety audit.

- Existing access north of the School Lane junction. The access to Forton Bank has sightlines that are below the standards that would be expected if a new access was being created here. The alteration necessary at the School Lane junction include the provision of refuges, this together with the increase in traffic movements associated with the development will aid in regulating vehicle speeds. Of the opinion that the alterations to the School Lane junction will not make it any more difficult or dangerous to access and egress the access to Forton Bank. The adopted highway here includes the grass verge (westerly side), carriageway and footway (easterly side) with any walls, fences and hedges being the responsibility of the adjacent landowners.

6.3.3 LCC Highways have advised that the submitted Travel Plan is acceptable. A financial contribution towards the A6 Sustainable Transport Strategy is requested to go towards the delivery of road safety improvements (average speed cameras to be introduced along the A6) which would be to the sum of £312,000. A financial contribution of £12,000 for travel planning is required upon commencement of development. The following highway improvements are necessary to allow this development to come forward:-

- Provision of right turn lane on the A6 with pedestrian refuges
- Upgrade of nearest northbound and southbound bus stops to include shelters, raised boarding areas and associated road markings / signs.
- Footway improvements along School Lane between the A6 and the School and Village Hall.

The above works should be carried out under a s278 agreement and would be secured by planning condition. Other conditions that have been requested are set out in more detail within section 9 of this report. Subject to conditions and contributions as set out above LCC Highways raise no objection.

6.4 LANCASHIRE COUNTY COUNCIL (EDUCATION)

6.4.1 Updated assessment (29/9/2020) confirms LCC will be seeking a contribution from this development towards primary and secondary school places in line with their methodology, with the precise amount / number of school places to be confirmed at reserved matters stage once housing mix is known. Garstang Academy and Lancaster Central High School are identified as the named secondary schools for expansion and Forton Primary School and/or Cockerham Parochial CE Primary School are identified as the names primary schools for expansion.

6.5 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.5.1 No objections subject to conditions requiring full details of surface water drainage to be submitted along with the details of a SuDS management and maintenance scheme

6.6 LANCASHIRE COUNTY COUNCIL (PUBLIC RIGHTS OF WAY OFFICER)

6.6.1 Advised that the developer plans do not appear to show the route of the PROW on the same line as the county councils records. Surface material

improvements for both FP12 and 2 will be needed as these will become well used. The developer should create formal links from the recorded public rights of way to the section of estate road that are to be adopted. The development is tightly constrained by the A6 to the east but with improvements to pedestrian and multi user access across the road the site has potential to provide good opportunities for car free travel from the proposed development.

6.7 LANCASHIRE COUNTY COUNCIL (ARCHAEOLOGY)

6.7.1 Advised that the site has potential for as yet unknown buried remains particularly those of prehistoric-medieval dates. A condition for a programme of archaeological work in accordance with a scheme of investigation is recommended to be attached

6.8 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.8.1 First Response: The application site, although large, is dominated by species-poor agricultural grassland which is not of high ecological value. It is considered to have low potential to support any specially protected species, except for some minor potential for bats to roost in trees and some bat foraging habitats. There are trees, hedgerows and a pond within the application boundary that will have local nature conservation value, but these features are capable of retention and/or re-creation and overall I would not consider that the development proposal will cause substantive ecological harm. Conditions recommended.

6.8.2 Second Response: Due to the time elapsed between the original planning application a revised response is provided. In summary the conclusions of the applicant's ecologist is agreed. The status of the site has not substantively changed since the previous response in particular any risks to great crested newts remain very low. GMEU are mindful of the recent comments from Natural England on the application that the development should be subject to Screening under the terms of the Conservation of Habitats and Species Regulations 2017 (as amended) for its possible impacts on European protected sites. GMEU have undertaken the screening and it is concluded that the proposed development is considered to have no Likely Significant Effect (LSE) on the special interests of any European designated sites. A range of conditions have been recommended.

6.9 HIGHWAYS ENGLAND

6.9.1 No objections subject to a condition requiring a robust Travel Plan to be submitted.

6.10 HEALTH AND SAFETY EXECUTIVE (HSE)

6.10.1 The site lies within the HSE consultation distance of National Grid pipeline ref.1115: 21 Feeder Carnforth to Treales. It is confirmed that this pipeline has been thick-walled in the vicinity of the proposed development site and that as a result, the HSE consultation zones for this pipeline which apply in this area are, Inner zone = 3 metres, Middle zone = 3 metres, Outer zone = 230 metres. The site lies within the outer zone of the HSE consultation distance and therefore HSE does not advise, on safety grounds, against the granting of permission.

6.11 CADENT GAS

6.11.1 No objections, advised that the notes provided should be brought to the attention of the applicant

6.12 NATIONAL GRID

6.12.1 No objections

6.13 NATURAL ENGLAND

6.13.1 Advised that a Habitat Regulations Assessment (HRA) screening should be undertaken. If the local authority can be satisfied that the proposal can conclude no likely significant effects there is no further need to consult Natural England.

6.14 NHS FYLDE AND WYRE CLINICAL COMMISSIONING GROUP (CCG)

6.14.1 To mitigate against the development an appropriate financial contribution towards the refurbishment and/or reconfiguration at Garstang medical centre is requested. Whilst this is estimated at £53,745, as this is an outline application the precise amount would be calculated at reserved matters stage.

6.15 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.15.1 No objections in principle. Surface water drainage from the site must be based on SuDS principles including rainwater harvesting, infiltration and discharge to existing watercourses. Results of percolation tests should be submitted to test the ground conditions for suitability for infiltration. Surface water should be drained via the southern site and no surface water should be connected to the combined sewer.

6.16 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION)

6.16.1 Further information is required to be submitted including photographic walk over images and details of any proposed ground gas investigations. As such it is recommended that the councils standard contaminated land condition is attached should the application be approved.

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

6.17.1 No objections subject to conditions requiring an Environmental Construction plan to be submitted along with a dust management plan. The noise mitigation measures set out within the submitted noise assessment should also be conditioned accordingly.

6.18 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AIR QUALITY)

6.18.1 No objections however to mitigate against the impacts associated with the development a number of conditions have been requested

6.19 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREE AND WOODLAND OFFICER)

6.19.1 Agrees with the tree survey assessment undertaken. Should the application progress to reserved matters then an Arboriculture Impact Assessment, tree

protection plan and Arboriculture Method Statement should be provided along with a detailed landscaping plan covering new tree planting schedule and specifications.

6.20 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (PUBLIC OPEN SPACES/GREEN INFRASTRUCTURE)

6.20.1 The features and quantity of Green Infrastructure being provided is acceptable. Full details and design should be conditioned.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there have been 17 letters of objection received. The primary planning reasons for objection are set out below:

Principle

- Development should be in accordance with the Masterplan
- No demand for new housing (no local need)
- No need for affordable housing in the locality
- Cumulative impacts upon Forton due to the amount of planning applications submitted
- Lack of infrastructure

Residential Amenity

- Impacts upon amenity
- Loss of light
- Loss of Privacy and outlook

Visual Impacts

- Loss of Agricultural land
- Far to greater scale of development for the Village
- Development is not organic growth

Highway Impacts

- Highway Safety concerns
- Impacts upon Wallace Lane and Winder Lane
- Impacts upon pedestrians including school children so close to the A6
- Impacts upon wheel chair users and people with pushchairs
- Impacts upon the highway network - capacity concerns
- Impacts upon country lane from additional traffic
- Puffin Crossing is required on the A6
- Lack of viability at the Junction with the A6 and School Lane

Other

- Impacts upon gas pipeline
- Drainage and flood risk concerns (supporting image provided of flooding within the site)
- Lack of open space

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 During the course of the application a number of site visits have been undertaken. This included a site walk over with the applicant. As the application was originally submitted ahead of an agreed Masterplan for the Forton Extension (a

requirement of Site Allocation SA3/4), the Applicant and Officers agreed to a rolling extension of time on the application to accommodate the submission and approval of the Masterplan and any necessary revisions required to ensure the application complied with its visions and parameters. Further contact during the application was made to discuss the following matters:

- Amendments to the site accesses and junction with School Lane
- The Submission of a road Safety Audit
- Application site parameters (revised Concept plan)
- Green Infrastructure
- Required revisions following the adoption of the Wyre Local Plan
- Financial contributions and planning obligations
- Delivery of the village hall/community centre
- Agreement of Conditions and Section 106 Legal Agreement

9.0 ISSUES

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

- Principle of Development
- Infrastructure Provision and Employment
- Housing Mix
- Landscape Impacts
- Impact on Residential Amenity
- Impact on Highway Safety, Access and Highway network
- Flood Risk and Drainage
- Trees and Ecological Matters

Principle of Development

9.2 The application site falls within the settlement boundary of Forton as defined in the Adopted Wyre Local Plan (WLP31). Policy SP1 of WLP31 directs new development to within settlement boundaries and states 'development within settlement boundaries will be granted planning permission where it complies with the other policies of this Local Plan'. The site is allocated in WLP31 for mixed use housing and employment development as part of the Forton Extension site allocation (Site SA3/4). The allocation consists of four parcels around the periphery of the settlement with a total housing capacity of 310 dwellings along with 1 hectare of employment land and a neighbourhood centre comprising of a local convenience store, community centre and health facility (the latter only if required). This application site comprises one of those four parcels. The remaining being the village playing field (bowling green, pavilion and play area) (parcel B), land off Winder Lane (parcel C) and Land south of Spring Vale/Forton Primary School (parcel D). As the site is part of a Local Plan allocation, the loss of agricultural and minerals safeguarding land has already been considered and accepted.

9.3 As this application was submitted prior to the WLP31 being adopted it has since been amended to include the 1ha of employment land. To date there are no other applications which have been submitted on parcels B-D of the allocation. Whilst this application seeks consent for the erection of up to 195 dwellings the remaining parcels of land within the allocation are of sufficient capacity to deliver the remaining allocation capacity of 115 dwellings.

9.4 Site allocation SA3/4 contains 11 Key Development Considerations (KDCs) which are policy requirements that have to be satisfied. KDC1 states 'this site is to be brought forward in line with a masterplan to be produced covering the whole of the site. The masterplan must be agreed by the Local Planning Authority prior to the granting of planning permission for any part of the site'. The Forton Extension Masterplan was formally approved by the Council on 24th July 2020. Although the Masterplan itself does not create new policy, it does create a development framework, including vision, objectives and design principles that individual planning applications within the allocation are expected to be consistent with. In this instance the application is in outline form with only access being applied for as a detailed matter. However it is considered that the proposed development would be consistent with the Masterplan Framework (appendix A of the masterplan document) as the submitted indicative concept plan which identifies the areas of the site where the housing, employment and associated infrastructure are to be sited aligns with the Masterplan Framework. Details of these locations are set out below. The outline permission could be conditioned to ensure that any subsequent reserved matters application follows these parameters. Specific matters relevant to the masterplan are subsequently discussed in each relevant section of this report.

9.5 Policy SP2 of WLP31 requires all new development to be sustainable. Relevant matters in this case would be to ensure housing provision meets the needs of all sections of the community, provision of strategic and local infrastructure and services, ensure accessible places and minimise the need to travel by car, reduce and manage flood risk, protect and enhance biodiversity, landscape and cultural heritage and green infrastructure assets, and achieve safe and high quality designed local environments which promote health and well-being. How the proposal achieves these sustainability considerations is discussed in turn in each relevant section of this report.

9.6 Policy SP2 (Criteria 6) requires development proposals to demonstrate how it would respond to the challenge of climate change through appropriate design and by making best use of resources and assets, including the incorporation of water and energy efficiency measures through construction phases and the reuse and recycling in construction both in the selection of materials and management of residual waste. Whilst this application is in outline form, the applicant has provided a supporting statement outlining how the proposal would satisfy this policy. This includes:

- The proposed Neighbourhood Centre will enable the provision of a new shop and village hall meaning less vehicular movements outside the settlement
- A Framework Travel Plan has been submitted to LCC to encourage sustainable modes of travel
- Financial contributions towards sustainable travel
- The use of natural resources such as water features, hedgerows and trees
- Native species planting throughout the site increasing the amount of tree cover to assist with climate change in line with the Masterplan
- Integration and improvements of existing natural habitats

Infrastructure Provision and Employment

9.7 Policy SP7 of WLP31 requires contributions towards infrastructure and in some cases new infrastructure on site. This includes affordable housing, green infrastructure, education, highway improvements and health care provision. The Forton Extension Masterplan also identifies a number of infrastructure requirements

that are integral to the creation of sustainable development and sets out the principles in which this should be delivered.

9.8 KDC7 of SA3/4 requires the allocation to provide a neighbourhood centre comprising of a small local convenience store of not more than 500sqm (gross floor area), a community hall and health facility if required. The Masterplan considers the appropriate location for the neighbourhood centre. It identifies land south of School Lane within the boundary of the village recreation ground and playing field as the preferred location for the community hall, with the retail unit located on the northern parcel opposite the existing pavilion. The latter location is also identified as an alternative location for the community hall should the preferred location not be deliverable. As part of this application, and as identified on the submitted concept plan, 0.20ha of land located to the south western corner of the northern parcel of land has been identified to be reserved for a new community hall (if the preferred location does not come forward) and a convenience store. This permission should condition the convenience store to have a gross internal floor space of no more than 500sqm in line with the KDC. Full details of the store would be provided at reserved matters stage or via a separate full planning application. The neighbourhood centre is considered to be a suitable location as it would be centrally located within the settlement and can be safely accessed from School Lane. It would also reflect the Masterplan. In this instance the applicant has agreed to provide a financial contribution towards a new community hall which is to be secured via a Section 106 Legal agreement. The precise amount would be dependent on the housing mix to come forward at reserved matters stage, however is expected to be in the region of £850,000. This will be held by the council and made available to the appropriate body (such as the Trust or Parish Council) wanting to deliver it, either on the village recreational ground (preferred location) or on the neighbourhood centre site. Land on the neighbourhood centre site will therefore need to be reserved for the community hall until such time as it is confirmed as not being required. This can be secured by condition.

9.9 In terms of affordable housing, Policy HP3 of WLP31 requires new residential development of 10 dwellings or more on greenfield sites in Forton to provide 30% affordable housing on site. Assuming a reserved matters application came forward for all 195 dwellings, 30% would equate to 59 affordable units on site. The Council's Affordable Housing Officer has advised that 50% of the on-site units should be affordable rental units, with the remaining 50% intermediate tenure. Affordable housing would be secured in a Section 106 agreement.

9.10 KDC6 of SA3/4 requires land to be made available for the extension of the local primary school. The approved masterplan sets out 0.8ha of land is to be made available on the area of the allocation to the rear of the existing school (parcel D). Approval of this application would not therefore prejudice the delivery of this school expansion in the future if required. Furthermore to mitigate the impacts of this proposed development a financial contribution in line with LCC's methodology would be secured at reserved matters stage when a detailed scheme can be assessed. To provide LCC with some flexibility, both Forton Primary School and/or Cockerham Parochial CE Primary School as the closest primary schools to the development with space to accommodate an expansion are the named primary schools. Garstang Community Academy and/or Lancaster Central High schools are the named secondary schools. The applicant has in principle agreed to pay this financial contribution which would be secured in the section 106 agreement.

9.11 Whilst KDC7 of SA3/4 and the Masterplan highlight that the neighbourhood centre should incorporate an area for a health facility (i.e. a drop in satellite centre) if

required, the CCG in this instance have advised that to mitigate the impact of the development on existing health care services a financial contribution would be required instead. They have estimated this payment to be in the region of £53,745 towards refurbishment and/or reconfiguration at Garstang Medical Centre. However, as with the education and community hall contributions, the precise amount would be calculated at reserved matters stage. The requisite health care contributions would be secured in a s106 agreement.

9.12 Policy HP9 of WLP31 requires development resulting in a net gain of 11 units or more to make appropriate provision of green infrastructure (GI) on site. Based on the proposed upper limit of 195 dwellings this development should provide circa 1.72ha of GI within the site. The submitted concept plan demonstrates that in total across both parcels of land to the north and south of School Lane, approximately 2.84ha of GI would be provided on site which exceeds the amount required by Policy HP9. The Masterplan sets out the approach to GI for the whole of the site allocation and identifies that its delivery should be closely related to the movement network with the aim to create an attractive, well designed open space network in conjunction with integration and improvement of existing ecological systems and natural habitats. The Masterplan sets out that the whole allocation is required to provide a total of 4.31ha of GI. The submitted concept plan for this application replicates the GI provisions set out in the Masterplan for both parcels of land and incorporates various typologies including an area for children's play (Locally equipped area of play - LEAP), natural and semi natural green space, ecological corridors and includes new sustainable drainage features (SuDS) by way of new ponds to be used for onsite attenuation purpose. It also shows links to the existing public rights of way and to a potential continuous green pedestrian route 'The Forton Trail' which is proposed as part of the masterplan.

9.13 Within the northern parcel of land to the north of School Lane the levels and topography vary significantly, with the highest area being along the ridge to the northern boundary where the existing PROW crosses through. The GI has been designed to take into consideration the difference in levels and to ensure connectivity with the existing footpath whilst providing a safe and overlooked area for the proposed children's LEAP. There is a triangular section of GI in the north eastern corner which falls outside the allocation and is within designated Countryside Area in the local plan. However Policy SP4 (criteria 2-b) allows for areas of outdoor leisure facilities and it is considered that the use of Public open space would fall within this category and as such is an appropriate use within the countryside. At reserved matters stage full details of levels and site sections will be required to be provided. The Councils Parks and Open Spaces Officer is satisfied with the type and amount of GI being proposed. The location and amount of GI shown on the submitted concept plan can be conditioned accordingly to ensure any reserved matter relating to layout follows this concept plan. The timing/delivery and management/maintenance of this GI would be secured by the Section 106 agreement. The reserved matters submission would consider the design of the open space and precise typologies, as well as furniture, play equipment and footpaths.

9.14 KDC5 of SA3/4 requires 1ha of employment land (Class B use) to be located to the east of Jesmond Dene which already incorporates existing business uses. The submitted concept plan shows employment is to be located within the southern parcel of land against the eastern and southern boundaries, adjacent to a new internal spine road. The Masterplan provides an illustrative layout of how this could be delivered. Full details of the B1/B2/B8 employment uses including their configuration, scale, appearance and layout will be considered at reserved matters stage or in separate full planning applications, however the masterplan

acknowledges that smaller B1 (office) / B2 (general industrial) units would integrate better with the character of the area including residential development. A condition on the outline permission will ensure this land is reserved for employment purposes and will request details of phasing to ensure timely delivery of infrastructure. It is considered that the location and amount of the employment proposed would comply with the requirements of KDC5 and also the provisions of the masterplan.

Housing Mix

9.15 Policy HP2 of WLP31 requires new housing developments to widen the choice of housing available in Wyre by providing a mix of house types and sizes in line with the latest evidence of need as set out in the Strategic Housing Market Assessment (SHMA), which in this case is the May 2018 Addendum 3 Supplementary Note. This sets out a need for 38% 1 and 2 bed, 43% 3 bed and 18% 4+ bed units. Also Policy HP2 sets out that to help meet the needs of an aging population and people with restricted mobility at least 20% of dwellings should be of a design suitable or adaptable for older people and people with restricted mobility. As this application is in outline form with only access applied for the housing mix is unknown at this stage and will be assessed at reserved matters stage. To ensure the reserved matters application(s) comes forward in line with these policy requirements conditions should be imposed on the outline permission.

Landscape Impacts

9.16 The application site forms a large scale extension to the existing settlement on two parcels of land intercepted by School Lane. Both parcels vary significantly in land levels and natural features. Policy CDMP3 of the Local Plan requires new development to be of a high standard of design. Innovative design appropriate to the local context will be supported where it demonstrates an understanding of the wider context and makes a positive contribution to the local area. Within the policy a number of criteria are set out. Criterion A states that all development must be designed to respect or enhance the character of the area. Criterion B requires development to create 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 the pattern and design of internal roads and footpaths in respect of permeability and connectivity, car parking, open spaces, landscaping and views into and out of the development. Specifically for this site KDC3 of SA3/4 sets out that the design of the development should provide an 'organic' extension to the village. It should utilise key vistas into the adjoining open countryside and provide a rural transition zone between development and the wider countryside. Particular attention should be given to the nature and quality of boundary treatments and a landscape buffer should be provided along the A6. Furthermore the approved Masterplan advises that new development should integrate into the existing fabric of the village by virtue of its layout, design, movement network and infrastructure delivery.

9.17 Whilst layout, scale and appearance are not applied for at this stage, the submitted concept plan sets out block structures/zoning areas for where infrastructure and development is expected to be located on both parcels of land. This provides assistance in assessing how the development would form an organic extension. The application has also been accompanied by a Landscape and Visual Appraisal (LVA) which focuses on the potential effects of the proposed development upon identified key landscape receptors. An assessment of the LVA and potential impacts for each parcel of land is set out separately below.

Land to the North of School Lane

9.18 The land to the north of School Lane is characterised as rolling/undulating farmland divided by low clipped hedges and small groups of trees and is bound by low hedgerows. Forton Bank Farm and its associated buildings sit to the southeast of the site and the A6 runs along the east site boundary. The submitted LVA concentrates on a number of viewpoints including views from Wallace Lane the A6. It considers that the clear views of the site are generally limited to local views from adjacent residential properties, local roads and nearby footpaths in proximity of the site. In terms of topography and levels changes the site rises from approximately 34m AOD from to approximately 40m AOD towards the northern boundary with a small dipped valley within the centre where there is a small tree covered pond. The submitted Concept Plan identifies that 4.70ha of residential development is to be sited towards the northwest and east of this parcel. The GI is to be sited towards the centre and to the north and north east which is on the highest and most prominent part of the site. The GI has been sited to the ridge of the land (against the northern boundary) to limit the visual impacts especially when viewed from the A6 and from School Lane. This indicative concept plan should be conditioned to ensure that any reserved matters application follows its parameters. The scale and visual appearance of the community hall will also play a pivotal role as a key central hub.

Land to the South of School Lane

9.19 The southern parcel of land is mainly viewed from the A6 to the east and School Lane to the north. The levels vary throughout ranging from 33m AOD at the centre of the site to 37m AOD at the southern boundary. A mature and established tree belt runs along the southern boundary. All other boundaries are made up of maintained hedgerows. This parcel of land is well related to the village core. The submitted plan shows that 1.2ha of residential development is to be located to the centre and west of the site and on the opposite side of a central spine road the 1.0Ha of employment land will make up the east and southern boundaries. The Masterplan envisages that the Employment development will comprise of several smaller units rather than one large building which will allow for visual breaks and a natural transition in the built form to the residential properties. The landscape buffer along the eastern boundary will comply with KDC3 of SA3/4 and will ensure the existing boundary treatment is retained. The proposed GI for this parcel of land is shown to be located to the north eastern corner comprising of a new SuDS feature and new planting and pedestrian footpath. Visually this will provide a green visual buffer at the junction with School Lane.

9.20 The application site is an allocated site for housing and employment and as such it has been accepted that this amount of development will come forward. In terms of the visual impacts any new development on an existing greenfield site will inevitably change the landscape. The submitted LVA identifies how the impacts can be mitigated with a mitigation landscape strategy. The strategy makes reference to the retention of existing vegetation and landscape features (i.e. ponds and trees), and use of appropriate building styles, materials, density and layout which adopts a similar general layout to the existing settlement structure. Building heights should be a maximum of two storey and should respond to the landform in order to reduce potential impacts upon skylines. Any reserved matters application will need to respond to the proposed mitigation and landscape strategy. Both parcels of land are shown on the submitted concept plan to provide an acceptable connection to one another whilst at the same time integrating to the surrounding built and natural environment. Given the variations in levels a condition is required for all proposed level changes to be submitted prior to any works commencing. Whilst some

hedgerow removal will be required along School Lane to achieve the required visibility splays for access to the development, this can be mitigated by new planting. The proposed concept plan does follow the parameters of the submitted LVA and in turn the approved Forton masterplan and is considered to provide an appropriate framework to the delivery of this site. Following this framework at reserved matters stage when full consideration will be given to layout, design, scale and density should ensure the development represents an organic extension to the existing settlement and will comply with SA3/4 and CDMP3 of WLP31.

Impact on Residential Amenity

9.21 In considering the submitted concept plan there is no reason to believe at this stage that the development would not be able to comply with the interface distances set out in the Council's adopted 'Spacing Guidance for New Housing Layouts' SPG4 and so impact on residential amenity is not a cause for concern. The relationship between the proposed dwellings along the eastern boundary of the northern parcel and that of Forton Bank will need careful consideration in terms of siting and scale. Forton Bank sits on a much lower level and there is potential for overbearing impacts and loss of privacy. The Case Officer has undertaken a site visit from the habitable rooms and also the side/rear garden of this dwelling and is aware of the concerns raised by the occupants. A full assessment would be undertaken at reserved matters stage.

9.22 The relationship of the new dwellings and neighbourhood centre with existing dwellings which back on to the site along the western boundary from Coronation Avenue, Troutbeck Avenue, Lakeland Close and Wallace Lane will also need to be fully considered at reserved matters stage. Compliance with SPG4 will be required. The development of the southern parcel of land is not anticipated to have any unacceptable adverse impacts upon the residential amenity of existing properties.

9.23 An air quality assessment has been submitted that considers the potential impact of construction activity and additional traffic from future residents on air quality levels in Forton. This is necessary given the scale of development and its proximity to the A6. The Council's Environmental Health Officer concludes that the assessment methodologies are appropriate and reasonable assumptions have been made. No objections are raised subject to conditions requiring a construction environmental management plan (CEMP) and electric vehicle charging points, both of which are considered reasonable. The provision of electronic vehicle charging points (EVCP) will also ensure compliance with Policy CDMP6 of WLP31. The Environmental Health Officer has also recommended that a condition relating to high performing, energy efficient boilers is attached but it is considered this cannot be reasonably justified given this is covered by separate legislation (building regulations).

9.24 Given the site's location adjacent to the heavily trafficked A6 a Noise Assessment has been submitted to assess the impact on the residential dwellings and also from the new employment uses. The Council's Environmental Health Officer has advised that the report submitted is acceptable and all fencing, ventilation and higher specifications glazing measures recommended as mitigation should be conditioned. It is also advised that at reserved matters stage when layout is considered the orientation and layout of the dwellings will play a valuable role in mitigating the impacts of the development and minimising impacts from noise. In terms of the neighbourhood centre it is not anticipated that there will be any unacceptable adverse impacts upon neighbouring residents subject to any plant and machinery designed so as not to exceed the background levels set out in the noise

assessment and that any deliveries or collection of goods are restricted accordingly. Furthermore any external lighting associated with the neighbourhood centre shall be controlled by the local authority. Subject to conditions and/or further consideration of these issues at reserved matters stage, it is not anticipated that the development would result in unacceptable noise or light disturbance.

Impact on Highway Safety, Access and Highway network

9.25 Policy CDMP6 of WLP31 sets out the necessary criteria to ensure an effective and efficient transport system for movement and people from one place to another can be achieved and that new development is capable of being accessed and serviced safely without compromising safety elsewhere on the network. The Forton Masterplan sets out the principles for Highways and Movement for this site allocation.

9.26 As a consequence of amending the scheme from 210 to 195 dwellings and including 1ha of Employment land the applicant has updated the relevant supporting documents including the Transport Assessment (TA) and Framework Travel Plan (TP) and LCC Highways are satisfied with them, confirming that the analysis submitted confirms that traffic could be safely accommodated on the highway network subject to the mitigation outlined below. The site is within walking distance of bus-stops (located proximate to the junction of School Lane and the A6) and other community facilities and services within the settlement of Forton. Overall, the proposed development is considered to be suitably accessible. Nonetheless some improvements to connectivity are required to improve the site's sustainability which are also outlined below.

9.27 Detailed access plans have been submitted with the application. Both parcels of land are to be accessed from newly created access points off School Lane, both of which are within 100m south of the junction with the A6 and both show new pedestrian footways to be provided along School Lane. Lancashire County Highways have confirmed that based on the plans submitted an appropriate means of access from School Lane into the development sites can be provided. Their detailed design including junction radii will be the subject of a s278 agreement. In order to unlock future development phases of the site allocation, it is envisaged that a road link through the southern parcel of the application site will be required to connect with parcel B (Trust Land) and in turn Winder Lane and parcels C and D. This potential road link is included on the submitted concept plan up to the western boundary of the southern parcel. A condition will be necessary to require this road to be built up to the boundary to ensure future access is safeguarded, unless an alternative route to the remaining phases is confirmed to be acceptable by the local highway authority.

9.28 Improvements to the existing junction between School Lane and the A6 to facilitate safe vehicle and pedestrian movements are required. These improvements include providing a right turn lane with pedestrian refuges both north and south of the junction. The southern refuge provides protection to right turning vehicles and also provides better connectivity to the southbound bus stop. The re design of the junction will require the re siting of the northbound and southbound bus stops. The Forton Masterplan sets out two design options for this junction. Option 1 provides a right turn harbourage to protect right turning traffic and pedestrian refuge, opposite the northbound bus stop to assist people in crossing the A6 to access the southbound bus stop. Option 2 shows the same overall junction design but with the provision of two lanes (Right turn and left turn) at the give way line. The Masterplan confirms that both options would be acceptable to LCC Highways but would be subject to

discussions at the application stage. There has been correspondence from Forton Parish Council with reference to improvements to this junction including alternative sketches and design preferences put forward. These have been given due consideration in consultation with Lancashire County Highways. Their response to these is summarised in section 6.3 of this report. Likewise any neighbour comments have also been taken into consideration.

9.29 Notwithstanding the view of LCC Highways that a two lane approach on School Lane to the junction with the A6 is not necessary, the applicant in acknowledging the views of the Parish Council has submitted a junction design with two lanes (right turn and left turn on to the A6). This is the preferred option set out in the Masterplan (i.e. option 2 described above). In turn further works required are widening of the junction utilising the north eastern corner of the southern parcel to improve visibility, relocating the bus stops on both north and southbound carriageways of the A6, new pedestrian (shared) footways and a central landscaped island. These detailed junction improvements are considered to be acceptable by Lancashire County Highways. The timing of the junction improvement works and works required to provide the access to both parcels is to be conditioned. All off site highway works are to be carried out as part of a section 278 agreement.

9.30 To assist with visibility of those vehicles pulling out of School lane onto the A6, observations received have stated a preference for a newly constructed bus layby on the western side of the A6 adjacent to the southern parcel of the site. The applicant has responded by commissioning a Road Safety Audit (RSA) to ascertain the necessity of this in terms of highway safety. The RSA has been assessed by LCC Highways who do not consider that the scheme would warrant the provision of a bus lay-by. On this basis, a new bus lay-by is not deemed necessary to mitigate the development as part of the off-site highway works and that the submitted plans are considered acceptable without this detail shown.

9.31 LCC Highways developed the A6 Corridor Highway Mitigation Strategy as a means of mitigating the individual and cumulative impact of development along this corridor. Lancashire County Highways has advised that in light of the relatively poor accident record on the A6 between Cabus and the M6 junction 33, it is considered that speed calming measures are required to address the safety issues identified. It is proposed that average speed cameras be introduced together with a review of road markings and traffic signs. To provide these improvements over the 6.6km between Cabus and the M6 junction 33 would cost approximately £500,000. LCC estimate that if this cost was shared between all developments that come forward within the Local Plan, this equates to £1600 per dwelling. A scheme of 195 dwellings equates to a financial contribution of £312,000 which the applicant has agreed to pay in phases. This would need to be secured in the section 106 agreement in conjunction with the £12,000 requested by LCC Highways towards Travel Plan support.

9.32 Lancashire County Highways are satisfied that the proposed development is in conformity with the relevant aspects of Forton Masterplan and that the proposal can be supported subject to conditions and the highlighted financial contributions. Members are advised that a safe means of access has been demonstrated and that the highway improvement works to the A6 and School Lane are acceptable and would be in line with the Masterplan which serves the wider site allocation. In this instance the proposal is considered to comply with the provisions of Policies CDMP6 and SP7 of WLP31 and the Forton Masterplan.

Flood Risk and Drainage

9.33 The application site is located within Flood Zone 1 which is defined as having a low probability of flooding. A site specific Flood Risk Assessment (FRA) has been submitted which has been assessed by United Utilities, the Council's Drainage Engineer and the Lead Local Flood Authority (LLFA). There is no statutory requirement to consult the Environment Agency on the proposal and there is no requirement for the applicant to demonstrate compliance with the sequential or exceptions tests. KDC4 of SA3/4 requires a drainage strategy to be submitted with the application setting out that residual surface water should drain into Morecambe Bay via the River Cocker. The submitted FRA includes a Drainage Management Strategy which demonstrates how the proposed development would satisfy the SuDS Hierarchy. It recommends that surface water from the development will ultimately discharge via onsite attenuation ponds (SuDS Features within both parcels of land) and into the existing watercourses (namely Potters Brook) at a restricted discharge rate which connects further along to the River Cocker. Whilst the Council's Drainage Engineer has raised no objections to the information submitted, it has been stated that sustainable drainage principles of rainwater harvesting and infiltration must be considered before discharging into the existing watercourses. Full details including results of percolation tests should be submitted for consideration and this can be secured by condition. It has been highlighted that the development must not connect to the combined system as there is limited capacity. Foul drainage is proposed to be connected to the existing mains combined sewer which is located within School Lane. The Lead Local Flood Authority and United Utilities have raised no objections in principle.

9.34 Overall, based on the comments from the relevant professional consultees, it is not considered that there would be an unacceptable flood risk from the proposal. As such and subject to the imposition of the recommended conditions, no unacceptable drainage issues are anticipated and the development is considered to satisfy policy CDMP2 and SA3/4 KDC4 of the WLP31 and the drainage considerations in the Forton Master Plan which was supported by a detailed Sustainable Drainage Statement covering all of the sites in the allocation.

Trees and Ecological Matters

9.35 Around the boundaries of both parcels of the site there is extensive tree cover and vegetation. The parcel to the south of School Lane is generally open pasture land with no intersecting hedgerows or trees. The land to the north does have a cluster of trees and vegetation centrally located around the small pond. There are also a few other projecting trees located within the field mainly mature Hawthorne and hedgerows. The application has been accompanied by a tree survey. The Council's Tree Officer has advised that he is satisfied that the majority of trees are to remain unaffected and that the concept layout plan demonstrates their retention. Although some lengths of hedgerow will be required to be removed to accommodate the accesses, visibility splays and new pedestrian footpaths this can be mitigated with new planting.

9.36 Whilst this application is in outline form and landscaping is not a detailed matter applied for at this stage, to ensure compliance with the Masterplan and to protect the retention of the existing trees and hedgerows it is reasonable to condition tree/hedgerow protection plans at this stage. New planting and an Arboricultural Impact Assessment can be requested as part of the submission of any future reserved matter(s) application.

9.37 Ecology reports have been submitted and Greater Manchester Ecology Unit (GMEU) have been consulted for professional ecology advice. GMEU advise that the reports have been carried out by a suitably qualified ecologist. There are no objections and no further surveys are required before deciding the application. Natural England (NE) have also been consulted as part of this application. As the site lies within 3.8km of Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAR), Site of Special Scientific Interest (SSSI) and RAMSAR to the west and also within 3.7km of the Bowland Fells European protected nature conservation sites Natural England requested that a screening of the European Habitats Regulations should be undertaken to assess any potential impacts. GMEU have undertaken this screening process and have confirmed that it has been concluded that the proposed development is considered to have no Likely Significant Effect (LSE) on the special interests of any designated sites.

9.38 Given the time that has lapsed since the application was submitted an updated ecology report has been provided. GMEU agree that the impacts upon Great Crested Newts remains very low and that although the application site is large it is dominated by species-poor agricultural grassland which is not of high ecological value. It is considered to have low potential to support any specially protected species, except for some minor potential for bats to roost in trees and some foraging habitats. There are trees, hedgerows and a pond within the application boundary that will have local nature conservation value, but these features are capable of retention and/or re-creation and overall GMEU do not consider that the development proposal will cause substantive ecological harm. Officers are satisfied that the proposal accords with Section 15 (insofar as it is concerned with biodiversity) of the Framework and policy CDMP4 of WLP31 subject to the imposition of conditions.

Other Considerations

Contamination

9.39 Matters relating to site contamination have been addressed in the application with the Council's Environmental Health Officer requesting that further surveys and information is required to be submitted. Given the time the original desk study was submitted it is necessary for this to be updated along with further site walk over images being provided. The standard desk study contaminated land condition is required to be attached in this instance.

Public Right of Way (PROW)

9.40 The PROW Team at Lancashire County Council in their original response raised a number of queries and recommended improvements to the existing PROW. At this time the Forton Masterplan had not been submitted for consideration and the site allocation in the Local Plan had not been adopted. The PROW Officer initially advised that FP12 to the north was not plotted correctly. The applicant has amended the concept plan accordingly and this is also annotated on the approved Masterplan. The PROW Team have not responded to any further E-mail correspondence. In their initial consultation response a number of works and improvements are requested, in summary these include:

- Access furniture on FP12 on the east side of the road is required and FP12 has potential to provide cycle access via Whinney Brow Lane to Preston to Lancaster route
- Traffic Free Multi link should be created from the development to the north end of the village

- The entire path of FP12 from Forton Junction to Wallace Lane should be surfaced as compacted stone and a minimum of 2m wide
- FP2 should also be re surfaced and new furniture in place where it meets the highway

9.41 In the absence of any further response from them, Lancashire County Highways has advised that the Forton Masterplan has been approved which includes the new Forton Trail serving all of the site allocation. This Forton Trail is shown on the submitted concept plan along with new pedestrian connectivity routes within the site which link to FP2 and FP12. Until these precise routes are confirmed it is difficult to assess whether or not PROW improvements would be justified. As the PROW is technically an adopted highway and any works to alter or improve this would need to be done under separate highway legislation then further consideration to the PROW impact could be done at reserved matters stage.

Archaeology/Heritage

9.42 LCC Archaeology previously provided an appraisal of the application site for the Forton Masterplan. The appraisal concluded that the site does not include any heritage assets but it would appear that the site has some potential for as-yet known buried remains. The probability of such remains being present is at present unknown as no significant archaeological fieldwork has been carried out in the area. This potential is not considered sufficiently high to justify a pre-determination evaluation (as set out in the NPPF section 189), and a heritage statement for the development would probably not shed much further light on this potential. LCC have requested that as a precaution a phased scheme of archaeological works should be required by condition including an initial phase of field investigation and recording.

Gas Pipeline

9.43 The proposed development site lies within the Health and Safety Executive (HSE) consultation zone of National Grid Pipe line (1115:21) feeder Carnforth to Treales. HSE have confirmed that the pipeline has been thick-walled and as a result the site falls within the Outer Zone (230m) and as such HSE do not Advise Against the development. Cadent Gas and National Grid have also responded to the application advising that they have no objections.

Demolition of existing Agricultural buildings

9.44 Located adjacent to the northern parcel of land along the eastern boundary is the existing farming enterprise of Forton Bank Farm which comprises of various agricultural structures and buildings along with the existing farmhouse. The applicant has advised that should this application be approved then all agricultural activities would cease and the existing buildings would be demolished. At present a number of buildings are used for the housing of livestock which given the close proximity to the northern and eastern boundary would have an unacceptable relationship with the proposed residential dwellings by reason of potential noise and odour impacts. As the landowner of the application site is also the landowner of Forton Bank Farm, this could be secured in a section 106 agreement which the landowner would be required to enter into.

10.0 CONCLUSION

10.1 The proposal would be in accordance with the approved Forton masterplan and would comply with the relevant planning policies of WLP31 including the key

development considerations set out in site allocation (SA3/4). It would secure the relevant infrastructure necessary to mitigate the development. The submitted concept plan is considered an appropriate framework on which to consider future reserved matters application(s). Whilst the full impacts of the development will be assessed at reserved matters stage, officers are satisfied that a scheme could be delivered based on this outline permission which would provide acceptable visual and residential amenity impacts.

10.2 The new access points from School Lane into the northern and southern parcels are considered acceptable. Improvements to the School Lane / A6 junction include a two lane egress point in response to the masterplan and observations from the Parish Council and local residents which LCC Highways consider acceptable. In turn relocation of the existing bus-stops on the A6 close to the junction would be required. A road safety audit confirms that a bus lay-by on the A6 close to the junction is not required.

10.3 It is not considered that the proposal will be harmful to biodiversity or trees and would involve additional habitat features and tree planting. All other relevant planning matters have been assessed to be acceptable subject to conditions. Overall, the proposal has been assessed to comply with the NPPF, relevant policies of the Adopted Local Plan and the Forton Masterplan subject to a section 106 legal agreement and the imposition of a number of 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 outline planning permission subject to conditions and a S106 legal agreement to secure on-site Affordable Housing and Green Infrastructure provision; financial contributions towards local education, health care and community hall infrastructure, sustainable travel and highway improvements; and demolition of buildings associated with Forton Bank Farm and all agricultural activities associated with the Farm to cease. That the Head of Planning Services be authorised to issue the decision upon the satisfactory completion of the S106 agreement.

Recommendation: Permit

Conditions: -

1. In the case of any reserved matter, namely appearance, landscaping, layout and scale of the buildings, application for approval must be made before the expiration of three years beginning with the date of this permission; and that the development hereby permitted shall be begun not later than:

- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 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 10/05/2018 including the following plans/documents:

- Proposed access arrangement Drawing Number 2125-F01 Rev C
- Proposed junction improvements to A6/School Lane Drawing Number 2125-F02 Rev J
- Location Plan Drawing Number 001

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. (a) The total number of residential units to be provided on the site in the locations shown on the approved Indicative Concept Plan (Drawing Number (03)010 Rev C) shall be up to 195;

(b) No less than 1.0ha of land shall be provided on the site in the location shown on the approved Indicative Concept Plan (Drawing Number (03)010 Rev C) for the development of employment uses within class B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended);

(c) No less than 0.2ha of land shall be reserved for the provisions of a neighbourhood centre in the location shown on the approved Indicative Concept Plan (Drawing Number (03)010 Rev C) for uses comprising a class A1 retail (convenience) store and a class D1 community centre as per the Town and Country Planning (Use Classes) Order 1987 (as amended);

(d) The total amount of floor space to be provided for the class A1 retail (convenience) store specified within (c) above shall not exceed 500m² (gross).

(e) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2020 or Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent order amending or revoking and replacing that order, the units hereby permitted within (b) above shall only be used for the purposes of classes B1/B2/B8 (or class E(g) if that was to become the lawful use of any B1 use implemented) and the retail unit hereby permitted within (c) above shall only be used for the purposes of class A1 (convenience) retail (or class E(a) or F2(a) if that was to become the lawful use of the A1 use implemented), nor shall any mezzanine floor be installed in any of those units, without the express permission of the Local Planning Authority.

[*NB: the transitional arrangements allowed by the Town and Country Planning (Use Classes) Order 2020 mean that the use classes specified by this condition are those applied for when the application was made]

Reason: To ensure that the development delivers appropriate sustainable housing and employment growth whilst ensuring the uses are provided in the right location on the site and will not undermine the vitality and viability of nearby centres in

accordance with Policies SP1, SP2, HP1, EP1, EP5 and SA1 of the Wyre Local Plan (2011-2031) and the approved Forton Master Plan.

4. No development shall commence until a phasing programme for the whole of the application site to include the approved residential, green infrastructure, employment and neighbourhood centre, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved phasing programme unless an alternative programme has otherwise been submitted to and approved in writing by the Local Planning Authority.

Reason: To define the permission and in the interests of the proper development of the site and to ensure the timely delivery of supporting infrastructure in accordance with policies SP7, CDMP3, EP1 and SA3/4 of the Wyre Local Plan (2011-31)

5. Prior to the submission of a reserved matters application relating to layout for each approved development phase, or simultaneously with that first reserved matters application, a drainage scheme for the development phase, which shall detail 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 be 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.

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 infiltrations rates;
- g) Details of water quality controls, where applicable.

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.

Each reserved matter relating to layout should demonstrate compliance with the agreed drainage scheme for that development phase.

No part of the development in that phase 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.

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. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided for each development phase taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

6. Prior to the commencement of each approved development phase 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.

Each development phase 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.

7. Prior to the submission of a reserved matters application relating to layout for each approved development phase, or simultaneously with that reserved matters application details of the existing and proposed ground, slab and finished floor levels for that development phase shall be submitted to and approved in writing by the Local Planning Authority.

The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details.

Reason: The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

8. The new estate road for each approved development phase 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 that phase.

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. Prior to first occupation or first use of any part of the development hereby approved the site access and following off-site works of highway improvement hereby approved shall be completed, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority (in which case the works shall be completed in accordance with the alternative timetable approved):

- A6 / School Lane junction improvement to include right turn provision and pedestrian refuges -the scope of which is shown on approved plan 2125-F02 Rev J
- A6 relocation of bus stops and upgrade with shelters, raised boarding areas together with associated signs and road markings.
- New priority junctions on the north and south side of School Lane as shown on approved plan 2125-F01 Rev C
- Provision of new / improved footways along School Lane as shown on approved plan 2125-F01 Rev C

Reason: In order to ensure the timely delivery of the necessary off-site highway works in the interests of highway safety / to encourage sustainable travel in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

10. Prior to the commencement of development of any phase, a Construction Environmental Management Plan (CEMP), for the construction and operation of that phase, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail:

- i. how biodiversity would be protected throughout the construction period
- ii. the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters
- iii. the parking of vehicles of site operatives and visitors;
- iv. loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development;
- vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii. wheel washing facilities to be retained throughout the construction period by which means the wheels of vehicles may be cleaned before leaving the site;
- viii. a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
- ix. a Management Plan to identify potential ground and water contaminants;
- x. details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction;
- xi. a scheme to control noise during the construction phase,
- xii. a Construction Phase Dust Action Plan that has regard to current best practice provides detail of both the dust mitigation measures to be employed to minimise fugitive dust impacts on localised receptors, and the procedures to be adopted in response to complaints of fugitive dust emissions.
- xiii. the routing of construction vehicles and deliveries to site.

The development shall then proceed in full accordance with this approved plan.

Reason: In order to safeguard the biodiversity of the site, protect the water environment and public drinking water supplies, and to maintain the operation and safety of the local highway network, during site preparation and construction, in accordance with Policies CDMP1, CDMP4 and CDMP6 of the Wyre Local Plan and the provisions of the NPPF.

11. Prior to the first occupation of any dwelling in each approved development phase or the first use of any commercial premises in each approved development phase, a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority for that phase. The approved Travel Plan (and an associated Travel Plan Co-ordinator as specified in the approved Travel Plan) shall be implemented and operational from the point of the first occupation of any of the dwellings in that approved development phase or of any commercial premises in that approved development phase for a period of not less than five years from the date of full occupancy of the respective development phase.

Reason: To promote sustainable development by encouraging sustainable travel modes and reducing dependence on private motor vehicles in accordance with Policy

CDMP6 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

12. A scheme for the provision of electric vehicle recharging points (EVCP) shall be submitted for all dwellings and commercial premises with parking provision within each approved development phase unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No dwelling or commercial premises shall be occupied until the electric vehicle recharging point has been provided for the dwelling or premises to which it relates, 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).

13. Prior to the commencement of each approved development phase a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken and submitted to and approved in writing by the Local Planning Authority for that phase. If the desk study identifies potential contamination, a detailed site investigation shall be carried out for that phase in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of that development phase shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of that phase. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

Reason: The development is for a sensitive end use and insufficient information has been submitted with the application as to the potential contamination risks of the site. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

14. Prior to the commencement of each approved phase of development, a programme of archaeological work and investigation (which shall include the timetable for the investigation) shall be submitted to and approved in writing by the Local Planning Authority. The archaeological work and investigation shall thereafter be carried out in accordance with the approved programme.

Reason: Such a programme of archaeological work and investigation was not submitted with the application but is necessary prior to the commencement of development to ensure that any archaeological remains at the site are recorded and to ensure that there is an understanding of the significance of the heritage asset before it is lost, in accordance with policy CDMP5 of the Wyre Local Plan (2011-31) and Section 16 of the NPPF. The condition is required to be approved prior to commencement of development to ensure full details are provided, that have not been forthcoming with the application, providing a true and accurate record which would not be possible after development.

15. No site clearance, site preparation or development work shall commence on the application site to the north of School Lane until a construction method statement, detailing the precautionary measures that will be implemented for the avoidance of impacts on priority species, particularly common toads, and the protection of habitats

(on and off site) during site clearance and construction, has been submitted to and approved in writing by the Local Planning Authority. The method statement shall be adhered to at all times during the construction stages of development.

Reason: Such a scheme was not submitted with the application but is necessary for the protection of priority species and in the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

16. 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.

17. No approved development phase shall commence until a landscape and habitat creation and management scheme for that phase has been submitted to and agreed in writing by the Local Planning Authority along with a timetable for implementation.

For the purposes of this condition the scheme shall identify:

- the retention of hedgerows and trees, or where this is not possible, sufficient replacement native tree and hedgerow planting;
- the removal of any trees, with those which have the potential for bat roosting to have been inspected for the presence of bats. Should any bats be found these trees shall be either retained or compensation put forwards for the potential harm to bats;
- provision of bird nesting opportunities;
- details of elements to mitigate for loss of any hedgerows, trees and bird nesting habitat;
- continuous terrestrial connectivity along the boundaries of the development for species movement; and
- opportunities to enhance the value of the site for wildlife through, for example, new structure planting.

The development shall then proceed in full accordance with these agreed details

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.

18. Prior to the installation of any external lighting within each approved development phase a scheme for the provision of external lighting together with an Artificial Lighting Assessment for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall demonstrate that artificial lighting will be designed so that it is not intrusive to visual amenity or illuminate potential habitat for bats (e.g. hedgerow, trees) and or/ bird breeding places; and shall demonstrate that light intrusion into the windows of any sensitive premises will not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3). The

assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009 (or any subsequent replacement guidance).

The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained and retained thereafter.

Reason: In order to safeguard visual amenity and biodiversity and residential amenity and in the interests of public safety in accordance with Policies CDMP1, 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.

19. Prior to the commencement of each approved development phase a repeat survey shall be undertaken for the presence of badgers and the survey together with proposals for mitigation/compensation, if required, shall be submitted to and approved in writing by the Local Planning Authority. Those approved mitigation measures shall then be implemented.

Reason: To prevent possible harm to ecology if the development were commenced without the necessary mitigation measures in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011) the NPPF.

20. The reserved matters application relating to layout for each approved development phase shall be accompanied with a noise assessment demonstrating that the noise levels set out in the supporting Noise Assessment submitted with the outline application (by Resource and Environmental Consultants dated 5th May 2018 - Ref AC104505-1R2) will be achieved, together with details of noise mitigation if required. The approved noise mitigation measures, if required, shall be provided prior to first occupation or first use of any part of the development and thereafter shall 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).

21. The development hereby permitted shall be designed so that the rating levels for cumulative noise from all noise sources associated with the development (namely the neighbourhood centre) shall not exceed the existing background noise level (LA90) at the external façade of nearby noise sensitive premises as assessed in accordance with British Standard 4142 (2014) or any subsequent replacement national standards.

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

Reason: To minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings, in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

22. Prior to the commencement of each approved development phase, including any demolition or tree works within that phase, a Tree Protection Plan for the retained tree(s) within that phase shall be submitted to and approved in writing by the Local Planning Authority. This shall indicate the methods and positioning of tree

protection measures such as ground protection (where necessary), protective fencing and details of any specialist demolition or construction methods if appropriate.

The measures contained within the approved Tree Protection Plan with respect to those trees shown as being retained shall be implemented in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars (namely Tree Impact plan 2125-F02 Rev A).

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. The details are required to be approved prior to commencement of development to ensure timely tree protection measures are in place

23. Prior to the commencement of each approved phase of the development:

(A) A scheme for the construction of the internal link road and access to the 1ha of Employment land and the 0.20ha Neighbourhood Area as identified of the approved Concept Plan (ref: 03010 Rev C) and the approved Forton Masterplan shall be submitted to and approved in writing by the Local Planning Authority and shall be thereafter be constructed and completed to at least base course level in accordance with the approved details prior to the first occupation of the 50th dwelling hereby approved.

(B) A scheme for the construction of the internal link road and access to the 0.20ha Neighbourhood Area as identified of the approved Concept Plan (ref: 03010 Rev C) and the approved Forton Masterplan shall be submitted to and approved in writing by the Local Planning Authority and shall be thereafter be constructed and completed to at least base course level in accordance with the approved details prior to the first occupation of the 50th dwelling hereby approved.

Reason: In order to ensure that the allocated area of employment land is accessible and available concurrently with the remainder of the development in accordance with the provisions of Policy EP1 of the Wyre Borough Local Plan 2011-2031.

24. Where an application is made for approval of details of layout on the part of the site which is located to the south of School Lane, the submitted details must provide for a continuous primary access road comprising a 5.5 metre wide carriageway and a footway 2 metres wide on each side of the carriageway across the site from its junction with the highway network at School Lane to its junction with the adjoining land at the western site boundary. Prior to occupation of the 100th dwelling the said primary access road shall be constructed to an adoptable standard for its entire full length and shall be offered to the local highway authority for adoption. After its construction in accordance with this condition the said primary access road shall thereafter be maintained and remain open and unobstructed at all times unless and until it has been adopted by the local highway authority.

Reasons: To ensure that the development provides appropriate connections and sustainable linkages to neighbouring development and the wider highway network and does not prejudice the delivery of further development phases within site allocation SA3/4 in accordance with Policies SP2, HP1, EP1, SA3, SA3/4 and CDMP6 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

25. Where an application is made for approval of details of layout, the submitted details must provide for footpath / cycle links each 3.5 metres wide that connect the highway network on the site to the existing PROW network at the north easterly and southerly site boundary, as well as to Wallace Lane and School Lane, in the general locations shown on the approved Concept Plan (ref: 03010 Rev C). The said footpath / cycle links shall be constructed to an adoptable standard for their entire full length and width from their respective junctions with the highway network on the site to their respective junctions with the PROW network and/or adopted highway adjacent to the site. After their construction in accordance with this condition the said two footpaths shall thereafter be maintained and remain open and unobstructed at all times unless and until they have both been adopted by the local highway authority.

Reasons: To ensure that the development provides appropriate connections and sustainable linkages to neighbouring development and the wider highway network in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

26. As part of any reserved matters application where layout is applied for, the amount, general location and type of green infrastructure shall be provided on site in accordance with the requirements of Policy HP9 of the Wyre Local Plan, the approved Indicative Concept Plan (Drawing Number (03)010 Rev C) submitted with this application and any Masterplan approved by the Local Planning Authority for the site.

Reason: In order to ensure adequate provision of green infrastructure is secured by this planning permission in accordance with the provisions of the NPPF and Policy HP9 of the Wyre Local Plan.

27. As part of any reserved matters application in relation to each approved residential phase of development where layout is applied for, the mix of residential units shall be provided on site in accordance with the requirements of Policy HP2 of the Wyre Local Plan 2011-2031 and the Fylde Coast Strategic Housing Market Assessment - Wyre Addendum 3 Supplementary Note (May 2018) or any subsequent replacement Local Plan policy or evidence base document concerned with size and type of housing needed in Wyre.

Reason: In order to ensure that an appropriate mix of house types is provided to meet identified local needs in accordance with Policy HP2 of the Wyre Local Plan (2011-31) and the provisions of section 5 of the NPPF.

28. Prior to the commencement of each approved residential phase of development a scheme to demonstrate how at least 20% of the dwellings shall be of a design suitable or adaptable for older people and people with restricted mobility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, 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.

Notes: -

1. The applicant should be aware that the decision is subject to a separate legal agreement.
2. This grant of planning permission will require an appropriate legal agreement to be entered into with Lancashire County Council as the Local Highway Authority. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. Before any works begin Lancashire County Council should be contacted to ascertain the details of such an agreement and the information to be provided by telephoning 0300 123 6780 or writing to Lancashire Highways Services, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.
3. The applicant should be aware of water mains and public sewers in the vicinity of the proposed development site which could affect the layout of the development. The applicant must comply with our 'Standard Conditions for Works Adjacent to Pipelines'. We provide this information to support the applicant in identifying the potential impacts from all construction activities on United Utilities infrastructure and to identify mitigation measures to protect and prevent any damage to this infrastructure both during and after construction. This includes advice regarding landscaping in the vicinity of pipelines. The applicant should note that the position of the underground apparatus shown on our records is approximate only and is given in accordance with the best information currently available. United Utilities will not accept liability for any loss or damage caused by the actual position being different from those shown on our records. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction. For advice regarding protection of United Utilities' assets, the applicant should contact the teams as follows:

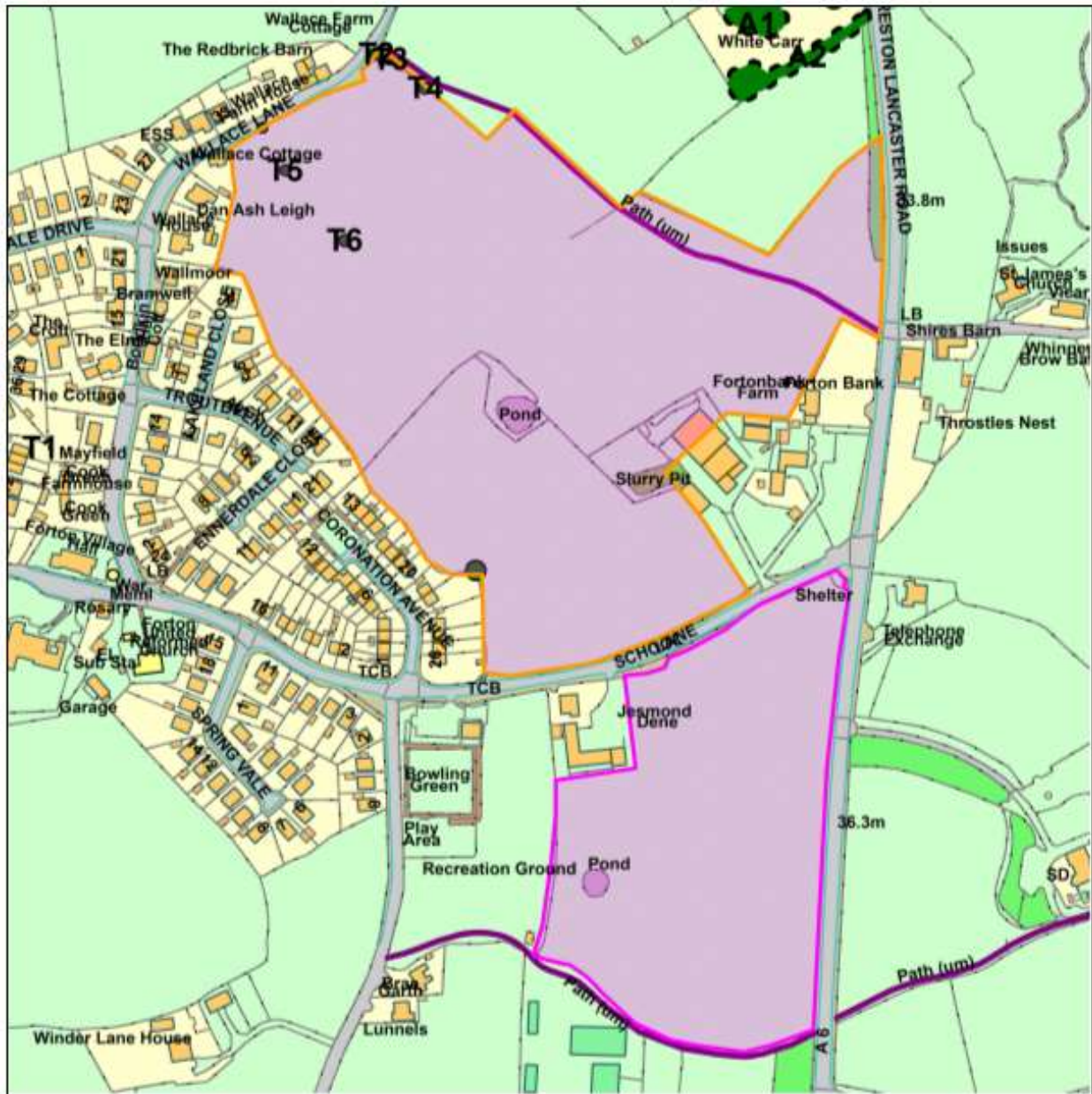
Water assets - DeveloperServicesWater@uuplc.co.uk

Wastewater assets - WastewaterDeveloperServices@uuplc.co.uk

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Planning committee

18/00469/OULMAJ - Land to the north and south of School Lane Forton



Scale: 1:3273

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	22 October 2020
SLA Number	100018720

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Committee Report

Date: 04.11.2020

Item Number 02

Application Number 20/00618/FULMAJ

Proposal Erection of 3 storey building to provide approx. 932 sqm (gross) of retail floor space (Class A1) and 23 residential apartments with associated new car parking

Location Garstang Business And Community Centre 96 High Street
Garstang Preston Lancashire PR3 1EB

Applicant Mr Eian Bailey

Correspondence Address c/o Lambert Smith Hampton
Mr Simon Peake 6th Floor 3 Hardman Street Spinningfields
Manchester M3 3HF

Recommendation Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Miss Lucy Embery

1.0 INTRODUCTION

Site Notice Date: 23.07.2020

Press Notice Date: 29.07.2020

1.1 The application is before the Planning Committee for consideration at the request of Cllr Lady Atkins. Three previous applications in relation to this site have also been considered by the Planning Committee. A site visit is recommended to enable Members to understand the proposal and its setting beyond the plans submitted, and as photographs do not adequately explain the site and proposals.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application relates to a 0.7 hectare site that lies immediately to the east of the roundabout at the junction of High Street and Croston Road, Garstang. The River Wyre and an area of public open space bound the site to the east and there are residential properties to the north and south. High Street is one of the main roads through Garstang town centre and is characterised by commercial uses to the south of the application site and residential properties to the north.

2.2 There is a listed building (Grade 2) immediately opposite the site on the western side of High Street. With the exception of the landscaped frontage at the western end of the site, the site falls within flood zone 2. The very eastern end of the site closest to the river falls within flood zone 3. The eastern end of the site also falls within a Minerals Safeguarding Area. There are no Biological Heritage Sites within

close proximity of the site and no trees subject to Tree Preservation Orders. Two public rights of way bound the site, footpath 2-12-FP-3 runs along the southern boundary with footpath 2-12-FP-1 roughly following the line of the river to the east. The site falls within the defined boundaries of the Garstang Conservation Area and Garstang Town Centre.

2.3 The site previously contained the former Garstang Business Centre. Previous permissions have granted the construction of a three storey building following partial demolition of existing building to provide approx. 1400sqm (gross) of retail floor space (Class A1) and 18 residential apartments with new and re-configured car parking. The approved building with retail space and 18 residential units is under construction and is up to roof level.

3.0 THE PROPOSAL

3.1 This application seeks full planning permission for the erection of a 3 storey building to provide approx. 932 sqm (gross) of retail floor space (Class A1) and 23 residential apartments with associated new car parking. Therefore the proposal seeks to add an additional 5 residential units above that previously approved on the site. These units are proposed on the first floor of the building in the eastern extent of the first floor level to replace the mezzanine retail storage area previously approved. Therefore this would result in a reduction of retail space in the building from 1400sqm previously approved to 932 sqm. The second floor would remain as apartments as previously approved.

3.2 The application also proposes some minor amendments to the ground floor retail frontage to propose two new additional entrances on the front elevation. The submission states these entrances are proposed to futureproof the building should the retail need to be divided in future. The main entrance to the building would remain to the corner of the building at the ground floor facing High Street, and the secondary entrance would also remain as previously approved at the rear from the residential parking areas

4.0 RELEVANT PLANNING HISTORY

4.1 The following planning history is relevant to this proposal:

4.2 19/00429/FULMAJ - Variation of condition 2 (approved Plans) on application 16/00550/FULMAJ for the erection of a three storey building following partial demolition of existing building to provide approx. 1400sqm (gross) of retail floor space (Class A1) and 18 residential apartments with new and re-configured car parking (re-submission of planning application 19/00007/FULMAJ to allow for full demolition and reconstruction of the facade) - Permitted subject to conditions and Section 106 Legal Agreement.

4.3 19/00007/FULMAJ - Variation of condition 2 (approved Plans) on application 16/00550/FULMAJ to allow for full demolition of existing building and the erection of a three storey building to provide approx. 1400sqm (gross) of retail floor space (Class A1) and 18 residential apartments with new and re-configured car parking - Refused by Members of the Planning Committee on the 3rd April 2019 for the following reason:

'The proposed development to allow the full demolition of the existing building, including the existing front and side facades, would result in unacceptable harm to

the heritage value of Garstang Conservation Area contrary to policy CDMP5 of the Wyre Borough Local Plan'.

An appeal was lodged with the Planning Inspectorate in relation to this refusal however the appeal has now been withdrawn.

4.4 16/00550/FULMAJ - Erection of 3 storey building following partial demolition of existing building to provide approx. 1400sqm (gross) of retail floor space (Class A1) and 18 residential apartments with associated new and reconfigured car parking - Permitted subject to conditions and Section 106 Legal Agreement.

4.5 16/00550/DIS - Discharge of conditions 4 (drainage scheme), 5 (drainage management plan), 6 (Natural England licence), 7 (bat method statement), 10 (lighting), 11 (biodiversity enhancement), 12 (highway works), 13 (Construction Management Plan), 14 (travel plan), 15 (desk study), 22 (tree protection) on application 16/00550/FULMAJ - Split decision issued (Additional information required for conditions 10 and 15).

4.6 16/00550/DIS1 - Discharge of conditions 18 (noise report) and 28 (archaeology) on application 16/00550/FULMAJ - Accepted

5.0 PLANNING POLICY

5.1 WYRE BOROUGH LOCAL PLAN 2011-2031

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:

- Policy SP1 - Development Strategy
- Policy SP2 - Sustainable Development
- Policy SP7 - Infrastructure Provision and Developer Contribution
- Policy SP8 - Health and Well Being
- Policy CDMP1 - Environmental Protection
- Policy CDMP2 - Flood Risk and Surface Water Management
- Policy CDMP3 - Design
- Policy CDMP4 - Environmental Assets
- Policy CDMP5 - Historic Environment
- Policy CDMP6 - Accessibility and Transport
- Policy HP1 - Housing Land Supply
- Policy HP2 - Housing Mix
- Policy HP3 - Affordable Housing
- Policy HP9 - Green Infrastructure
- Policy EP4 - Town, District, Local and Neighbourhood Centres
- Policy EP5 - Main town Centres

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government 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 4 - Promoting sustainable transport
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 12 - Achieving well - designed places
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

5.2.3 National planning policy allows local authorities to confirm their annual five year housing land supply through the publication of an Annual Position Statement (APS). In line with the process established by National Planning Practice Guidance, the Council published the APS to the Planning Inspectorate on 31 July 2019. The Planning Inspectorate has now considered the evidence and representations submitted. The Planning Inspectors report confirms that Wyre has a 5 year housing supply of deliverable housing sites for one year, i.e. until 31 October 2020. The APS forms the most up to date position on the five year housing land supply. The Council has submitted a new APS to the Planning Inspectorate for consideration, and whilst this is being considered, the Council's view is that this APS demonstrates the Council can maintain a 5 year housing supply beyond 31 October 2020.

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

- Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

6.0 CONSULTATION RESPONSES

6.1 GARSTANG TOWN COUNCIL

6.1.1 Comments provided that are primarily related to the document titled 20_00618_FULMAJ-Transfer_Plan-486228. This document has a key that has never been seen before that suggests that the car park available for the general public to use has been reduced to 50 spaces only from an expected total of 93. This reduction would appear to give the retail occupiers 43 spaces reserved for retail customers only. The key further suggests that these 43 spaces have been pre let. Clarification is urgently needed on this as to our knowledge this information has never been raised with Garstang Town Council. This is not an acceptable position for Garstang. The addition of 5 flats replacing the first floor storage area is acceptable as there has been no increase in the residential car parking spaces.

6.2 NATEBY PARISH COUNCIL

6.2.1 No objections, however a comment has been made that there is concern that a further 5 apartments will mean more cars on the car park, thus taking up valuable parking spaces in the town.

6.3 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.3.1 No objection provided the same level of s106 contributions for the above highway initiatives and sustainable transport measures are agreed and secured for the current proposal as for the previous proposal, and that all the s278 works are delivered by the developer and conditions ensure these measures are delivered.

6.3.2 The current proposal is for a reduced size of the retail floor space, but with a higher number of apartments. The approved site access remains the same and no changes are proposed to the approved site/car parking layout which comprise of 117no spaces. The Transport Assessment (TA) submitted is the same as that previously approved and no re-assessment has been made in terms of traffic figures, accident analysis and mitigation. On scale, the current proposal is similar to the approved, therefore, despite the applicant not submitting a revised TA, given that LCC Highways reviewed the relevant information associated with the approved application and highlighted the areas of concern, a revised transport assessment (TA) for the current proposal is not considered necessary.

6.3.3 As per the previous application, off-site highways works are required to the main site access junction on High Street including provision of dropped kerbs for pedestrians, and public transport facilities to quality bus standard on High Street (2No. bus stops).

6.3.4 In response to the approved application (16/00550/FULMAJ) LCC Highways indicated that due to concerns with impacts of numerous major applications along the A6 corridor on the local highway network and particularly around Junction 1 of the M55, a planned approach to support further major developments was devised. The led to the development of a list of necessary highway infrastructure required to maximise the level of development that can be accommodated in the area. The infrastructure requirements include physical measures beneficial to providing adequate change to improve local, strategic and connectivity issues for all modes of travel. The approach requires developments that have significant impacts to contribute to the identified scheme of initiatives. In summary these highway initiatives and sustainable transport measures are:

- Initiative 1 - The A6 Barton to Garstang Sustainable Transport Strategy (Initiative 1);
- Initiative 2 - Wider Improvement of A6 Preston Lancaster New Road/Croston Barn Road/Green Lane West/B5272 Cockerham Road/Croston Road Signalised Junction (Initiative 2),
- Initiative 3 - Improvement of Moss Lane/Longmoor Lane Priority Junction (Initiative 3),
- Initiative 4 -Improvement of A6/A586, 'The Avenue' priority junction (Initiative 4) and
- Initiatives 5 & 6 - M55 Jct. 1

6.3.5 The previous application was not objected to by LCC on the understanding that the developer will make s106 planning contributions of £54,000 to the above initiatives and £6,000 to Travel Planning and also deliver the s278 works. As the

current proposal is similar to the previously approved, the same level of s106 contributions for the above highway initiatives and sustainable transport measures are required for the current proposal. The proposal is acceptable subject to the same conditions, including off-site highway works, and advice notes attached to the approved application 16/00550/FULMAJ.

6.4 LANCASHIRE FIRE AND RESCUE SERVICE

6.4.1 No objections however observations received in relation to building regulation requirements and turning facilities for fire service vehicles.

6.5 LANCASHIRE COUNTY COUNCIL (EDUCATION):

6.5.1 A financial contribution of £16,645.01 is required from this development towards 1 primary school place. No financial contribution is required towards secondary school place provision from this development.

6.6 NHS FYLDE AND WYRE CLINICAL COMMISSIONING GROUP (CCG):

6.6.1 This proposal will generate approximately 42 new patient registrations based on average household size of 2.4 ONS 2017. A financial contribution of £4,823 is required towards the refurbishment and/or reconfiguration at Garstang medical centre.

6.7 UNITED UTILITIES:

6.7.1 The proposal is acceptable in principle subject to conditions requiring the development to take place in accordance with the Flood Risk Assessment, and the submission and agreement of plans prior to commencement detailing the sewer diversions and proposed connections to the existing Combined Sewer Overflow (United Utilities Asset) with foul and surface water on separate systems.

6.8 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE):

6.8.1 No objections in principle. However the application does not include any revised surface water drainage plans, therefore the surface water drainage needs to be installed as previously approved.

6.9 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LAND CONTAMINATION)

6.9.1 Originally responded that the desk study has been supplemented by a site walkover. Given the time that has lapsed since the initial walkover, another site reconnaissance should be undertaken. Detailed proposals for the site investigation works are required.

6.9.2 Second response received citing that following the consideration of the information submitted and already discharged for the previous application at this site (desk study and site investigation), it is recommend that a condition be attached requiring remediation and verification details to be provided, and that the Council's Watching Brief condition be attached should the application be approved.

6.10 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE)

6.10.1 Recommends that further information will need to be submitted to demonstrate that the noise insulation separating the residential apartments from the retail units on the ground floor will comply with noise levels for internal areas at the nearest noise sensitive residential premises in accordance with BS8223:2014, as specified, a noise assessment may be required to demonstrate that the following noise levels will not be exceeded. The noise levels required by Environmental Health are provided and could be conditioned.

6.11 WBC CONSERVATION OFFICER:

6.11.1 Considers the proposed development to be acceptable as it would preserve the appearance of the adjacent grade II listed building, the Arts Centre, and the Garstang Conservation Area and thus also sustain the significance of these designated heritage assets. Accordingly it is considered that the proposed development would be in conformity with S.66 and S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, S.16 of the National Planning Policy Framework and Policy CDMP5 of the Adopted Wyre Local Plan 2011 - 2031.

6.12 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (PARKS AND LANDSCAPE OFFICER):

6.12.1 There are only 23 residential properties but the Council owns very little Green Infrastructure in the area, only the grass area by the riverside. Garstang Town Council own Moss Lane Playing Field which is within walking distance but not sure of any projects they have in mind. A contribution of £29,099.01 would be required.

7.0 REPRESENTATIONS

7.1 The application has been advertised by means of neighbour letters, site notices and a press notice. No representations have been received.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Various. Including updates on the progression of the application and consultation responses including contamination, and discussions regarding financial contributions required.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Infrastructure / Financial contributions
- Visual Impact/ Design/ Density/ Impact on the Street Scene
- Impact on residential amenity
- Impact on Historic Environment
- Highway safety and capacity/Access/Parking
- Flood risk and drainage
- Noise
- Trees
- Ecology
- Contamination
- Climate change and recycling

Principle of development

9.2 The previously approved scheme (ref 16/00550/FULMAJ) was subject to two minor material amendment applications, the latest of which was subsequently approved. The development is now well advanced. The nature of the changes proposed in this latest scheme for consideration cannot be treated as a minor material amendment. As such this current submission is a new full application and therefore all relevant planning matters have to be considered for the entire development (not just the changes from the previous permission) against the relevant policies in the Wyre Local Plan 2011-2031 (WLP31). The application site is in the settlement boundary of Garstang as well as the defined town centre as such the principle of the development for residential apartments and retail units remains acceptable in line with policies SP1, SP2, EP4 and EP5.

9.3 Matters such as the loss of former community facilities were considered as part of the original planning permission and those former uses have now gone from the site as the building previously approved is under construction and up to roof level and virtually watertight.

Infrastructure / Financial contributions

9.4 WLP31 Policy HP3 requires 30% affordable housing provision on brownfield sites in Garstang. The original application 16/00550/FULMAJ required a commuted sum contribution of equivalent on-site value towards off-site provision. However, in applying vacant building credit (whereby the floor space of the former building was off-set against the affordable housing requirement) the total contribution was reduced to £17,781.12.

9.5 Applying the 30% requirement to the current proposal for 23 units using the same methodology (including vacant building credit deducted) equates to an affordable housing contribution requirement of £77,205.46. The applicant has now agreed through the submission of a document titled 'Statement from Applicant regarding Planning Contributions' to provide this contribution.

9.6 The former Local Plan Policy H13 set the threshold at which new developments were required to provide open space at 20 dwellings. This policy was relevant at the time of the previous application, and as that scheme was for 18 units, it fell below this threshold. WLP31 policy HP9 is now relevant and requires provision of Green Infrastructure (GI) for proposals for 11 units and above. Therefore as this is a full application for 23 units, GI provision is required. The policy preference is for this to be on site, however off-site improvements to existing GI nearby will be considered where appropriate, such as high density developments with limited available space on-site, and where there is a defined project within walking distance of the site. A hybrid approach of on-site and off-site will also be considered.

9.7 An area at the front of the site (Memorial Gardens) falls within the applicant's ownership and landscape improvements are shown here. A restrictive covenant on this land means that it is required to be publicly available, and this could also be secured in the s106 agreement. Nevertheless it still falls short of the 0.14 hectares of on-site provision required. The shortfall would need to be secured as an off-site contribution. Based on the proposed number and mix of units (7no. 1-bed, and 16 no. 2-bed) and netting off the on-site provision a financial contribution of £29,099.01 is required.

9.8 The Council's Parks and Landscape Officer has advised that there is an existing playing field known as Moss Lane Playing Field within walking distance of this site, owned by Garstang Town Council. Therefore the Town Council have been contacted to request what GI projects they aim to deliver. They have provided a response that they have number of GI Projects in mind. These include installation of additional swings at Moss Lane Playpark Phase 2, taking down fencing and erecting new boundary fencing, and surfacing to match the existing playground. They also are looking to repair damage to the Moss Lane Football Pitch, and to provide a green link corridor with bushes and trees along the existing footpath that runs west of High Street car park (Memorial Garden) to make it more attractive without losing park spaces. They have provided a further response that they also have an allotment project in mind for Hereford Avenue community orchard. Therefore it is considered that there are GI projects in the area within walking distance of the application site that contributions could be sought towards.

9.9 The applicant had initially expressed concerns about the requested GI contribution when the previous permission did not require this and the development is practically built, citing this additional payment would make the development unviable. However, the applicant has now agreed to provide this contribution.

9.10 LCC as the Local Education Authority (LEA) has confirmed that no education contribution is required from this development in respect of secondary school places. However a financial contribution of £16,645.01 is required from this development towards 1 primary school place (which is the same as previously secured albeit the cost per place is a slight uplift compared to the previous amount). The applicant is agreeable to making this payment.

9.11 The CCG have been consulted on this application. A response was received stating that a financial contribution of £4,823 is required from this development (generating 42 new patient registrations) towards the refurbishment and/or reconfiguration at Garstang medical centre. The applicant has stated they would be agreeable to paying this contribution.

9.12 LCC as Local Highway Authority (LHA) has confirmed that £54,000 towards highway mitigation along the A6 corridor is required from this development along with a £6,000 contribution towards a Travel Plan. This is identical to the previous scheme. The applicant has stated they would be agreeable to paying this contribution.

9.13 In summary the applicant is agreeable to paying for all of the contributions and so the scheme would provide appropriate infrastructure provision in line with policies SP7 and HP9. Members are advised that should they resolve to approve the application a section 106 agreement would be needed to secure the affordable housing, green infrastructure, education, health care and highway / sustainable travel contributions. The total financial contribution being offered by the applicant equates to £187,772.48.

Visual impact/design/density/impact on the street scene

9.14 The scheme now proposed would be wholly within the footprint and envelope of the three-storey, L-shaped building previously approved. An angled corner would remain facing southwards towards High Street and the Conservation Area. This angled elevation would remain the main entrance point for the retail unit with glazed curtain walling in order to maximise the visual impact of the main entrance point. The secondary entrance would also be as previously approved from the residential car park to the rear of the building.

9.15 The only external physical changes in comparison to the previous permission would be the insertion of two entrance doors on the front elevation, and the addition of two windows at first floor on the south east elevation to serve the proposed apartments. There would also be a change to the fenestration on this south east elevation so that the gable is fully rendered in white render to match that on the rest of the building, rather than part render and part horizontal timber cladding to one side of the central glazing in this gable. It is also noted that at second floor level the windows would be in exactly the same position and the same size as the previously approved scheme, but the windows under the canopy sections would have an additional vertical glazing bar within them so that they have a more vertical rather than square appearance. Overall it is considered that the proposed external changes are minor and would correspond well with the design and appearance of the building as previously approved and under construction. Overall the design of the proposal is considered to be acceptable.

9.16 Of the 23 apartments proposed, 7 would offer one bedroom and 16 would offer two bedrooms. In providing smaller units the development would align with the general housing need evidence. As such, the housing mix proposed is considered to be acceptable in line with policy HP2. Policy HP2 also requires developments exceeding 20 units to demonstrate that 20% would be suitable or adaptable for older persons or people with restricted mobility or capable of adaptation in the future. This would need to be secured by condition should members resolve to approve the application.

Impact on residential amenity

9.17 The proposal would have a blank gable centrally on the north east elevation, and windows would be within the retained front proportion of this elevation, and the rear section of this elevation. However the existing adjacent property has a blank gable to its side elevation. This is the same relationship as previously approved by application 16/00550/FULMAJ and there could be no overlooking concerns into the adjacent property, or vice versa. The height of the building would also remain as previously approved, and whilst it could lead to some loss of direct sunlight and daylight into the rear garden, it is noted that there is a detached garage positioned on the site boundary and that the garden is significant in size stretching to some 64m in length. As such, no unacceptable impact from over-shadowing is anticipated from this proposal, the same as the previously approved scheme.

9.18 The five additional residential units to would be within the south and south west part of the building at first floor. Windows in this part of the building face towards the existing car park. These windows would be approx. 40m away from the nearest residential properties to the south west, and 44m away from the windows of the nearest property due south of the site. Due to the distances involved and the orientation of the building it is considered the proposal would not result in unacceptable overlooking. The minor alterations to the fenestration to the retail element to provide doorways on the west elevation are not considered to result in any unacceptable impact upon the amenity of residential properties given these are doorways within an elevation fronting directly onto High Street.

9.19 The proposal would result in some increase of activity at the site as there would be more residential apartments than previously approved. However this is not expected to result in unacceptable harm to nearby residential amenity. Should members resolve to approve the application this would become a new stand-alone permission. As such a condition should be attached requiring the applicant to carry

out the construction phase in accordance with the previously approved Construction Management Plan to ensure the construction impacts on residential amenity can be minimised.

Impact on historic environment

9.20 Policy CDMP5 of WLP31 sets out the Council's overall objective in relation to the historic environment and highlights that designated heritage assets shall be protected, conserved and where appropriate enhanced for their Aesthetic and cultural value and their contribution to local distinctiveness and sense of place. New development shall protect, conserve and enhance the historic environment. This approach is also replicated within the general thrust of Section 16 of the NPPF (Conserving and Enhancing the Historic Environment).

9.21 Members are advised that the application has been considered with due regard to the duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which are respectively to "...have special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest which it possesses" and "to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area".

9.22 The applicant has submitted a revised Heritage Statement to refer to the current proposal. The Council's Conservation Officer considers the proposed development to be acceptable and to preserve the appearance of the adjacent grade II listed building, the Arts Centre, and the Garstang Conservation Area and thus also sustain the significance of these designated heritage assets. Accordingly he considers that the proposed development would be in conformity with S.66 and S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, S.16 of the National Planning Policy Framework and Policy CDMP5 of WLP31.

Highway safety and capacity/access/parking

9.23 LCC as the Local Highway Authority (LHA) note that the proposal is similar to the previously approved application (16/00550/FULMAJ), and that the approved site access remains the same and no changes are proposed to the overall approved site/car parking layout which comprise of 117no spaces. There are no objections provided the same level of s106 contributions for the highway initiatives and sustainable transport measures (set out in paragraph 6.3.1 of this report) are secured and that all the above s278 works are delivered in line with agreed trigger points and conditions. The required highways contributions are a Travel Plan Support Contribution of £6,000, and £54,000 towards highway initiatives and sustainable transport measures.

9.24 Overall LCC Highways raise no objections subject to these financial contributions being secured, and provided that the same conditions are attached to this application as application 16/00550/FULMAJ should it be approved. As stated in paragraph 9.12 of this report the applicant is agreeable to the required highways contributions, as no further monies are required above and beyond the previous consent. Should members be minded to approve the application it is suggested the conditions required by LCC Highways would need to be attached and the contributions are secured in a section 106 agreement.

9.25 In terms of parking, Garstang Town Council have raised some concerns about parking provision stating that plan 20_00618_FULMAJ-Transfer_Plan-486228

(an application submission document) suggests that the car park available for the general public to use has been reduced to 50 spaces from an expected total of 93 (with 43 shown 'allocated for retail'). This has been checked and the Transfer Plan that was included in the land sale dated 21.12.2018 shows 36 spaces that are subject to an option to lease from the council (7 less than the number shown on the plan submitted by the applicant and with use of the term 'option' rather than 'allocated'). If these spaces were leased this would leave 57 public spaces available.

9.26 The proposal would provide 23 parking spaces for the proposed residential units. With 1 parking space per apartment, this is considered acceptable provision in this town centre location. This would leave 93 parking spaces remaining for public parking, potentially reduced to 57 (minimum) if the option to lease up to 36 spaces is taken up. Importantly however, any decision to lease those spaces would be subject of a separate agreement between the Council/applicant, and this is not a material planning consideration on the assessment of this application. Overall it is considered that the proposal is acceptable in terms of parking provision.

Flood risk and drainage

9.27 The site falls within flood zone 2. The previous proposal was considered to pass the sequential test both for the retail and residential elements of the scheme. The Council agreed that there were no alternative, available comparable sites. Whilst this proposal would increase the number of residential units at the site, there would be no additional land take as a result of this proposal. In reality the proposal would add units at first floor of an already approved scheme which has now been constructed, and notwithstanding that this is a full application in reality the construction of these 5 additional units would not be able to be sited elsewhere being reliant on the already constructed building. Therefore it is considered that further sequential test information is not required.

9.28 The Council's Drainage Engineer has been consulted on the application and has no objection in principle subject to a condition requiring the drainage to take place in accordance with the drainage proposals already approved by discharge of condition application 16/00550/DIS. United Utilities have no objections provided the proposal takes place in accordance with the Flood Risk Assessment and a condition requiring the submission and agreement of plans prior to commencement detailing the sewer diversions and proposed connections to the existing Combined Sewer Overflow. Therefore subject to such conditions the proposal is considered acceptable in terms of flood risk and drainage.

Other planning considerations:

Noise

9.29 The Environmental Health Officer has considered the proposals and raised no objections but recommends that further information will need to be submitted to demonstrate that the noise insulation separating the residential apartments from the retail units on the ground floor will be sufficient to protect residents of the apartments. He stated that a noise assessment may be required to demonstrate that the British Standards for noise levels will not be exceeded. However he has also provided a list of the required noise levels that the proposal would have to meet to ensure the proposed apartments would not be affected by the retail space. These noise level requirements could be secured by condition. Subject to conditions restricting noise levels it is considered the proposal would be acceptable in terms of noise impact upon the proposed apartments.

Trees

9.30 The proposal would not change the impact upon trees from the original permission 16/00550/FULMAJ. The Council's Tree Officer considered the original scheme to be acceptable with adequate mitigation planting proposed to compensate for the tree to be lost and the Millennium tree retained and repositioned as part of the scheme. This scheme would be no different and on this basis, and subject to conditions securing the landscaping plans, and tree protection measures in accordance with the submitted details, there would be no unacceptable impacts on trees.

Ecology

9.31 The previous application was considered by Greater Manchester Ecology Unit (GMEU) as the former buildings on the site had the potential to support roosting bats and the surrounding area offered good foraging and commuting habitat. As such, a European Protected Species Licence was judged to be required in order for redevelopment to take place. GMEU were satisfied that the development would not be detrimental to the maintenance of the species, and it was considered a Natural England License would be likely to be granted. The demolition has now taken place on the site and the new building as previously approved has been erected and is almost complete. Therefore it is considered the current proposal does not raise any ecological issues from demolition.

9.32 The applicant has had a discharge of condition application (16/00550/DIS) approved for all ecology conditions and this confirmed that a Natural England License was no longer required as further survey work demonstrated bats had abandoned the former roost. The external lighting condition was part discharged in relation to lighting during construction to allow works approved by the previous consent to commence, however it is recommended that should members resolve to approve the application the external lighting condition should be attached to ensure that any permanent external lighting at the site for the operational phase of development would be erected in such a way to protect the amenity of neighbouring residential properties and nearby ecology. The applicant also applied to discharge a condition in relation to biodiversity enhancement and the details submitted were considered acceptable. A condition requiring the development to take place in accordance with those details is considered necessary to be attached, as well as a condition restricting the timing of any hedgerow removal as per previous permissions on the site.

Contamination

9.33 The NPPF states that where a site is affected by contamination, responsibility for securing a safe development rests with the developer/ landowner. The National Planning Policy Guidance (NPPG) also states that local authorities should use conditions to secure the adequate remediation of contaminated land. Adequate information should be submitted by the applicant to show that the site is suitable for its new use.

9.34 The Council's Environmental Health Officer has been consulted on the application. A contamination condition was attached to the original permission requiring details of a desk study, site investigation, and remediation and verification if required. The applicant applied to discharge the condition, however information submitted was only sufficient to satisfy the first part of the condition. The latest

response from Environmental Health confirms that a remediation strategy and verification is still required for the site. Therefore should this application be approved it is suggested a condition should be attached requiring this, along with a watching brief condition. Subject to these conditions it is considered the proposal would be acceptable in terms of contamination.

Climate change and recycling

9.35 Policy SP2 part 6 requires proposals to demonstrate how they respond to the challenge of climate change through appropriate design and by making best use of resources and assets including the incorporation of water and energy efficient measures and the reuse and recycling in construction.

9.36 The applicant has provided a climate change statement. This details energy efficiency measures proposed, including that low energy lighting will be fitted throughout the building with sensors where possible to reduce time lighting, the latest thermal efficient insulation will be incorporated throughout the buildings fabric to reduce the amount of heat lost, and toilets designed to minimum capacity low flush. Residents will be advised of water efficiency measures during the life of the building. Specialist products will be used in the floors, walls and roof to ensure the low energy and low carbon footprint of the building during its life time. The construction will use a hybrid steel and timber frame with all materials from a sustainable source.

9.37 The statement also details recycling measures during construction and states the developer is registered a 'Considerate Contractor' and have a robust policy of recycling both building products and building waste. The statement details the proposals include the reconstruction of the 1913 brick façade and incorporate the salvage and re-use of the materials from the demolition. All waste on site will be separated into wood, inert waste, paper and cardboard, and separated out from general waste to reduce land fill. Plaster material will be separated and included in material for recycling. Rain water harvested from the site welfare will be used for damping down and dust suppression. Overall it is considered that the energy efficiency and recycling measures proposed will be sufficient to fulfil the requirements of Policy SP2 in terms of meeting the challenge of climate change.

9.38 Policy CDMP6 requires development proposals involving car parking provision to be supported by electric vehicle recharging points (EVCP) unless demonstrated to be impractical e.g. in communal parking areas. Should members resolve to approve the application it is suggested a condition be imposed requiring this infrastructure to be provided. This would also help to satisfy the climate change requirements of policy SP2.

10.0 CONCLUSION

10.1 The proposal is considered to be acceptable in terms of design and visual impact, density, impact upon the historic environment, highway matters including parking and access, flood risk and drainage, noise impacts, impacts upon trees and ecology, contamination and climate change. The applicant is agreeable to provide all of the required financial contributions and therefore the necessary infrastructure to mitigate the development would be provided. As such the application would satisfy the relevant Adopted Local Plan policies and is recommended for approval subject to conditions and a section 106 legal 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 Grant full planning permission subject to conditions and a S106 legal agreement to secure financial contributions towards affordable housing, green infrastructure, local education, health care, sustainable travel and highway improvements; and to secure public access to Memorial Gardens. That the Head of Planning Services be authorised to issue the decision upon the satisfactory completion of the S106 agreement.

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 08.07.2020 including the following plans/documents:

- Drawing No. KW/HSG/LP/01 - Location Plan
- Drawing No. KW/HSG/E/01 - Elevations
- Drawing No. KW/HSG/E/02 Rev C - NW and SE Elevations as Proposed
- Drawing No. KW/HSG/E/03 Rev C - NE and SW Elevations as Proposed
- Drawing No. KW/HSG/E/04 Rev C - South West True Elevation as Proposed
- Drawing No. KW/HSG/PD/02 - Ground Floor Demise Plan
- Drawing No. KW/HSG/FP/02 Rev B - First floor fire plan as proposed (showing proposed first floor layout)
- Drawing No. KW/HSG/PFP/02 Rev G - Proposed Second Floor and Roof Plan
- Drawing No. KW/HSG/SC/01 - Section A-A and B-B
- Drawing No. KW/HSG/SC/02 Rev B - Section C-C, D-D and E-E

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 development shall be carried out strictly using those materials specified on the approved plans (Drawing no.s KW/HSG/E/02 Rev C, KW/HSG/E/03 Rev C, and KW/HSG/E/04 Rev C) 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).

4. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: 880917-R1 (02)-FRA, dated June 2016) and FRA Addendum (Ref: 880917/L01/KJ, dated 1 August 2016), and the following mitigation measures detailed therein:

- Limiting the surface water run-off generated so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Demonstration within the FRA that the improvement/protection and maintenance of existing flood defences will be provided.
- Identification and provision
- Finished floor levels are set no lower than 18.87 metres above Ordnance Datum (mAOD).

The mitigation measures shall be fully implemented prior to first occupation or first use of the development or implemented subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be agreed in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy CDMP2 of the Adopted Wyre Local Plan 2011-31 and the provisions of the NPPF.

5. Prior to the first occupation or first use of any part of the development, plans should be submitted and approved in writing by the Local Planning Authority detailing the sewer diversions and proposed connections to the existing Combined Sewer Overflow which is a critical Utilities Asset, with foul and surface water drained on separate systems.

Reason: To ensure a satisfactory form of development, to manage flood risk, to prevent pollution from foul and surface water in accordance with Policies CDMP2 and CDMP4 of the Adopted Wyre Borough Local Plan (2011-31) and the provisions of the NPPF.

6. 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 submitted in the Scott Hughes Drainage Report (Project number 3396 dated October 2018). Thereafter the approved scheme shall be retained, managed and maintained at all times 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 Policy CDMP2 of the Wyre Local Plan and the National Planning Policy Framework.

7. No part of the development hereby approved shall be first occupied or opened for trading until the site access and the off-site highway works and improvements (namely Main Site access junction on High Street including provision of dropped kerbs for pedestrians; and 2No bus stops to Quality Bus Standard on High Street) have been constructed and completed, unless an alternative timeframe for implementation is first submitted to and approved in writing by the Local Planning Authority, in which case the works shall be completed by the alternative agreed timeframe.

Reason: In order to ensure the timely delivery of the necessary off-site highway works in the interests of highway safety / to encourage sustainable travel in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

8. No part of the development hereby approved shall be first occupied or brought into first use until an Interim Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Interim Travel Plan shall be implemented in accordance with the timetable contained therein unless otherwise agreed in writing by the Local Planning Authority.

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

9. The construction of the development including any demolition works shall be carried out at all times in accordance with the approved Construction Environmental Management Plan (CEMP) (Tritan Construction: Construction Management Plan).

Reason: 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 Policies CDMP1 and CDMP3 of the Wyre Local Plan 2011-31.

10. Prior to first occupation or first use of any part of the development the written submission of additional gas monitoring results and confirmation of a historic oil spill, as set out within the submitted Geo Environmental Investigation report by Arley Consulting and Nov 18 Addendum report (Submitted March 19th 2019), is required and this shall be agreed in writing by the Local Planning Authority. Validation of the agreed remediation shall then be submitted and agreed in writing by the Local Planning Authority on completion of the works.

Reason: The development is for a sensitive land use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan.

11. 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).

12. Prior to the installation of any external lighting associated with the development hereby approved (other than lighting of the site required during

construction), a scheme for the provision of such external lighting together with an Artificial Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' "Guidance Notes for the Reduction of Obtrusive Light GN01:2011", will be oriented and screened to prevent light spillage onto the adjacent residential dwellings and adjacent river, and appropriate lighting management will be in situ to ensure no active lighting of the wider site at night-time beyond what is considered reasonably necessary. The light intrusion into the windows of any sensitive premises shall not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3). The development shall operate in accordance with this approved scheme, which shall thereafter not be varied without the prior written approval of the Local Planning Authority.

Reason: In the interests of public safety whilst protecting the amenity of neighbouring residential properties and nearby ecology in accordance with the provisions of Policy CDMP3 of the Adopted Wyre Local Plan 2011-31 and the provisions of the NPPF.

13. Prior to first occupation or first use of any part of the development hereby permitted, the building shall have been constructed or modified to provide effective sound insulation against internally generated noise from the retail use hereby permitted. The sound insulation works shall be in accordance with the maximum noise standards within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings': Living Rooms 35 dB LAeq, T where T is 16 hours (07.00 to 23.00), and bedrooms 30 dB LAeq, T where T is 8 hours (23.00 to 07.00). Additionally, the sound insulation works shall ensure that the maximum level for single sound events inside bedrooms will not exceed 45 dB LAFmax between the hours of 19.00 and 07.00.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings from the retail use, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Adopted Local Plan 2011-31, and the provisions of the NPPF.

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

- 35dB LAeq (16 hour) from 07.00 to 23.00 within living rooms and 30dB LAeq (8 hour) from 23.00 to 07.00 and 45dB LAFmax from 19.00 to 07.00 for single sound events within bedrooms, or any such level as approved in writing by the Local Planning Authority.
- The evening standard LAFmax will only apply were the evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.
- 50dB LAeq (16 hour) from 07.00 to 23.00 to outdoor living areas, or any such level as approved in writing by the Local Planning Authority.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings from cumulative noise from the existing and proposed industrial, commercial and traffic sources, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Adopted Wyre Local Plan and the provisions of the NPPF.

15. Prior to first occupation of any of the residential units hereby approved the approved sound proofing details and mitigation set out within the approved Noise Assessment report (Agility Acoustics- Noise Assessment AA18-1081-R01v2 Jan 19) shall be installed, as well as for apartments 19-23 within the first floor of the building, unless alternative measures are first agreed in writing by the Local Planning Authority prior to implementation. The development shall be maintained and retained in accordance with the approved sound proofing details at all times thereafter.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings from the retail use, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

16. (a) There shall be no deliveries or collections of goods (including waste) to or from the retail use hereby permitted outside the hours of 08.00 to 20.00 Monday to Saturday, nor at any time on Sundays, Bank or Public Holidays.

(b) No vehicle delivering to or collecting from the retail use hereby permitted, or waiting within any part of the application site, shall operate the vehicle's engine or any mechanical refrigeration unit other than when entering or leaving the site.

(c) Prior to the retail unit hereby approved being first brought into use, a scheme of signage shall be submitted to and agreed in writing by the Local Planning Authority which shall include clearly legible signs displayed at all times to notify delivery and collection vehicle drivers of the permitted hours for deliveries/collections, the need to switch off vehicle engines and refrigeration equipment, and that they are in a noise sensitive residential area. This agreed signage scheme shall be implemented prior to first use.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings or existing residents from the retail use, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

17. Waste compactors used in connection with the retail use hereby permitted shall not be operated between the hours of 20.00 and 08.00 Monday to Saturday, or at any time on Sundays and Public and Bank holidays.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings or existing residents from the retail use, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

18. The retail use hereby permitted shall not be open to customers outside the following times 08.00 to 20.00, Monday to Saturday, and 10.00 to 16.00 on Sundays and Bank and Public Holidays.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings or existing residents from the retail use, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Adopted Wyre Local Plan and the provisions of the NPPF.

19. The approved hard and soft landscape works as shown on approved plans Landscape Strategy Drawing No. 090.3.01 A, Hardworks Layout Drawing No. 090.3.02 A and Softworks Layout Drawing No. 090.3.03 A, which includes the relocation of T9: Millennium Tree, and the Tobermore Landscape Plan PA652, Tobermore Product Sheet PA652, shall be carried out as approved prior to first occupation or first use of the development hereby approved or on completion of the development (whichever is the sooner) 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 7 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.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity in accordance with the provisions of Policies CDMP3 and CDMP4 of the Adopted Wyre Borough Local Plan (2011-31).

20. During the construction works the Tree/Hedgerow Protection measures set out in the Bowland Tree Consultancy Tree Protection Scheme October 2018 shall be in place, and shall be retained for the duration of the works, and only removed once the development is complete and all machinery and works material has been removed from the site.

Reason: In order to adequately protect the trees to be retained on site in the interests of the appearance of the site and biodiversity in accordance with the NPPF and Policy CDMP4 of the Wyre Local Plan 2011-31.

21. The development hereby approved shall be implemented in full accordance with the approved Ecological Appraisal (document titled Dusk Survey Results in Relation to Bats, produced by Tyler Ecological Consultants, dated Oct 2018) including all the mitigation measures set out in that report.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

22. 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.

23. The refuse store for the apartments shown on the approved plans shall be provided before the apartments hereby approved are first occupied and shall thereafter be retained. The refuse store for the retail unit shown on the approved plans shall be provided before the retail unit hereby approved is first in use and shall thereafter be retained.

Reason: In order to ensure that adequate provision is available for the storage of refuse in the interests of residential amenity and the appearance of the site in accordance with the provisions of paragraph 17 of the NPPF and Policies CDMP1 and CDMP3 of the Wyre Local Plan.

24. Prior to first occupation of the residential development or first use of the commercial development hereby approved, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority detailing the location and amount of car parking spaces to be dedicated for the residential and commercial elements of the development hereby approved and the location and amount of car parking spaces to be made available for general public use, along with details of operational measures to ensure this parking provision will be made available for such users thereafter. The approved plan / management details shall be implemented in accordance with the approved details.

Reason: In order to ensure that adequate car parking provision exists on site in the interests of the appearance of the site and locality, residential amenity and highway safety in accordance with the provisions of paragraph 17 of the NPPF and Policy CDMP6 of the Adopted Wyre Local Plan.

25. Prior to the first occupation of any of the residential units a scheme to demonstrate how at least 20% of the dwellings shall be of a design suitable or adaptable for older people and people with restricted mobility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, 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.

26. An electric vehicle recharging (EVCP) scheme shall be submitted for all dwellings with parking provision unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No dwelling shall be occupied until the 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.

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).

Notes: -

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, in the first instance, to ascertain the details of such an agreement and the information to be provided.

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Planning committee



20/00618/FULMAJ - Garstang Business and Community centre Garstang



Scale: 1:1636

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 2
Date	22 October 2020
SLA Number	100018720

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Committee Report

Date: 04.11.2020

Item Number 03

Application Number 20/00411/FUL

Proposal Application (retrospective) for the erection of a two-storey building comprising of visitors centre, café/restaurant and hydrotherapy pool

Location Brickhouse Cottages Brickhouse Lane Hambleton Poulton-Le-Fylde, FY6 9BG

Applicant Mr Ian Rainford

Correspondence Address c/o Mr Luke Godden
5 Bobbin Mill Cottages Stubbins Lane Claughton on Brock
Preston PR3 0PL United Kingdom

Recommendation Refuse

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Rob Clewes

Site Notice Date: 18.06.2020

1.0 INTRODUCTION

1.1 This application is before Members of the Planning Committee at the request of Councillor Julie Robinson. A site visit will help Members to understand the scheme and how it sits within the wider context.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is located to the south of Brick House Lane, Hambleton and comprises an existing holiday accommodation complex with lake accessed from Brick House Lane via a single width access track. Beyond the west/north-west boundary of the site is a cluster of residential properties as well as a Public Right of Way. The surrounding area is predominantly open countryside with agricultural fields to the north, east and south. The site is located within the defined Countryside Area on the Local Plan Policies Map and is within flood zone 3. The proposal has already been constructed and is currently operating as per the use applied for.

3.0 THE PROPOSAL

3.1 The application seeks retrospective permission for a two-storey building comprising of visitors centre, café/bistro and hydrotherapy pool together with changing rooms. The foot print of the building is asymmetrical with a maximum width of 38m and depth of 19.5m. The building comprises a single storey element and a central two-storey element. The single story part has a height of 4.2m and the two-

storey element has a height of 7.3m. The front elevation primarily consists of curtain wall glazing and the remainder of the elevations consist of facing brick and cladding. The use of the building is proposed to be open to the public and not solely restricted to guests of the holiday cottages.

4.0 RELEVANT PLANNING HISTORY

4.1 18/00512/FUL - Erection of two-storey building for hydrotherapy, visitors centre, cafe, office and meeting room. Withdrawn

4.2 18/00268/FULMAJ - Variation of condition 2 (key drawings) on application 15/00758/FULMAJ to allow a first floor to the hydrotherapy pool. Withdrawn

4.3 15/00758/FULMAJ - Erection of 5 holiday units and erection of a building for a hydrotherapy pool, visitors centre and cafe for disabled visitors and carers. Approved

4.4 14/00833 - Erection of 3 holiday units for disabled visitors and carers (resubmission of 14/00666). Approved

4.5 14/00666/FUL - Erection of 3no holiday units. Withdrawn

4.6 12/00782/FUL - Creation of private leisure lake and engineering operations to form landscaped mound. Approved

4.7 12/00176 - Change of use from tile showroom to annex for ancillary accommodation to Brickhouse Farm, extension to existing barn to form a domestic garage, addition of a private swimming pool to existing garage of main dwelling, change of use and conversion of 4 no industrial units into 5 no specialised holiday accommodation for people with disabilities and their carers. Approved

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:

- SP1 - Development strategy
- SP2 - Sustainable development
- SP4 - Countryside areas
- SP8 - Health and well-being
- CDMP1 - Environmental protection
- CDMP2 - Flood risk and surface water management
- CDMP3 - Design
- CDMP4 - Environmental assets
- CDMP6 - Accessibility and transport

- EP8 - Rural economy

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government 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 4 - Decision-making
- Section 6 - Building a strong, competitive economy
- Section 11 - Making effective use of land
- 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

6.0 CONSULTATION RESPONSES

6.1 STALMINE PARISH COUNCIL - As three of the five councillors present had declared an interest it was not possible to discuss this application.

6.2 LANCASHIRE COUNTY HIGHWAYS - Overall, it is not considered that the additional traffic that the development proposal would generate would have an impact on highway safety although the increased traffic levels may be noticeable to local residents and affect their amenity.

6.3 NATURAL ENGLAND - No objections

6.4 ENVIRONMENT AGENCY - No objections

6.5 HEALTH AND SAFETY EXECUTIVE (HSE) - Does not advise, on safety grounds, against the granting of planning permission in this case.

6.6 GREATER MANCHESTER ECOLOGY UNIT - No comments received

6.7 LANCASHIRE COUNTY PUBLIC RIGHTS OF WAY OFFICER - No comments received

6.8 RAMBLERS ASSOCIATION - No comments received

6.9 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - No objections

6.10 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION) - See previous 15/00758/FULMAJ and transfer any conditions over.

6.11 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY) - No objections

7.0 REPRESENTATIONS

7.1 8 representations received objecting to the application and raising the following matters:

- Proposed building is too big
- Operating in breach of planning and restrictive condition
- Impact to highway safety
- There has been a large increase in vehicular movements since it opened causing conflict between road users
- Why have planning restrictions not been enforced, it makes a mockery of the planning system
- Allowing this would set a precedent for anyone to go ahead and build whatever they want and then just apply retrospectively
- This is another business in this area where the road network cannot handle the amount of traffic and has altered the character of this part of the lane
- Not in keeping with the area
- Proposal not policy compliant
- Applicant should be requested to fund highway improvement works
- Conflict with future proposals down Brickhouse Lane

7.2 10 representations received supporting the application and raising the following matters:

- There are no facilities in the area like this for people that require them
- The changing places facility is able to be used by anyone with a disability
- Hydrotherapy is essential for rehabilitation and physiotherapy
- Site allows for people to be fully included and access all aspects of daily life in confidence and without prejudice
- Restaurant ensures the inclusivity of both disabled and non-disabled patrons
- In general, access to suitably adapted community facilities is poor in the area
- The pool is accessed weekly by numerous people
- Site is an ideal environment
- Staff are well trained and able to assist greatly

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Agent contacted on the following matters:

- Validation of application including payment of correct fee
- Description of development
- Town centre sequential test
- Flood risk sequential test

9.0 APPLICANTS STATEMENT

9.1 The applicant has submitted the following statement in support of the proposal:

"Our planning application is to make it possible for all local people to benefit from our accessible, sociable eating area, Changing Place and life changing hydrotherapy pool. We are not just another pool or restaurant, we are somewhere that anyone can come for a meal with their family, whether they have dementia, autism, cerebral palsy, MS or any other challenging condition. We are somewhere that anyone can swim unaided in a hydrotherapy pool so their spasms ease or they can walk for the first time in 12 years since their accident! Why should people have to come on holiday to enjoy this accessible building when people who live so close could benefit so much from being able to use this facility? The "Equality Act 2010" is in place to eliminate discrimination and to advance equality of opportunity...We are striving so much so everyone is equal.

The Hydro Pool was built because after my sister's accident the rehabilitation team said the only way they could get my sister back up and walking would be hydrotherapy. We could not get into a pool anywhere, and we travelled hours to a facility but with the long drive it reversed the benefit it had. My Dad built one at home determined he could get her back on her feet, this cost thousands of pounds but if it helped her walk it was worth every penny. My sister can now walk, why can we not make it possible for others like my sister to be able to use and get the same outcome?

The Bistro is fully accessible. We have feet to raise the tables to a height that is right to someone in an electric wheelchair, we have various allergen-free foods and we blend food for the customers that need it. Accessible cutlery, plates, cups, wide spaces between tables for wheelchairs to turn and so much more to make it a place that no matter what you need we can make it an enjoyable time for all the family. Is there any other restaurant or cafe within this area that has these in place?

The Changing Place was passed in the last application for this building. It was passed but then taken away from the public, "It is now accepted and expected that everyone has a right to live in the community, to move around within it and access all its facilities. Government policy promotes the idea of 'community participation' and 'active citizenship', but for some people with disabilities the lack of a fully accessible toilet is denying them this right." <http://www.changing-places.org>

The large ramp leading into the building is also on this planning application, this needs to be here to help all the new larger wheelchairs which are out there today.

The laundry on the application is deeply needed to run this business better. On a daily basis there is soiled bedding etc. and for us to control infection better this cannot be collected on certain days by an outside laundry business, it needs to be dealt with quickly to carry out the Infection Control Precautions.

Our hydro pool was granted money from the "The European Agricultural Fund for Rural Development: Europe investing in rural areas", this money was invested into something that should be a proud flagship within a rural area, creating much needed employment and offering a unique experience. DEFRA now use us as this intended 'flagship' often bringing businesses from far and wide to experience our inclusivity. We are so proud to encourage businesses to follow great practice however mortified to think that on home turf this recognition of need is not appreciated or understood. The Wyre Council promotes the Wyre Business Awards, which we won last year; however new local planning policies contradicts the unique rural businesses to grow this surely is something you cannot celebrate.

With our support, Access Fylde Coast have received funding to help the local area become more accessible. Why then has our government given money to this area to help local businesses become more accessible when our local planning committee intend to refuse a comparable application... the facility is here ready for your local community to use, we just need to be granted public access.
<https://www.accessfyldecoast.co.uk>

I have attached a few letters that were forwarded to the planning department from our customers and the benefit they get every time they come to both the pool and the bistro. We could forward you many, many more dozens of emotionally supporting letters. Please take the time to read their sincere gratefulness, they really do bring you to tears.

With public access, this immeasurable change to people's lives is what me and you could do easily on a day-to-day basis.

To help you understand the importance and uniqueness of our facilities we would like to invite you all here."

9.2 ISSUES

9.2.1 The main issues in this application are as follows:

- Principle of the Development
- Visual Impact / Design / Impact on the street scene
- Impact on residential amenity
- Impact to highways
- Flood Risk/drainage
- Ecology

Principle of development

9.3 The starting place for an assessment of any proposal submitted is the development plan. 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 made in accordance with the development plan unless there are material considerations that indicate otherwise.

9.4 The proposal seeks retrospective permission for the erection of a two-storey building which comprises of a visitors centre, café/bistro and hydrotherapy pool together with changing places which are used by guests staying in the holiday cottages as well as by the wider public who are not staying guests.

9.5 The site falls in the countryside as designated within WLP31. Policy SP4 of WLP31 restricts development in the countryside to a limited number of purposes, including the expansion of businesses in rural areas, provided they are in accordance with Policy EP8. Policy SP1 directs development to the settlements unless development in the designated countryside is specifically supported by another policy in the Local Plan.

9.6 The existing business consists of 13 holiday cottages that are specifically designed to cater for visitors with disabilities and their families and/or carers. Planning permission was granted in 2016 (ref: 15/00758/FULMAJ) for a building to be used for a visitors centre, café/restaurant and hydrotherapy pool. The applicants have stated that public access to that proposed facility was taken away via a condition and that it was always the intention to allow public access. However it was made clear by the applicant in the accompanying design and access statement for that application (para 1.1.2) that: "This building will be exclusively available to guests of the lodges on site". As such the Council considered the previously approved building to be an expansion of the existing holiday accommodation business as it would not be available to be used by the non-staying public. It is important to point out that this approved building was not implemented as such the building subject of this application is not established by that consent.

9.7 Policy EP8 of WLP31 allows for the expansion of business in rural areas, provided that any new building and supporting infrastructure is necessary. Therefore it has to be assessed if the proposal can be viewed as an extension to an existing business, and if the building and infrastructure is necessary. In satisfying the first point, the proposal would reasonably need to offer a supporting function to serve the business, otherwise it would be reasonable to assume that it has the potential to be used as an independent facility and therefore form a new independent business in the countryside.

9.8 This proposal seeks to allow the building subject of this application to be open to members of the public that would not be staying at the site as holiday guests. The layout and floor plan provides significantly more hospitality floor space than that approved in the previous application, to a degree that the hydrotherapy pool and changing room facility is now considered to be an ancillary element and the primary function of the building is to operate a bistro and function suite, open to the public. This is in essence an entirely new business independent from the existing holiday accommodation business. When looking at the increase in floor space, much of this is dedicated to the bistro and function suite (open till 10pm), with none of the additional floor space increasing the hydrotherapy pool or changing places facility, and therefore the hospitality floor space now forms the dominant use of the building. It is acknowledged that the building can still be used by the guests of the cottages and that the attached laundry room and its use is linked to the holiday accommodation, however the laundry room is merely attached to the rear of the building not accessed from within it and therefore could have been provided by separate means i.e. detached and located elsewhere in the site. The building is located within the holiday accommodation site, however the overall layout, areas of parking and general operation mean that the building can be easily operated on an independent basis without impacting on the existing holiday accommodation and any linked functionality is only by reason of proximity and the use is not exclusive to the existing business. In addition the building is actively advertised as being able to access / use independently, with the bistro and function suite advertised for all manner of events and the bistro also offering a dedicated takeaway menu. In terms of the increase in size of the hospitality area (i.e. bistro and function suite) no justification, as required by Policy EP8, has been provided as to why this is necessary. As such there is no clear justification as to why the first floor function suite or increased bistro area is required and therefore the proposal fails to satisfy criteria 2.b) of EP8.

9.9 Policy SP8 (Health and Well-being) does support proposals that promote healthy communities and development that helps maximise opportunities to improve quality of life and to make it easier for people in Wyre to lead healthy active lifestyles.

It is acknowledged that the hydrotherapy pool and changing places facility does provide a benefit to those groups that require such a facility and that it contributes to them being able to lead active healthy lives. The letters of support received all provide accounts of how that part of the facility has benefitted them. This is not disputed by the Council and it is clear that the facilities on offer have benefitted those members of the public. It is understood that the hydrotherapy pool and changing places facility provide a specialist facility not readily available elsewhere in the locality and that they are used by members of the public and organisations/schools which is a clear benefit to the community. The provision of the hydrotherapy pool and changing places facility, is therefore considered to be in line with the principles of Policy SP8, however the building must be assessed as a whole. As established above a significant amount of the floor space is dedicated to hospitality and there is insufficient justification for the size of bistro and function suite proposed. It is noted, in particular, that the size of the hydrotherapy pool has not been increased in this application, as compared to that approved previously. Had the building been built as per the development approved via 15/00758/FULMAJ whereby the café/bistro area was much less and seen as a complementary feature to the pool and holiday accommodation then a legitimate argument for the use of the that building by non-paying guests could have potentially been put forward as the main use of the site would have remained for the purposes of holiday accommodation as the bistro/café would have been of a size that would not form a primary use. The use of the building by non-paying guests would have been seen as ancillary and the main use of the site remaining for holiday accommodation purposes. However due to the size of hospitality floor space and the use by non-paying guests and the ability to host events and functions the building cannot be seen as ancillary to the main use of the site. The benefit afforded by the hydrotherapy pool and changing places facility is therefore not considered to out-weigh the policy conflict with SP4 and EP8. It is acknowledged that the bistro is accessible and caters for all, however this part of the building is not considered so unique that it would necessarily add more weight to the considerations of SP8. There are many hospitality places within the borough that can claim to comply with the Equalities Act and provide access for all. With the layout of the building as such it would appear that the main aim of the building is as a bistro and function suite unconnected to the existing holiday accommodation business. Any economic benefit derived from the proposal would merely be a personal one to the applicant and the economic benefit to the borough would be minimal and not considered sufficient to out-weigh the conflict with policy. As such the proposal is not considered to comply with Policies SP4 and EP8 of the WLP31.

9.10 Policy EP5 of WLP31 requires a Town Centre Sequential Test for main town centre uses outside defined centres, to demonstrate that there are no sequentially preferable sites available. This aligns with paragraph 86 of the NPPF. The NPPF defines a main town centre use to include restaurants (which includes cafes/bistros) and leisure facilities. Paragraph 88 states this sequential approach should not be applied to applications for small scale rural development. As there would be the potential to accommodate a sizeable number of people with covers able to be provided on both on the ground floor and first floor, the proposed development is not considered to be small-scale rural development. Furthermore as it is not considered to be ancillary to the existing business, it is not necessary for it to be sited at the application site and therefore the proposal should be sequentially tested for a more suitable site within a defined centre. The applicant has provided a sequential test outlining that there are no other suitable sites within or adjacent the nearby settlements. Policy EP5 requires the developer to apply a sufficiently flexible approach to their requirement in terms of scale, format and car parking provision. In addition there is case law that establishes that it is not reasonable for local planning authorities to expect applicants to disaggregate their schemes where there is a

functional need for them to be integrated or consider sites that would require fundamental changes to what is proposed. The results of the submitted sequential test showed that there were no other sites within the borough available to accommodate this building. Whilst there is no reason to doubt this, a critical factor is the necessity for the size of building. The sequential test exercise therefore carries little weight as there is no justification for the size of building proposed (as established above) or why it has to be one building for the different uses. Therefore it is not possible to conclude that a smaller building for example could not be sited elsewhere within a defined centre. As such the proposal's failure to comply with Policies SP4 and EP8 together with the insufficient sequential test information means that the proposal also fails to comply with the NPPF and Policy EP5 of the WLP31.

9.11 In addition to the above, consideration must also be given to the connectivity and accessibility of the site and whether it would fall to be considered a sustainable location for the proposal, as required by Policy SP2 of WLP31 and the NPPF. As established it is considered that the proposal primarily operates separately from the existing holiday accommodation business and so it does not necessarily have to be located at the same site/area as the existing holiday business. The closest settlement would be Hambleton, approximately 1.3m away. Visitors to the independent bistro and function suite would be unduly reliant on the use of private motor vehicle to access it both in terms of the distance to the nearest settlement and the lack of safe footways on roads which are unlit and are subject to national speed limits. It is therefore considered that the proposal would fail to satisfy policy SP2.

Visual Impact / Design / Impact on the street scene

9.12 The design of the building incorporates glazing to help alleviate the building mass however it is nevertheless larger in scale than the building previously approved under permission ref: 15/00758/FULMAJ. The building is considered to be large in scale and there will be views of the building from the wider area having regard to the wider open landscape to the south and east. However it's siting on the western boundary means it will be viewed in the context of the other three buildings on site as well as the group of residential properties to the west and north-west of the site where the landscape is more developed. In addition the existing holiday cottages on the eastern side of the site do provide additional screening when viewed from the east on Carr Lane. Whilst a reduction in the scale and massing of the building would be looked on more favourably, having regard to the long distance views of the buildings from the public vantage points and the scale, design and appearance to the existing buildings on site, on balance it is not considered that there would be an unacceptable visual impact having regard to Policies SP4 and CDMP3. The proposed building is also immediately adjacent to Public Right of Way (PROW) 2-22-FP-11. The proposal does have an impact on the setting of this PROW due to its size and proximity, however the impact is not considered so great that it is unacceptable, especially as this part of the PROW is adjacent to existing built development. As such the appearance, design and visual impact of the development are considered acceptable.

Impact on residential Amenity

9.13 Due to the location of the development and its distance from boundaries with neighbouring residential properties it is considered that there will be no detrimental impact to residential amenity including overbearing impact or loss of light from the building itself. It is considered that there would be a greater impact to the amenity of residents living on Brickhouse Lane caused by the increase in vehicular movements and associated noise etc. from patrons using the bistro which is proposed to operate

until 10pm. Whilst this is a legitimate concern it is not considered so detrimental that it is unacceptable in its own right. Therefore the proposal is considered to comply with Policies CDMP1 and CDMP3 of WLP31.

Impact on Highway / Parking

9.14 The proposal will use the existing access to the site and additional parking is also proposed. Lancashire County Council Highways department have raised no objection on highway safety grounds and as such the proposal is considered to comply with Policy CDMP6 of WLP31. A requirement of Policy CDMP6 is the provision of Electric Vehicle Charging Points (EVCPs) on developments where there would be an increase in vehicular movements. This could be secured by condition on any permission granted.

Flood Risk/Drainage

9.15 The site lies within Flood Zone 3, at the highest risk of flooding, and so a site specific flood risk assessment (FRA) is required. The submitted FRA has been assessed by the Environment Agency who have accepted its conclusions. Notwithstanding the acceptable FRA, as the development results in the creation of a new stand-alone business a flood risk sequential test is required to adequately demonstrate that there are no other suitable sites for the development that are at a lower risk of flooding. A sequential test has been submitted by the applicant which outlines that there are no other suitable sites reasonably available and comparable that are at a lower risk of flooding. Whilst the parameters of the search have been agreed and the results accepted, again like with the town centre sequential test, as the size of the building has not been adequately justified it is not possible to conclude that a smaller building for example could not be sited elsewhere within a lower flood risk area. Taking the above into account it is considered the proposal fails to satisfy the NPPF and Policy CDMP2 of WLP31 with respect to applying the sequential test.

Ecology

9.16 No ecology survey has been submitted as part of the application however an Ecological Appraisal including a Phase 1 Habitat survey was submitted with the previous application (ref: 15/00758/FULMAJ) which had been prepared by a suitably qualified ecologist. Overall, the survey indicated there were no significant constraints in relation to the proposed development. GMEU as the Council's ecology advisor accepted the report findings. Notwithstanding the time that has now passed, it is considered that there are no matters that would give rise to concerns over the impact to protected species or protected designated sites. This stance is supported by Natural England's no objection to the proposal. The proposal is therefore considered to comply with Policy CDMP4 of WLP31.

Other matters

9.17 Trees - There are trees adjacent to the proposal to the west, however as the proposed development has already been completed and in operation any potential impacts may have occurred already. As such the Council is unable to establish what mitigation may have potentially been necessary.

9.18 Contamination - The Council's environmental health officer responsible for contamination has requested that the same condition be applied to that which was requested for 15/00758/FULMAJ. Due to the nature of the development being retrospective the inclusion of this pre-commencement desk study condition is not

possible. Whilst this proposal is a different development it is nevertheless located on the same piece of land as the development approved under 15/00758/FULMAJ. Further to that permission the contamination condition (No.7) was partially discharged with the results of the watching brief required to be submitted in order to fully discharge the condition. The Council's records do not indicate that this was submitted therefore a condition requiring the submission of the results of the watching brief would be considered reasonable and necessary on any new permission granted.

9.19 In the representations received the following matters were highlighted as concerns:

- Operating in breach of planning and restrictive condition: Whilst the proposal has been built without the benefit of planning permission, as it is not in accordance with the previously approved plans and is sufficiently different for it not to be a minor-material change, this is not a determining factor as to the acceptability of the proposed development now for consideration. All proposals are assessed on their own merits against the relevant planning policies and material considerations.
- Allowing this would set a precedent for anyone to go ahead and build whatever they want and then just apply retrospectively: As outlined above all proposals are assessed on their own merits and as such precedent carries little weight in the assessment of the proposal.
- Conflict with future proposals down Brickhouse Lane: This has no bearing on the assessment of the proposal as any future proposals elsewhere that have yet to be submitted for consideration cannot be a material consideration. Furthermore if any of these future proposals were to involve new business ventures then industry competition is not a material planning consideration.

10.0 CONCLUSION

10.1 If the proposed development was for the sole use of guests using the holiday accommodation or for people who had been referred for health reasons to use the specialist services such as the hydro pool etc. then the development would be acceptable. However, the development as proposed amounts to the creation of a new business in a countryside area which would not be ancillary or incidental to the existing business and as such it is difficult to justify the development. The existing business at the site is for holiday accommodation and the proposal would result in the creation of a building predominantly set out for hospitality purposes (bistro and function room) open to members of the public and not exclusively tied to the operation of the holiday accommodation business. In terms of the necessity for the size of building proposed insufficient justification has been provided as to why it is needed at the size proposed and why the bistro and function room in particular is needed at that scale. In addition as the proposal constitutes the formation of the new business it is not considered to be sited in a sustainable location with poor connectivity and accessibility from public transport and the nearest settlement of Hambleton.

10.2 The proposed primary use of the building is classed as a main town centre use and therefore there is a requirement to sequentially test the proposal in order to establish if there are other sites within defined centres that are sequentially preferable to the application site. As there is insufficient justification for the size of

building proposed it is considered that the proposal fails the town centre sequential test.

10.3 The site is located within Flood Zone 3 and whilst there are no concerns over the proposal in terms of safety from flooding it nevertheless requires a sequential test to demonstrate that there are no other sites that are suitable or available at a lower risk of flooding. As there is insufficient justification for the size of building proposed it is considered that the proposal fails the flood risk sequential test.

10.4 No adverse impacts are identified in terms of design and amenity, highway safety and parking, trees and ecology. It is accepted that the facility does provide a community benefit in the form of providing access to all facilities that are used by local people and organisations and there is some minor economic benefit, these benefits are not out-weighted by the clear development plan policy conflict. On balance, taking all material matters into account the application is therefore recommended for refusal as it is contrary to Policies SP2, SP4, CDMP2, CDMP6, EP5 and EP8 of the WLP31.

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 EQUALITIES ACT IMPLICATIONS

12.1 The public sector equalities duty under s149 of the Equalities Act 2010 requires public authorities to have due regard to:

- the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics include age and disability.

12.2 This legislation has been considered in coming to this recommendation.

13.0 RECOMMENDATION

13.1 Refuse planning permission

Recommendation: Refuse

1. The proposed development would result in the creation of a stand-alone business in an area of countryside as designated in the adopted Wyre Local Plan (2011-2031). It does not constitute either an expansion of an existing business or diversification of an agricultural business and therefore amounts to unjustified development in the countryside. Furthermore the proposed development is located in an unsustainable location and not well-related to the nearest settlement of

Hambleton. As such it is therefore considered contrary to Policies SP2, SP4 and EP8 of the adopted Wyre Local Plan (2011-2031).

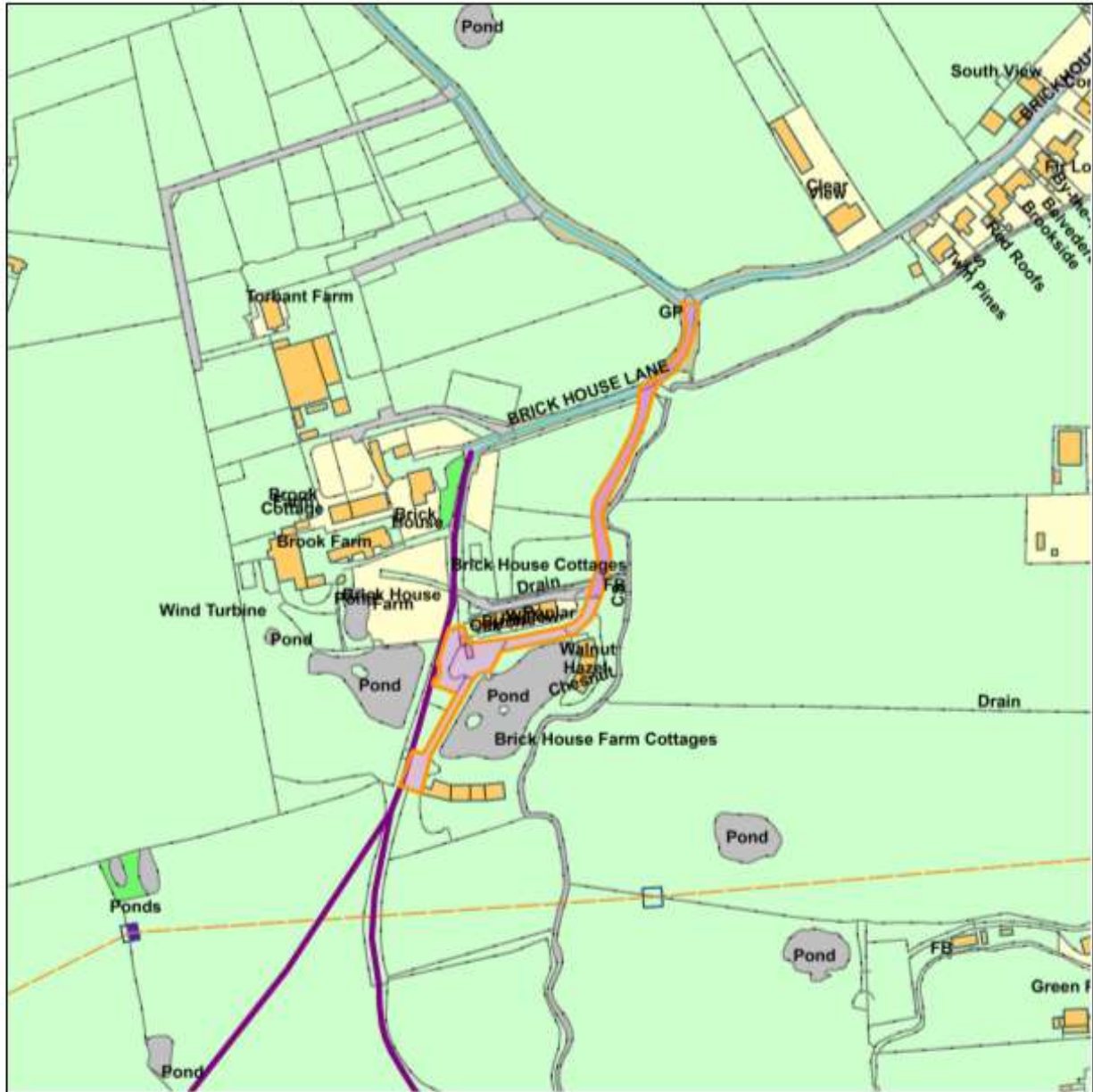
2. The proposal is for a main town centre use capable of functioning as an independent planning unit, and therefore requires a sequential test to demonstrate that there are no sequentially preferable sites available for the development in a defined centre. The sequential test provided with the application is insufficient on the basis of the lack of adequate justification for the size of building proposed. This would therefore be contrary to Section 7 of the NPPF and Policy EP5 of the Adopted Wyre Local Plan.

3. The proposed development lies within Flood Zone 3 and therefore it is required to be demonstrated that the proposal cannot be located at a site less vulnerable to flooding. The submitted sequential test has failed to provide sufficient evidence to show that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. This position is further supported by the lack of adequate justification for the size of building proposed. As such this would not steer development to areas with the lowest probability of flooding, thereby increasing the number of people and properties at risk of flooding and failing the sequential test, contrary to the NPPF, the guidance in the NPPG and Policy CDMP2 of the Adopted Wyre Local Plan.

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Planning committee

20/00411/FUL - Brickhouse Cottages Brickhouse Lane Hambleton



Scale: 1:3273

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 3
Date	22 October 2020
SLA Number	100018720

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Committee Report

Date: 04.11.2020

Item Number 04

Application Number 20/00793/FUL

Proposal Retrospective application for the retention of a detached garden room

Location Bolanja 45 Pilling Lane Preesall Lancashire FY6 0EX

Applicant Mr Phil Smith

Correspondence Address c/o ML Planning
5 Bobbin Mill Cottages Stubbins Lane Claughton On Brock
Preston PR3 0PL United Kingdom

Recommendation Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Miss Fiona Flower

1.0 INTRODUCTION

1.1 This application is before the Planning Committee for consideration at the request of Cllr Orme. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The site which forms the subject of this application is located in a corner position on the western side of Pilling Lane, Preesall. The site is occupied by a two-storey detached dwelling, with detached garage to the rear. Access to the garage and driveway is from Grasmere Road. The rear curtilage of the property is bounded by an approx. 2.0m high wall. The surrounding area is residential in character.

3.0 THE PROPOSAL

3.1 The application seeks retrospective permission for the retention of a detached garden room, sited between the application property and northern boundary to Grasmere Road. Dimensions of the garden room are 8.0m x 7.5m. The detached garden room has a pitched roof with an eaves height of 2.21m and ridge height of 2.92m. Materials used are plastisol coated polycarbonate brown cladding to elevations and roof panelling of composite steel sheets in an Anthracite colour.

4.0 RELEVANT PLANNING HISTORY

4.1 None found

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

5.1.1 The following policies contained within the Adopted Wyre Borough Local Plan 2011-2031 (WLP31) are of most relevance:

- CDMP1 – Environmental Protection
- CDMP3 - Design

OTHER MATERIAL CONSIDERATIONS

5.2 NATIONAL PLANNING POLICY FRAMEWORK

5.2.1 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.

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 Extending Your Home Supplementary Planning Document: Design Note 1 - General Principles

6.0 CONSULTATION RESPONSES

6.1 PREESELL TOWN COUNCIL - Objections raised in relation to size of the garden room and potential for overdevelopment of the application site

7.0 REPRESENTATIONS

7.1 One representation received in support of the application.

8.0 CONTACT WITH APPLICANT/AGENT

8.1 Contact made with agent to clarify materials and advise of committee meeting date.

9.0 ASSESSMENT

Principle of development

9.1 Extensions to dwellings or domestic outbuildings for purposes ancillary to the main dwelling within its curtilage are acceptable in principle. This development falls within the defined property curtilage and its function as a garden room is considered an ancillary use. For the avoidance of doubt a condition can be added to ensure this remains an ancillary building.

Design and visual impact

9.2 The proposal involves a detached garden room. The garden room is situated north of the application property, adjacent the north and eastern boundaries facing Grasmere Road and Pilling Lane and is therefore visible from within the street scene. Whilst this is the case, the existing boundary wall shields the majority of the garden room from the surrounding area, with only the upper-most parts of the roof visible. The roof has a low pitch, and materials used complement the original dwelling and

surrounding area in colour. For these reasons it is not considered that the garden room causes significantly harmful visual impacts when viewed from the surrounding area, and the design is considered to be sympathetic to the existing dwelling. The proposal is therefore considered to comply with Policy CDMP3 of the Wyre Local Plan and the relevant design notes of the adopted SPD.

Amenity impact

9.3 Due to the orientation and siting of the proposed garden room, it is not considered to be visible from neighbouring property to the south, 43 Pilling Lane, nor neighbouring property to the west, 8 Grasmere Road. The retention of the garden room is therefore not considered to cause overbearing or overlooking impacts upon the amenity of these neighbours. Properties north of the site, to the opposite side of Grasmere Road, are approximately 25.0m away from the garden room. Given the low pitch of the garden room roof and this separation distance it is not considered that the amenity of these neighbours will be significantly impacted by the proposals. It is acknowledged that the garden room subject to this application is larger than typical garden rooms found on domestic properties, however as the application site benefits from a large rear garden it is not considered that the addition of this garden room would negatively impact upon the amenity space of the application site or of neighbouring properties. The use of the building as a garden room is not considered to result in any adverse impacts in terms of noise or other disturbance. As such the proposal satisfies policy CDMP1 and CDMP3 of the Wyre Local Plan and the relevant design notes of the adopted SPD.

Parking and highway safety

9.4 The proposal will not impact on the existing parking arrangements or on highway safety.

Flood risk

9.5 The application site is located within Flood Zones 3. A Flood Risk Assessment has been submitted which includes flood risk mitigation measures in accordance with Policy CDMP2 of the Wyre Local Plan.

Other material considerations

9.6 Ecology - No issues identified.

9.7 Trees - No issues identified.

9.8 Land contamination - No issues identified.

10.0 CONCLUSION

10.1 The proposal is considered to be visually acceptable and would not impact on neighbouring amenity. Therefore the proposal is considered to comply with Policies CDMP1 and CDMP3 of the Adopted Wyre Local Plan (2011-2031) and the relevant design notes of the adopted SPD.

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 full planning permission.

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 26.08.2020 including the following plans/documents:

- Site Location Plan as received 27.08.2020
- Site Plan as received 27.08.2020 - drawing number ML/PS/5296
- Proposed Floor Plan and received 26.08.2020
- Proposed Elevation as received 26.08.2020

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 development shall be carried out strictly using those materials specified on the application form (walls) and in the email received from the agent dated 13/10/2020 (roof) 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).

4. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (received 27.08.2020) 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.

5. The development hereby permitted shall be used for purposes incidental or ancillary to the residential use of the dwelling house known as Bolanja, 45 Pilling Lane, Preesall and for no other purpose.

Reason: The use of the building as a separate dwelling house would require further consideration in accordance with Policies CDMP3 and SP4 of the Wyre Local Plan (2011-31)

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Planning committee

20/00793/FUL - Bolanja 45 Pilling Lane Presall



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Organisation	Wyre Council
Department	Planning Department
Comments	Item 4
Date	22 October 2020
SLA Number	100018720

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