



Planning Committee Agenda

Wyre Borough Council
Date of Publication: 22.12.2020
Please ask for: Marianne Unwin,
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Email: Marianne.unwin@wyre.gov.uk

**Planning Committee meeting on Wednesday, 6 January 2021 at 2.00 pm
in the Council Chamber - Civic Centre and via WebEx.**

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 02 December 2020 (already circulated by email).

4. Tree Preservation Order No 10 of 2020

(Pages 5 - 16)

The Corporate Director Environment, Mark Billington, has submitted a report regarding an objection to the making of Wyre Council Tree Preservation Order No10 of 2020: land at 8 Rivers View Fold, Lower Dolphinholme, LA2 9SH.

5. Tree Preservation Order No 11 of 2020

(Pages 17 - 32)

The Corporate Director Environment, Mark Billington, has submitted a report regarding an objection to the making of Wyre Council Tree Preservation Order No11 of 2020 – 4 Victoria Road, Poulton-le-Fylde, FY6 7JA.

6. Appeals

(Pages 33 - 42)

The Schedule of Appeals lodged and decided between 14 November 2020 – 14 December 2020, is attached.

7. 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 South Of Blackpool Road, Poulton-Le-Fylde (19/00615/OULMAJ)
Outline application for the erection of up to 330 dwellings and associated infrastructure (all matters reserved). | (Pages 43 - 78) |
| (b) | Application B- Land South Of B5269 Preston Road And East Of St Peter's Church Of England School, Inskip (20/00383/REMAJ)
Reserved matters application for access off Preston Road together with matters of appearance, scale, layout and landscaping for the erection of 30 dwellings following outline approval 19/00348/OUTMAJ. | (Pages 79 - 104) |
| (c) | Application C- Land South Of B5269 Preston Road, Inskip (20/00381/FUL)
Creation of an area of open space with associated operational development including pond and boundary fencing, in lieu of on-site provision in association with development approved by outline permission 19/00348/OUTMAJ for up to 30 dwellings. | (Pages 105 - 116) |

- (d) **Application D- Land At Bourne Road, Thornton Cleveleys, FY5 4QA (20/00405/LMAJ)** (Pages 117 - 150)
Erection of 210 residential dwellings with vehicular access from Bourne Road and associated public open space and infrastructure.
- (e) **Application E- Prospect Farm Skippool Road, Thornton Cleveleys, Lancashire, FY5 5LD (20/00882/FUL)** (Pages 151 - 162)
Erection of four detached dwellings with access from Skippool Road (following demolition of existing buildings).

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Report of:	Meeting	Date	Item No.
Mark Billington Corporate Director Environment	Planning Committee	06 January 2021	4

Wyre Council Tree Preservation Order No10 of 2020: land at 8 Rivers View Fold, Lower Dolphinhholme, LA2 9SH

1. Purpose of report

- 1.1** To consider the objection to the making of Wyre Council Tree Preservation Order No10 of 2020: land at 8 Rivers View Fold, Lower Dolphinhholme, LA2 9SH.

2. Outcomes

- 2.1** To determine whether or not to confirm the Wyre Council Tree Preservation Order No10 of 2020: land at 8 Rivers View Fold, Lower Dolphinhholme, LA2 9SH.

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

3. Recommendation

- 3.1** That the Wyre Council Tree Preservation Order No10 of 2020: land at 8 Rivers View Fold, Lower Dolphinhholme, LA2 9SH ("the TPO") is confirmed.

4. Legislative background to the TPO

- 4.1** Section 198 of The Town and Country Planning Act 1990 (as amended) empowers Local Planning Authorities to protect trees or woodlands in their area in the interest of amenity by making tree preservation orders. Following the introduction of **The Town and Country Planning (Tree Preservation) (England) Regulations 2012**, The Local Planning Authority is required to confirm a tree preservation order within six months of the issue date if it is to continue to have effect after that period. When an

objection is received, a decision on confirmation is usually referred to the Planning Committee.

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

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

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

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

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

5. Background to making the TPO

- 5.1** On 27 July 2020 the tree officer received Conservation Area Notification of intention to fell one oak tree on land at 8 Rivers View Fold, Lower Dolphinholme, LA2 9SH, the reasons provided being that the oak tree leans towards Rose Cottage (No13 Lower Dolphinholme) and blocks light.

On 8 September 2020 the tree officer visited land at 8 Rivers View Fold and undertook an appropriate tree evaluation method for preservation orders (“TEMPO”) which guided the subsequent decision to make a TPO. The TPO applies to 2 Nos oak trees identified as T1 and T2.

A copy of the completed 08 September 2020 TEMPO survey data sheet relating to T1 and T2 of the TPO along with an associated public visibility image of T1 and T2 are appended to this report at Appendix 1.

On 16 September 2020 Wyre Council made Wyre Council Tree Preservation Order No10 of 2020: land at 8 Rivers View Fold, Lower Dolphinholme, LA2 9SH.

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

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

The period for any objections and representations to be made to the Council in respect of the TPO ended on 14 October 2020.

- 5.3** On 21 September 2020 a tree work application was received requesting for consent to reduce T1 oak tree by 1.5 – 2 m and to crown lift. The tree officer gave consent on 6 October 2020 to carry out an overall crown reduction by no greater than 2 metres from branch tips to advantageous growing points and also to remove any rubbing or crossing branches which

are causing damage to branch tissue / structure. Moreover consent was also given to raise the crown by a moderate degree.

- 5.4** Wyre Council received a formal objection letter dated 1st October 2020 in regard to the TPO.

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

6. Summary of Objections

The objection puts forward that in all circumstances it is not expedient in the interest of Lower Dolphinholme to create the order and that the order does not comply with the expressed view of the Secretary of State for the following reasons:

- 6.1**
- (i) The tree is hidden behind houses, tucked in a corner and not visible to the public at large.
 - (ii) The removal of the tree will have no impact on the aesthetics and overall attraction of the village, its environment and the enjoyment of the public.
 - (iii) The value of the tree is not enhanced by intrinsic beauty or scarcity. The oak has negligible or no wildlife habitat value. Having been planted too close to the neighbouring oak the spread, appearance and health of both trees will decline as they mature.
 - (iv) The tree is dangerous and is likely to cause property damage now or in the future. The tree is within 3 metres of a joint sewer and no more than 6 meters from the foundations of Rose Cottage.
 - (v) The crown of the tree causes substantial trespass, continued growth and climate change will exacerbate problems.

7. Response to Objections

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

- 7.1**
- (i) & (ii) The tree officer exercised judgement having regard to government guidance when deciding to make the TPO. An onsite Tree Evaluation Method for Tree Preservation Orders (TEMPO) was undertaken on 8 September 2020 in respect of T1 and T2.

The TEMPO comprised an amenity assessment in relation to the condition and suitability of trees along with consideration of tree species, life expectancy, public visibility, other factors and expediency. It was concluded that the TPO should be made because 'it is expedient in the interest of amenity'. The public visibility image in Appendix 1 clearly shows the contribution of T1 and T2 oak trees.

- (iii) Oak trees are a Keystone species and important for biodiversity. Whilst it is accepted that T1 and T2 are competing for dominance neither tree is displaying signs of poor structure or compromised physiology. Future interactions of T1 or T2 due to their close physical association will not be to the detriment of either tree. One tree may take on a dominant canopy form over the other without impacting on overall tree health.
- (iv) The legislation provides for obtaining consents and applies exemptions in certain cases should they be appropriate in future circumstances.
- There are no physical cues to indicate that either T1 or T2 are in a dangerous condition. Currently there is no evidence of property damage associated with T1 or T2 nor likely that either tree will become a future nuisance in regard to defined physical structures.
- (v) Consent was given on 6 October 2020 to carry out tree works to T1, if implemented this will provide a reasonable degree of alleviation of encroachment from property. Moreover, future systematic tree management, carried out under TPO tree work consent or exception, will abate further encroachment and reduce any future risk of hazard associated with tree ill-health, structural defect or the impact of increasing frequency of climate related weather phenomenon.

The objection also puts forward that the Association of British Insurers recommends 30 m width distance as a safe distance from property that oak trees should be planted to prevent damage to property from subsidence. However, this information should not be relied upon in this case as there is no evidence of subsidence, physical damage nor an actionable nuisance.

For completeness, the TEMPO in Appendix 1 undertaken in relation to T1 and T2 show the amenity and expediency assessments for those aspects of the TPO.

Advice pertaining to Planning Committee and its procedures along with a copy of this report relating to the TPO have been forwarded to the objector

in reasonable advance of the meeting of Planning Committee on 06 January 2021.

Concluding remarks

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

It is considered that the procedural requirements of the legislation have been followed in the creation of the TPO and determinations made using a widely accepted method which includes an expediency assessment as has occurred in this case. Having regard to the legislation and the Government Guidance, it is considered that the TPO is fully justified in all respects and should be confirmed.

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

Other risks/implications: checklist

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

significant implications arising directly from this report, for those issues marked with an x.

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

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

report author	telephone no.	email	date
Ryan Arrell BSc (Hons), HND, LANTRA qualified professional tree inspector.	01253 887614	Ryan.Arrell@wyre.gov.uk	18 December 2020

List of background papers:		
name of document	date	where available for inspection
Wyre Council TPO 10 of 2020	16 September 2020	Room 134 or by email to Tree Officer.

List of Appendices

Appendices:

1 – 8 September 2020 completed TEMPO T1 and T2 survey data sheet and also public visibility Image of T1 and T2.

2 – Wyre Council Tree Preservation Order No10 of 2020: land at 8 Rivers View Fold, Lower Dolphinholme, LA2 9SH map.

3 – Copy of letter of objection dated 1st October 2020.

References List

Tree Preservation Orders and trees in Conservation Areas. GOV.UK, (2014) Accessed

Via <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

(TEMPO) Tree Evaluation Method for Preservation Orders

<http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf>

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

Appendix 1

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 8/9/20 Surveyor: E. Arrell

Tree details
 TPO Ref (if applicable):
 Owner (if known):

Tree/Group No:
 Location: open, grassed area between road and riverbank at 8 Rivers View Fold, Lower Dolphinholme

Species: oak (T1 & T2)

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

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

Score & Notes

3

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

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

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

Score & Notes

2

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use.

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

Score & Notes

4

d) Other factors

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

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

Score & Notes

1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes

5

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:

15

Decision:

Create TPO.



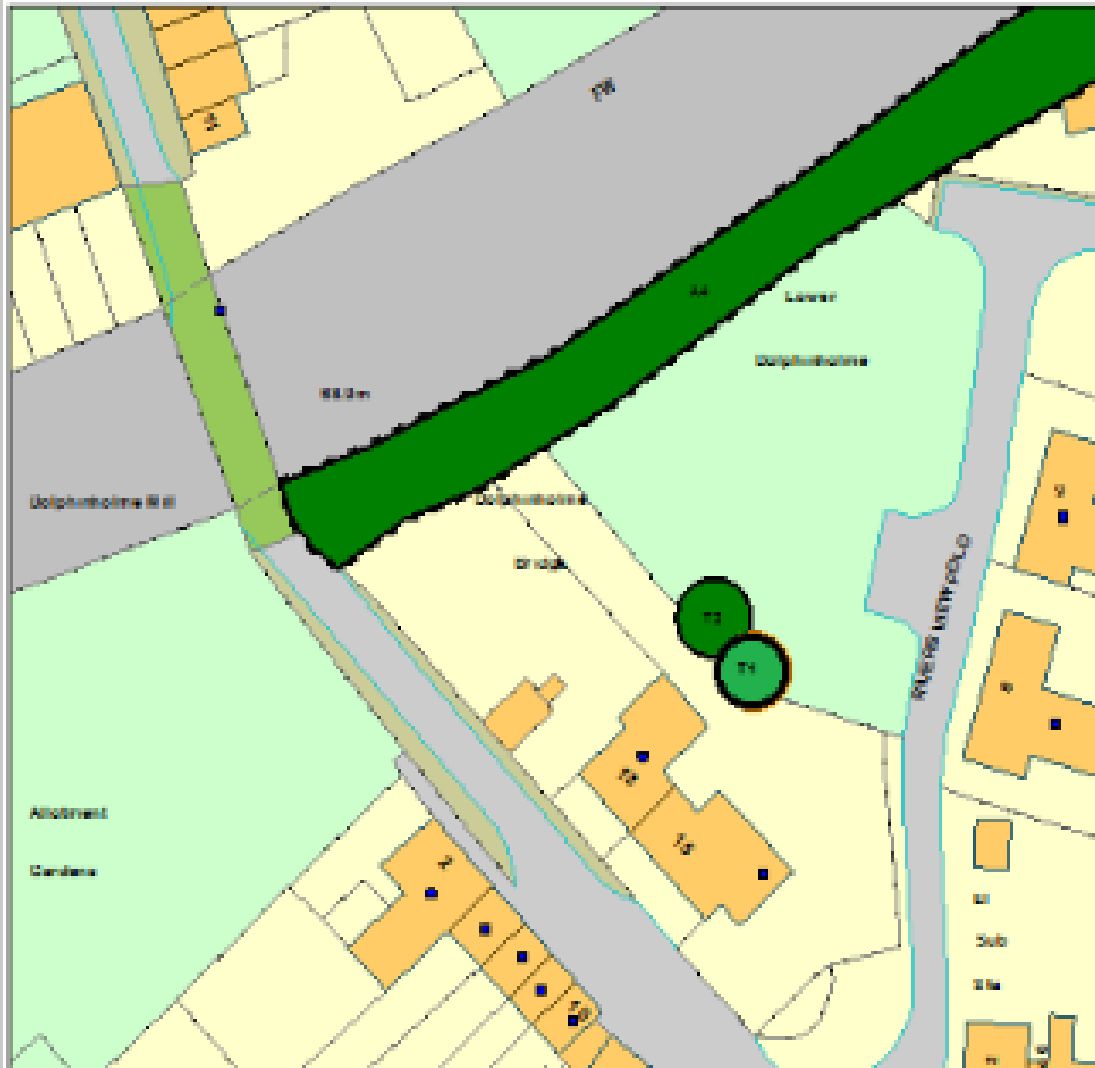
Above image: View of T1 and T2 oak trees when looking west from roadside at the frontage of No 8 Rivers View Fold.

Appendix 2

Wyre Council Tree Preservation Order No 10 of 2020



Land at 5 Rives View Road, Lower Dolphinholme, LA2 9SH



Scale: 1:500

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

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Organisation	Wyre Council
Department	Planning Department
Comments	NOT SET
Date	11/08/2020
MSA Number	100018720

Appendix 3

1 October 2020

Dear Sir / Madam,

Tree Preservation Order 010/2020/TPD – Land at 8 Rivers View Fold, Lower Dolphinhoime, LA2 9SH

The Secretary of State's view regarding TPOs is that they should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

I object to the provisional order that has been made as follows and on the basis that in all circumstances it is not expedient in the interests of amenity in Lower Dolphinhoime and that the order does not comply with the expressed view of the Secretary of State.

1. The LA should be able to show that a reasonable degree of public benefit would accrue before the TPO is made or confirmed. The tree therefore should normally be visible from a public place such as a road or footpath. It is in fact hidden behind houses, tucked away in a corner on private land and not visible to the public at large. It can only be properly viewed by the three properties in a cul-de-sac overlooking the private garden. If a tree cannot be seen or is just barely visible from a public place the guidance is such that a TPO might only be justified in exceptional circumstances.

2. A tree may be worthy of preservation for its intrinsic beauty or for a contribution to the landscape. There is a super abundance of trees within the curtilage of Lower Dolphinhoime and the conservation area. The removal of this tree will have no impact whatsoever on the aesthetics and overall attraction of the village, its environment and the enjoyment of the public who will be unaware of the tree's existence in any event.

3. The value of the tree is not enhanced by intrinsic beauty or scarcity. It is an immature ordinary oak abundant in the area with little or no importance as a wildlife habitat. Having been planted simultaneously far too close to its neighbouring oak the spread, appearance and health of both trees will decline as they mature having to compete for light, space, nutrition and water. Neither tree as a result will thrive.

4. The tree is dangerous although no more than 20 years old and is or is likely to cause damage to property now or most certainly in the future as it matures. At present it is no more than 6 metres from the foundations of Rose Cottage and was placed far too close to the boundary and the adjoining property. The joint sewer for both properties is less than 3 metres from the tree and unless restrained it is inevitable that damage to pipes by roots alone will ensue.

5. The crown of the tree causes substantial trespass and branches already almost touch the roof of Rose Cottage. During Storm Desmond and the Beast from the East Rose Cottage was constantly brushed by branches. Continued growth of the tree combined with climate change will exacerbate the problem.

The Association of British Insurers recommends 30 metres to be a safe distance for an oak tree to be planted from a property. Accordingly in the present circumstances liability could be denied in the event of a claim because the tree has been placed immediately adjacent to a property and is being allowed to grow despite the risks within the knowledge of those involved including the LA.

<https://www.bickeninsurance.co.uk/about-us/latest-news/property-claims-news/a-list-of-trees-and-the-recommended-safe-distance-from-buildings/>



Report of:	Meeting	Date	Item No.
Mark Billington Corporate Director Environment	Planning Committee	06 January 2021	5

Wyre Council Tree Preservation Order No11 of 2020 – 4 Victoria Road, Poulton-le-Fylde, FY6 7JA.

1. Purpose of report

- 1.1 To consider the objection to the making of Wyre Council Tree Preservation Order No11 of 2020 – 4 Victoria Road, Poulton-le-Fylde, FY6 7JA.

2. Outcomes

- 2.1 To determine whether or not to confirm the Wyre Council Tree Preservation Order No11 of 2020 – 4 Victoria Road, Poulton-le-Fylde, FY6 7JA.

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

3. Recommendation

- 3.1 That the Wyre Council Tree Preservation Order No11 of 2020 – 4 Victoria Road, Poulton-le-Fylde, FY6 7JA (“the TPO”) is confirmed.

4. Legislative background to the TPO

- 4.1 Section 198 of The Town and Country Planning Act 1990 (as amended) empowers Local Planning Authorities to protect trees or woodlands in their area in the interest of amenity by making tree preservation orders. Following the introduction of **The Town and Country Planning (Tree Preservation) (England) Regulations 2012**, The Local Planning Authority is required to confirm a tree preservation order within six months of the issue date if it is to continue to have effect after that period. When an

objection is received, a decision on confirmation is usually referred to the Planning Committee.

4.2 Tree preservation orders are usually made because it is considered expedient in the interests of amenity to protect the trees from felling or pruning. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make an order as a precaution.

4.3 Amenity is not defined in law but the government's advice is that authorities need to exercise judgement when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future (GOV.UK, 2014).

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

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

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

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

5. Background to making the TPO

- 5.1** On 21 August 2020 the tree officer received Conservation Area Notification of intention to fell two ash trees in the back garden of 4 Victoria Road, Poulton le Fylde. The reasons provided being that the trees cause excessive shading, the larger of the two has BT wires running through its crown and a number of dead branches. One of the trees is located above the main drain from the property causing concern about potential damage to physical structures. Both trees are located within close proximity to the boundary wall.

On 03 September 2020 the tree officer visited the property to consider the proposed tree work and undertook an appropriate tree evaluation method for preservation orders (“TEMPO”) which guided the subsequent decision to make a TPO. The TPO applies to one tree identified as T1 Ailanthus Altissima common name- tree of heaven.

For clarification, the tree species was incorrectly identified as ash within the Conservation Area Notification. An easy mistake to make given that ash and tree of heaven have similar observed characteristics.

- 5.2** A copy of the completed 03 September 2020 TEMPO survey data sheet relating to T1 of the TPO (denoted as T2 on the TEMPO survey data sheet) along with an associated public visibility image of TPO T1 are appended to this report at Appendix 1.

On 7 October 2020 Wyre Council made Wyre Council Tree Preservation Order No11 of 2020 – 4 Victoria Road, Poulton-le-Fylde, FY6 7JA.

- 5.3** A copy of the TPO plan is appended to this report at Appendix 2.
- The Council served correspondence on the owners and occupiers of the land affected by the TPO and on those adjoining, notifying them of the making of the TPO in accordance with Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

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

- 5.4** Wyre Council received two formal objection letters in regard to the TPO, referred to as objection letter 1 received on 27 October and objection letter 2 received on 28 October 2020.

A copy of objection letter 1 and objection letter 2 are appended to this report at Appendix 3.

6. Summary of Objections

Objection letter 1

- 6.1**
- (i) The proportion of the trees when in leaf cause shading from midway onwards to the rear garden of No 6 Victoria Road impacting on enjoyment of this space.
 - (ii) During winter a large amount of natural debris falls into the rear garden causing an ongoing need to clear drains, gutters and to clean cars reliant on parking to the rear of the property.
 - (iii) Telephone connections for 6 properties feed through the canopy of the trees. Line faults have been caused during windy conditions on numerous occasions.
 - (iv) No 4 and No 6 Victoria Road have cellars below ground level which have been flood damaged resulting from drain failure and water seepage. United Utilities have indicated that extensive rooting from the trees could be a potential cause of drain displacement and blockage.
 - (v) The close proximity of the trees to property and parked vehicles presents danger and a source of worry. During high winds larger natural debris fall into the rear garden.

Objection letter 2

- (i) Telephone connections to properties feed through the canopy of the tree and would cause costly damage if the wires were taken down in high winds, would Wyre Council accept financial

responsibility for damage caused by a tree that the property holder is not permitted to remove?

- (ii) The shape of the tree indicates that it has been cut back. This species aggressively lays down roots when cut back. Those at No 6 Victoria Rd have had extensive investigations and repairs to their drains and were informed that the damage was due to tree roots.
- (iii) It has been noted recently that the cellar at No4 Victoria Road has incoming water issues likely to have been exacerbated by tree roots.
- (iv) The tree blocks out sunlight and has caused damage to the lawn.
- (v) Due to homeworking during the pandemic it is intended that a home office be constructed in the rear garden. Retention of the tree would prevent this. It is considered that Wyre Council is putting Amenity of the public above enjoyment of private property.
- (vi) The tree has outgrown its context, is next to two walls and has laid down roots along the top and side of the wall, again would Wyre Council accept financial responsibility for damage or harm caused?
- (vii) We are at a loss to understand why a non-native tree would be protected.
- (viii) We are happy to replace any tree that is removed from the rear garden.
- (ix) Why place a TPO on this tree. This type of tree is classed as 'an invasive alien' The Invasive Alien Species Order 2019 led to EU legislation being integrated into UK law on 1 December 2019 meaning that there is a legal duty for this tree to be managed and eradicated as per the EU Invasive Alien Species Regulations.

7. Response to Objections

(Please note that within the Conservation Area Notification received 21 August the TPO tree (our reference T1) is indicated as T2.

Objection letter 1 and objection letter 2 raise some generic concerns about possible nuisance/damage due to the trees and where this is the case it is important to note that in relation to TPO T1 the legislation provides for obtaining consents and applies exemptions in certain cases should they be appropriate in future circumstances'

The Tree Officer's responses to objection letter 1 are as follows:

7.1

- (i), (ii) & (iii) Shading cast to the rear garden of No 6 Victoria Road for a portion of the day results from the three trees at No 4 Victoria Road along with man-made physical structures. The TPO only covers one of these trees, the other two do not merit TPO and could potentially be removed whilst consent may be given to prune the TPO tree thus reducing this shading effect. Moreover, this action would lessen the effect of natural debris falling into the garden of No6 Victoria Road in winter. Gutter guards can prevent debris ingress.
- Removal of the two trees not worthy of TPO and pruning of the TPO T1 could reasonably address issues experienced due to canopy contact with lines.
- (iv) United Utilities have seemingly suggested that the roots of the trees could be a potential cause of drain displacement and blockage resulting in flood damage to the cellars of No4 and No6 Victoria Road. However, no evidence has been provided in support of this point.
- The duty of care rests with the owners of the trees to ensure systematic tree management to enable demonstration that all that is reasonably practicable is being done to reduce the risk of harm or damage associated with said trees.

The Tree Officers responses to objection letter 2 are as follows:

- (i) Removal of the two trees not worthy of TPO and pruning of the TPO T1 could reasonably address issues experienced due to canopy contact with lines.
- (ii) & (iii) Species specific information of root growth rates as a result of pruning is not available for review. It is known that sprouting from about the stem base of this species can be impressive, although this was not noted in relation to TPO T1. No proof has been provided to substantiate that the roots of the trees could be a potential cause of drain displacement and blockage resulting in flood damage to the cellars of No4 and No6 Victoria Road. That said, the plan given in support of the Conservation Area Notification shows the position of the drain to No 4 Victoria Road dwelling as within a few metres south of the trunk of tree No1 (not worthy of TPO). Removal of said tree would take away this tree and the perceived risk.
- (iv) Improved levels of sunlight to the rear garden of No4 Victoria Road could be achieved by removal of the two trees that do not merit TPO and via consent that could be given to prune TPO T1 thus reducing this effect. The view is taken that the benefits of retaining TPO T1 outweigh damage caused to the lawn, which could be brought back into repair.
- (v) The tree officer exercised judgement having regard to government guidance when deciding to make the TPO. An onsite Tree Evaluation Method for Tree Preservation Orders (TEMPO) was undertaken on 3 September 2020 in respect of TPO T1 Ailanthus, centred on grid reference (E) 335007 (N) 439691. The

TEMPO comprised an amenity assessment in relation to the condition and suitability of this tree along with consideration of tree species, life expectancy, public visibility, other factors and expediency. TEMPO does not cover planning applications or enjoyment of private property within the scorings of its three part assessment although it does provide the opportunity for the surveyor to score 0 for factors where it is considered that a tree is unsuitable. Nonetheless, it was decided that the TPO would be defensible and should be made because 'it is expedient in the interest of amenity'. The public visibility image in Appendix 1 clearly shows the contribution of TPO T1 tree.

- (vi) The tree officer deemed that the tree has not clearly outgrown its context, providing a score of 1 in TEMPO Part 1 (b) which equates to just suitable. Bearing in mind that future pruning such as overall crown reduction of TPO T1 would improve this scoring. No evidence was observed by the tree officer of T1 roots being laid down along the top and side of the wall. This root growth mode is usually associated with climbing plants such as Ivy which was noted on the stem of TPO T1 but also along the garden wall and heavily colonising the third tree nearest to the rear boundary of No4 Victoria Road.
- (vii) Non-native tree are also subject to TEMPO.
- (viii) The ecosystem services and benefits of retaining T1 outweigh those of a replacement standard tree which would be in the young age category and thus provide initially small but graduated contribution.
- (ix) According to the Invasive Alien Species Order (Enforcement and Permitting) 2019 *Ailanthus altissima* is not on the list of species of Union concern. Nor is it documented as such within the Wildlife and Countryside Act 1981 Part II of Schedule 9 – Plants to which section 14 applies (those if released into the wild could cause ecological , environmental or socio-economic harm). *Ailanthus altissima* was introduced in 1751. It is a large ornamental tree found growing in gardens, parks or on highways, tolerant of poor soils and pollution; its foliage and wood characteristics are similar to native ash.
- (x) Wyre Council does not accept financial responsibility for any tree outside of its asset or responsibility. The duty of care rests with the owners of the trees to ensure systematic tree management to enable demonstration that all that is reasonably practicable is being done to reduce the risk of harm or damage associated with said trees.

For completeness, the TEMPO in Appendix 1 undertaken in relation to TPO T1 shows the amenity and expediency assessments for those aspects of the TPO.

Advice pertaining to Planning Committee and its procedures along with a copy of this report relating to the TPO have been forwarded to the objectors

in reasonable advance of the meeting of Planning Committee on 06 January 2021.

Concluding remarks

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

It is considered that the procedural requirements of the legislation have been followed in the creation of the TPO and determinations made using a widely accepted method which includes an expediency assessment as has occurred in this case. Having regard to the legislation and the Government Guidance, it is considered that the TPO is fully justified in all respects and should be confirmed.

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

Other risks/implications: checklist

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

significant implications arising directly from this report, for those issues marked with an x.

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

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

report author	telephone no.	email	date
Ryan Arrell BSc (Hons), HND, LANTRA qualified professional tree inspector.	01253 887614	Ryan.Arrell@wyre.gov.uk	18 December 2020

List of background papers:		
name of document	date	where available for inspection
Wyre Council TPO 11 of 2020	2020	Room 134 or by email to Tree Officer.

List of Appendices

Appendices:

- 1** –completed TEMPO T1 survey data sheet and also public visibility Image of T1.
- 2** – Wyre Council Tree Preservation Order No11 of 2020 – 4 Victoria Road, Poulton-le-Fylde, FY6 7JA plan.
- 3** – Copy of letters of objections dated 28 October and 27 October.

References List

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

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

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

Appendix 1

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 3/19 Surveyor: R. Arrell

Tree details
 TPO Ref (if applicable): Tree/Group No: T2 Species: Tree of Heaven.
 Owner (if known): Location: rear garden of 4 Victoria Road

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

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

Score & Notes 3

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

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

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

Score & Notes 2 1

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes 3

d) Other factors

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

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

Score & Notes 1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes 5

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total: 13

Decision: Create TPO

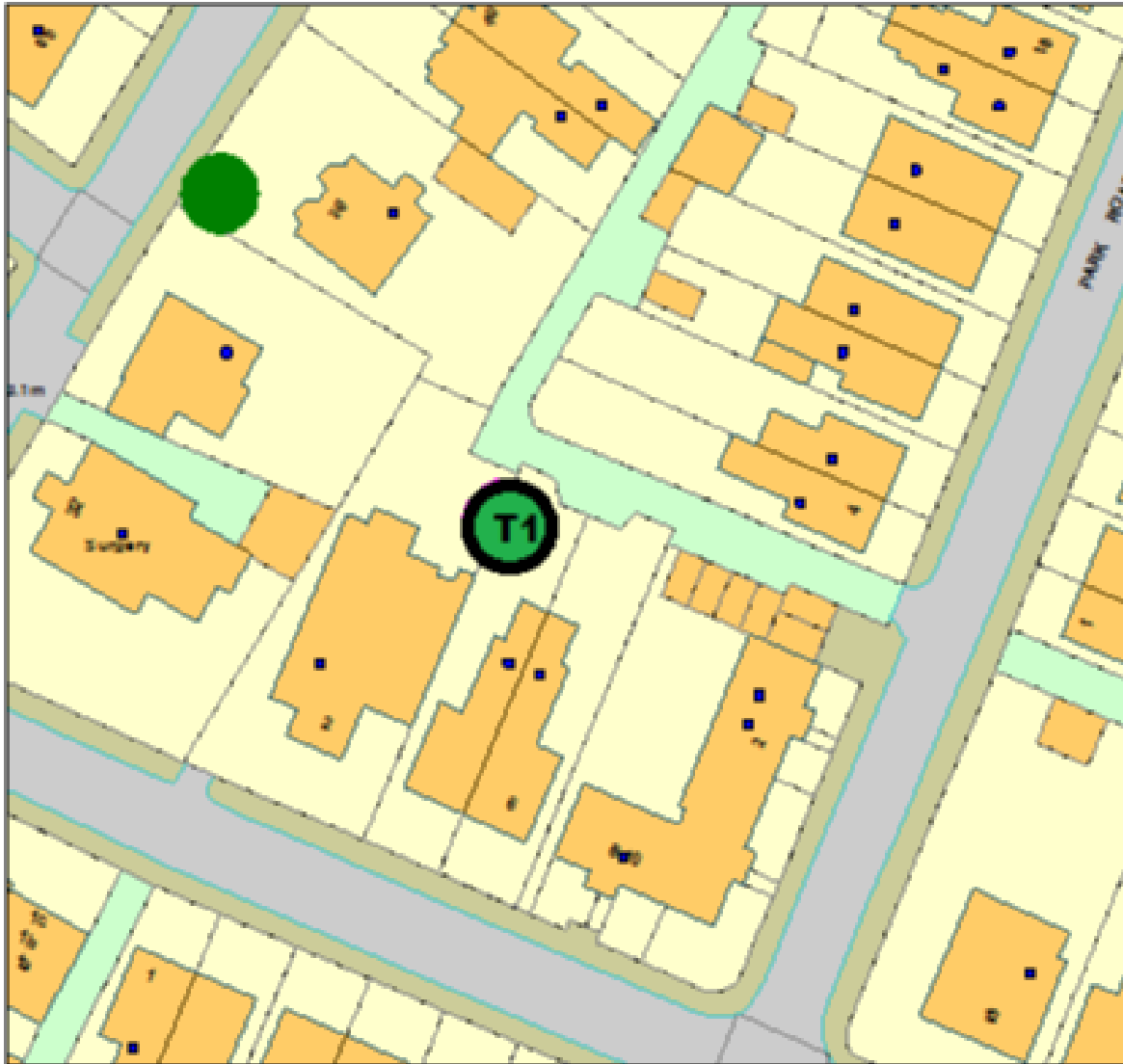


Above image: View of T1 tree when looking west from roadside between No2 and No4 Park Road.

Appendix 2

Wyre Council Tree Preservation Order No11 of 2020

No 4 Victoria Road, Poulton-le-Fyfe, FY6 7JA



Scale: 1:172

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Organisation	Wyre Council
Department	Planning Department
Comments	Not Set
Date	21/09/2020
MSA Number	100018720

Appendix 3

Objection letter 1

Ref. Wyre Borough Tree preservation order 011/2020/TPO - 4 Victoria Road

Dear Sir,

I am writing with respect to the TPO in accordance with the documentation you sent dated 7/10/20.

My wife and I are the owners of number 6 Victoria Road and have lived in the property since 1989. During this >30 year period the trees referred to in the TPO have grown considerably in size and are now over twice the height they were in 1989.

I am unclear as to whether you are referring to a specific tree, and if so, which one that is, so my comments are made in relation to all the trees at the rear of No 4 Victoria Road.

The continued presence of the trees is causing a number of problems which increase year by year. I list below the range of problems that have occurred and continue to arise.

1. The sheer height and canopy of the trees when in leaf cut out the majority of sunlight in our garden from midday onwards leaving it in the shade, preventing line drying of laundry and enjoyment of our garden.
2. During the winter period, a large proportion of the tree debris falls into our garden resulting in the need to continuously clear drains and gutters and clean our cars parked at the rear of the property. With respect to the parking of cars at the rear of the property, we spent a considerable sum of money converting part of the rear garden to enable us to park as street parking on Victoria Road is almost impossible.
3. Telephone connections for 6 properties feed through the canopy of trees and branch movement on numerous occasions during windy condition have caused line faults.
4. The properties at number 4 and 6 Victoria Road have cellars beneath ground level. Both properties have experienced flood damage arising from drain failures and seepage of water into the foundations and wall cavities of the properties. The extensive root system associated with the trees has been highlighted by United Utilities as the potential cause of drain line displacement and blockage causing drain water to flow back to the properties.
5. The close proximity of the trees to both properties and parked vehicles is a danger and source of anxiety, especially during high winds because of the sheer height of the trees and the size of the overhanging branches. Following storms, heavier tree debris litters our garden with potential to damage the parked vehicles.

In conclusion, because of the reasons I have listed above I object to the preservation order 011/2020/TPO.

Yours sincerely,
|
-

Objection letter 2

28th October 2020

To whom it may concern,

Re: Wyre Borough Tree Preservation Order 011/2020/TPO – 4 Victoria Road

As the co-owner of the above property, I am writing regarding the TPO reference, and raise the following points to support my objection.

The TPO is on an Ailanthus altissima which is one of three exceptionally large trees in our rear garden. We have applied to Wyre Borough Council for permission to fell all three trees, however, one has had a TPO imposed upon it. The reasons for our objection are as follows: -

1. The tree grows into overhead telephone wires for houses and would cause costly damage if the wires are taken down by the tree in high winds. If the tree is to remain, would WBC accept any financial responsibility for damage caused by a tree on our property that we are not allowed to remove?
2. The shape of the tree suggests that it has been cut back prior to us moving into the property, and I understand that this species aggressively lays down roots when it is cut back. I also understand from our neighbours at 6 Victoria Road that they have had extensive investigations and repairs carried out on their drains and were informed that the damage was due to tree roots.
3. 4 and 6 Victoria Road both have cellars and we have recently noticed an increase in issues with incoming water, issues that are like to have been exacerbated by tree root damage.
4. The tree is so large that it blocks out sunlight and has led to damage to our lawn, causing patchy and sporadic grass growth.
5. My husband is self-employed and has been working from home since March 2020 due to the impact of Covid-19. As a result, we plan to erect a home office in the garden. If the tree is to remain in situ, the plan could not go ahead. We believe that by leaving the TPO in place, WBC

is placing greater value upon the amenity of those in the local area than the amenity we have on our own property.

6. The garden is not particularly large, and the tree is far too big for the area. It is next to two walls and, given the root production of the species, there is a risk of damage and destruction of the walls. The tree has laid down roots and spread along the top and sides of the wall in question. Once again, I ask, would WBC accept any financial responsibility for damage, or indeed injury, caused?
7. We are at a loss to understand how a tree that is not native to the UK is protected? The *Ailanthus altissima* is native to northeast and central China, and Taiwan.
8. We are not objecting to having trees in the garden, and we would be happy to replace any trees that we remove. Our objection is to the size of the trees and how disproportionate they are to the size of the garden.
9. Why is this tree subject to a TPO? I understand that this type of tree is classed as an 'invasive alien species', as is the Japanese knotweed. The Invasive Alien Species Order 2019 led to EU legislation being integrated into UK law on the 1st December 2019. This means that there is a legal duty for this tree to be managed and eradicated as per the EU Invasive Alien Species Regulations.

I would be grateful for your considered approval in this case as the existence of a permanent TPO has consequences that impact upon our lives. Failure to allow us to remove the tree in question restricts OUR amenity of OUR garden.

Yours faithfully

APPEALS LODGED AND DECIDED

Appeals Lodged between – 14th November – 14th December 2020

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

Appeals Decided between – 14th November - 14th December 2020

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
19/00075/OUT	Land To The Rear Of Chatsworth House Garstang Road St Michaels Preston Lancashire PR3 0TD	Outline application for the erection of detached dwelling (all matters reserved)	Delegated	Dismissed	1 st December 2020
19/01074/FUL	Fair View Knitting Row Lane Out Rawcliffe Preston Lancashire PR3 6SX	Construction of a new boarding kennels and new access	Delegated	Dismissed	24 th November 2020

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Appeal Decision

Site visit made on 10 August 2020

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2020

Appeal Ref: APP/U2370/W/19/3242665

Chatsworth House, Garstang Road, St Michaels PR3 0TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr C French against the decision of Wyre Borough Council.
 - The application Ref 19/00075/OUT, dated 10 January 2019, was refused by notice dated 12 June 2019.
 - The development proposed is the erection of a single dwelling house.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved for future consideration. I have therefore taken any indication of reserved matters shown on the submitted drawings to be illustrative only.

Main Issue

3. The main issue is whether the development would be in a suitable location with regard to local and national policies relating to flood risk.

Reasons

4. The appeal site is a small parcel of garden land to the rear of properties along the southern side of Garstang Road within the settlement of St Michaels-on-Wyre. There is no dispute in principle that a dwelling could be positioned within the site in a manner that would sit comfortably alongside existing properties without affecting the living conditions of neighbouring residents or resulting in any adverse effect on highway safety or ecology. However, the entirety of the site falls within Flood Zone 2, where the Planning Practice Guidance (PPG) advises there is a medium probability of flooding¹.
5. The National Planning Policy Framework (the Framework) sets strict tests to protect people and property from flooding. Where these tests are not met, national policy is clear that new development should not be allowed. Accordingly, the Framework requires that, where possible, development should be directed away from areas at highest risk from flooding using a sequential, risk-based approach. The PPG confirms that this general approach is designed to ensure that areas of little or no risk of flooding are developed in preference to areas at higher risk. The aim being to keep development out of medium and

¹ PPG - Flood risk and coastal change: Table 1: Flood Zones, Paragraph: 065 Reference ID: 7-065-20140306, Revision Date: 06 03 2014

- high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible².
6. Locally this approach is set out in Policy CDMP2 of the Wyre Local Plan 2011-2031 (the WLP), adopted February 2019, which states, amongst other things, that where development is proposed in areas at risk of flooding (unless proposed in the WLP), it must be demonstrated that the Sequential Test has been applied and there are no reasonable available alternative sites at lower risk, considering the nature of flooding and the vulnerability of the development. This requirement is consistent with paragraph 158 of the Framework which explains that the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding.
 7. The appeal site is not allocated for development by the WLP and therefore, in considering the site's suitability for development, it is necessary to apply the Sequential Test. Therefore, as part of the application which led to this appeal, an initial Borough-wide search³ for alternative comparable sites was carried out, with the appellant's methodology including discussions with local estate agents, a search of online listings for suitable plots of land and a search of sites with planning permission. This identified 16 potential sites that were discounted by the appellant.
 8. However, the Local Planning Authority (LPA) considered the appellant's approach to the Sequential Test to be flawed for several reasons: it did not consider sites on a capacity basis to accommodate a single dwelling (instead comparing sites on the basis of size only); it did not consider the most recent housing land monitoring data available at the time; no evidence of correspondence with local estate agents had been provided; clear reasons for discounting each site with planning permission had not been provided; where sites were found to be suitable but not on the market, no attempt was made to ascertain site's availability; and, that two sites had been unreasonably discounted on the basis of their asking price. The LPA also identified two further sites which it considered to be capable of accommodating the proposal. Owing to these factors, I too consider the appellant's initial approach to have been flawed.
 9. To address these deficiencies, the appellant submitted a Supplementary Statement⁴ which identified an additional 26 comparable sites based on a review of the LPA's Housing Land Monitoring Information/Housing Land Position (31 March 2018). Correspondence with one local estate agent was also provided. However, rather than a Borough-wide search, the search area was limited to the 'Central Rural Plain' Housing Market Sub Area, which appears to cover less than half of the Borough.
 10. The Framework does not define the extent of a sequential test search area. The PPG advises that the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed and that a pragmatic approach on the availability of alternatives should be taken⁵. Furthermore, it advises that the developer should justify with

² PPG – Flood risk and coastal change: The sequential, risk-based approach to the location of development, Paragraph: 018 Reference ID: 7-018-20140306, Revision Date: 06 03 2014

³ Flood Risk Sequential Test by JWPC Chartered Town Planners, dated February 2019

⁴ Flood Risk Sequential Test: Supplementary Statement by JWPC Chartered Town Planners, dated May 2019

⁵ PPG – Flood risk and coastal change: Applying the Sequential Test to individual planning applications, Paragraph: 033 Reference ID: 7-033-20140306, Revision Date: 06 03 2014

evidence to the local planning authority what area of search has been used when making the application. Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere⁶.

11. The LPA has published a detailed Advice Note⁷ which explains how it will apply the Sequential Test and what information will be required from developers. The guidance clearly states that the normal area of search is the **whole Borough**, any departure from this in order to apply a reduced area must be 'clearly and rigorously justified' by reference to one or more of the following: 1) evidence that there is a specific need for the proposed development in that locality; 2) evidence that the proposed development is needed to sustain an existing community; 3) the functional requirements of the development as a whole or in part; 4) for affordable housing. Furthermore, I am mindful that when considering similar issues at an appeal⁸ earlier this year within the Borough, an Inspector found it to be 'reasonable that the sequential test should be applied at a district level'.
12. The appellant suggests that a Borough-wide search area is wholly disproportionate to the development of a single house but has provided no substantive evidence to justify the reduced search area. The fact that the appellant owns the appeal site and has a desire to stay within the locality are not reasons to depart from the LPA's published guidance. In my view, a whole-Borough approach is entirely reasonable given the strong policy impetus to steer new development to areas with the lowest risk of flooding and therefore I see no reason to deviate from a Borough-wide approach.
13. I also find the evidence of correspondence between the appellant and a local estate agent to be very limited as it does not confirm any details with regard to the area searched or the criteria used by the estate agent to search for sites. It does not therefore give me sufficient assurance that a robust search has been carried out.
14. Furthermore, the appellant has discounted sites because, in their view, they are being marketed at an unrealistic value that is beyond the financial reach of the appellant. They argue that any site available for purchase would essentially be unaffordable on the basis that the appeal site is already within the ownership of the appellant. However, this is a private matter for the appellant and does not justify discounting available sites that could accommodate the proposal with a lower risk of flooding. Indeed, if I were to accept this argument, this would fundamentally undermine the sequential risk-based approach, as it would be extremely difficult if not impossible to identify an alternative site on this basis. Therefore, I cannot accept this approach. Furthermore, I have not been provided with any evidence to suggest that these alternative sites are not being offered at a fair market price which reflect their location and potential for development.
15. Consequently, I find that the appellant has artificially curtailed the search area for alternative available sites with a lower risk of flooding, contrary to the LPA's published guidance, and without good reason. Alternative sites have also been

⁶ PPG – Flood risk and coastal change: Who is responsible for deciding whether an application passes the Sequential Test? Paragraph: 034 Reference ID: 7-034-20140306, Revision Date: 06 03 2014

⁷ Wyre Council Flood Risk Sequential Test Guidance for Applicants V1.1 May 2015

⁸ Appeal Ref. APP/U2370/W/19/3241061

unreasonably discounted based on their value and the fact that they are not within the appellant's ownership. This does not therefore represent a sensible interpretation or application of the sequential approach to site selection and comparison. I am therefore led to the inescapable conclusion that insufficient evidence has been provided to demonstrate that there are no sequentially preferable locations available at a lower risk of flooding. Therefore, I am not persuaded that the appeal proposal has met the requirements of the Sequential Test.

16. For the above reasons, and on the evidence before me, I cannot be satisfied that no other sites are reasonably available within the Borough for the erection of a dwelling with a lower flood risk than the appeal site. To this end, I conclude that the development would not be in a suitable location with regard to local and national policies relating to flood risk. As such, the proposal would conflict with Policy CDMP2 of the WLP, the policies of the Framework and the associated guidance of the PPG, which together seek to manage flood risk by directing development to areas at the lowest risk of flooding.
17. In their submission, the appellant has advised that as part of the appeal a further search has been undertaken to identify alternative sites to accommodate the proposal, but no evidence has been presented to support these assertions. Therefore, this does not lead me away from my conclusion on the main issue.

Conclusion

18. For the reasons I have set out, and having considered all other matters raised, the appeal is dismissed.

Jeff Tweddle

INSPECTOR



Appeal Decision

Site visit made on 27 October 2020

by **Sarah Manchester BSc MSc PhD MIEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2020

Appeal Ref: APP/U2370/W/20/3256466

Fair View, Knitting Row Lane, Out Rawcliffe, Lancashire PR3 6TH

- 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 Mrs Jemma White against the decision of Wyre Borough Council.
 - The application Ref 19/01074/FUL, dated 05 November 2019, was refused by notice dated 06 February 2020.
 - The development proposed is construction of a new boarding kennel with new access created on Knitting Row Lane adjacent to the existing access way.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant named in the appeal form is Mr Sean White. However, the appellant has confirmed that the appeal should proceed in the name of Mrs Jemma White, who is the applicant in the application form.
3. The site is close to The Wyre Estuary Site of Special Scientific Interest (SSSI), part of Morecambe Bay European designated site. I have a duty to carry out a Habitats Regulations Assessment for the purposes of the Conservation of Habitats and Species Regulations 2017. I will return to this matter later in my decision.

Main Issues

4. The main issues are:
 - i) The effect of the proposal on the character and appearance of the countryside; and
 - ii) Whether the appeal site is a suitable location for the proposal, having regard to local and national planning policy.

Reasons

Character and appearance

5. The appeal site comprises a small and currently unused grassed field. It is enclosed by boundary hedgerows, with trees and a small area of woodland to the rear. It is adjacent to the garden boundary of the appeal property, which is one of a small number of dwellings scattered along this part of Knitting Row Lane. The surrounding rural landscape is characterised by open fields with

- generally low hedgerows, scattered trees and small woodlands. It is a sparsely developed landscape, with sporadic and mixed rural development including dwellings and farmsteads visible in long views across the open countryside.
6. The building would be T-shaped. The 3 wings would be finished in painted blockwork and timber and with monopitch roofs, and they would be joined to a central lobby building, which would be a taller structure with a hipped roof. While it would be a relatively low building, with each run roughly 3.5 metres tall and the central lobby a little over 5 metres tall, it would have a sprawling footprint of over 36 metres by 26 metres.
 7. The building would be a high quality design in terms of the provision of dog boarding accommodation. Nevertheless, the unusual design would be markedly dissimilar to more typical forms of rural development in the surrounding area. By virtue of its large footprint and degree of separation, it would be out of scale and it would not relate well to the appeal property. Moreover, its deep set back would not be in keeping with the pattern of development along the road. It would extend the envelop of built development and it would encroach into the undeveloped countryside. Consequently, it would be an incongruous and visually obtrusive feature.
 8. The proposal would be in a slightly elevated position relative to the road and the nearby properties. As a result, while it would be screened by trees from views to the rear, it would be visible from other locations in the surrounding area. The loss of the roadside hedgerow, the long internal access and the large area of hardstanding, with associated vehicular movements and parking to the front of the building, would contribute to cumulative adverse visual impacts. The proposal would be a discordant feature that would not make a positive contribution to the rural character and appearance of the countryside.
 9. I note that the appellant would be willing to amend the design of the proposal to overcome concerns relating to its visual impact. While I acknowledge that different form of development might have a lesser visual impact in this location, there is no such alternative scheme before me.
 10. Therefore, the proposal would harm the character and appearance of the area and it would encroach into the countryside. It would conflict with Policies SP4 and CDMP4 of the Wyre Local Plan (2011-2031) Adopted February 2019 (the LP). These require, among other things, that development should avoid harm to the open rural character of the countryside, respecting the surrounding context and making a positive contribution to the area.

The suitability of the location

11. The appeal site is in the open countryside approximately 2 km from the settlement of Hambleton. It would have a new vehicular access from Knitting Row Lane, which is a narrow rural road with no footway or street lighting and subject to the national speed limit.
12. Policy SP4 of the LP seeks to protect the open and rural character of the countryside by restricting new development unless it is for specific purposes. These include agriculture, forestry and equine related activities and the expansion of businesses in rural areas in accordance with Policy EP8, which aims to contribute to a healthy rural economy. This is consistent with the aims of the National Planning Policy Framework in relation to sustainable rural

growth and expansion of businesses and the development and diversification of agricultural and land-based rural businesses.

13. In this case, the proposal would not be of a type specifically permitted in the countryside by Policies SP4 or EP8 of the LP. Nevertheless, by virtue of the noise and disturbance arising from the barking of large numbers of kennelled dogs, it is not a type of development that could readily be assimilated into a built up residential area. Therefore, while it may not be a traditional rural business, the boarding kennels would be more suited to a rural or semi-rural location than to a settlement.
14. By virtue of its wide separation from the nearest settlement, the location is not accessible by sustainable travel modes. Based on the likely average duration of stay and the number of kennels, the proposal would not result in a significant increase in the frequency or intensity of vehicle movements. Nevertheless, the location would not minimise the need to travel and there would be an increase in car journeys.
15. Therefore, while boarding kennels could be more readily integrated into a rural area, the proposal would conflict with Policies SP4, EP8 and SP2 of the LP. These require, among other things, that development should not harm the open and rural character of the area unless there would be substantial public benefits that outweigh the harm. The proposal would fail to minimise the need to travel by car and it would not contribute towards climate change mitigation promoted by the development plan and national planning policy.

Other considerations

16. The noise from the barking of dogs would be significantly detrimental to the living conditions of neighbouring residential occupiers. The submitted scheme of noise mitigation would minimise adverse impacts on the occupiers of Ivy Cottage and Home View. This could be secured by planning condition.
17. Fair View, which is the closest dwelling to the appeal site, was excluded from the noise assessment on the grounds that the appellant and her husband intend to operate the business from their dwelling. However, she has indicated that she may wish to sell the dwelling separately from the business in the future. I cannot therefore be certain that the boarding kennels would not result in unacceptable noise and disturbance to future occupiers of Fair View, inside the property and in their garden. This could be addressed by a planning condition restricting the operation of the business to persons occupying the appeal property, notwithstanding that the appellant might seek to subsequently sever the connection between the appeal property and the business.
18. There is a low likelihood of protected species, including great crested newt and breeding birds, being present in the appeal site. Precautionary mitigation during construction could be secured by planning condition. Matters relating to foul and surface water drainage could be dealt with by condition. The Highway Authority has raised no concerns in relation to the additional traffic or to the means of highway access and the proposal would not harm the safe operation of the highway.
19. I have no reason to doubt that a high quality facility operated by experienced and qualified persons, such as the appellant and her husband, would be likely to attract customers, albeit from outside of the immediate area. The proposal

would provide employment for the appellant and her husband and 2 part-time workers. There would be limited economic benefits during construction. While the proposal would clearly be a private benefit, there would be very limited benefits to the local economy or the local community.

Habitats site

20. The appeal site is within the Impact Risk Zone for the Wyre Estuary SSSI and Morecambe Bay European designated site. The site does not provide feeding habitat for pink-footed geese or Whooper swans and the proximity of the nearby dwellings and woodland would in any case displace the birds away from the area. Consequently, the proposal would not result in likely significant effects on the Habitats site. I note that precautionary mitigation during construction is proposed. Notwithstanding that I have a statutory duty in this regard, as I am dismissing the appeal for other reasons, it is not necessary for me to further consider the impacts of the scheme on the designated site.

Conclusion

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

Sarah Manchester

INSPECTOR

Committee Report

Date: 06.01.2021

Item Number 01

Application Number 19/00615/OULMAJ

Proposal Outline application for the erection of up to 330 dwellings and associated infrastructure (all matters reserved)

Location Land South Of Blackpool Road Poulton-Le-Fylde

Applicant Blackpool Council

Correspondence Address c/o De Pol Associates Ltd
Farmington House Stanifield Business Park Stanifield Lane
Leyland Preston PR25 4UA

Recommendation Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Karl Glover

1.0 INTRODUCTION AND ASSESSMENT (UPDATED FROM ORIGINAL REPORT FOR 2 DECEMBER 2020 COMMITTEE)

1.1 This application is before the Committee for a second time. It was initially presented to the Committee on the 2 December 2020. At that meeting the Committee deferred the application for more information on traffic and transport issues and so that more consideration by the applicant and Lancashire County Highways can be given about what highway mitigation is actually being proposed including the Blackpool Road/Blackpool Old Road junction and how this feeds into the wider highway improvements planned for the allocated (Poulton) sites.

1.2 Following the committee meeting the applicant has submitted a Supporting Highway Note (Dated 8th December 2020 by Curtins) to provide Committee Members with further supporting information to assist in the determination of this outline planning application. The supporting note has been forwarded to the Highways Officer at Lancashire County Council who confirms the content is a true reflection of the highways matters subject to one point of clarification referred to at 1.4(g) below.

1.3 The report submitted sets out pre-application engagement with LCC Highways and engagement throughout the application process including how initial concerns raised were overcome. The report clarifies the times and dates the manual survey of the Blackpool Road/Blackpool Old Road junction was undertaken (1st November 2018 between 07:00 and 10:00 and 16:00 and 19:00), the results of the survey including number of times the crossing was activated and average queue length, and junction modelling done on the back of this. It predicts an increase of up to additional vehicles per minute at this junction; and a further 5 vehicle movements each time the barrier is activated in the AM and PM peak hour periods. Whilst the

report considers this level of increase is likely to be imperceptible to existing highway users already waiting in queuing traffic when the barrier is down and would not result in a severe impact, it nevertheless goes on to summarise the safety concern of LCC Highways without any junction improvements and how a highway improvement scheme was developed in response to this. The proposed scheme delivers new dedicated pedestrian infrastructure to assist pedestrian movements across Blackpool Old Road and improve links to existing public transport infrastructure. It also provides junction performance enhancements with the introduction of a ghost island right turn facility to assist turning traffic from Blackpool Old Road into Blackpool Road. More importantly, the physical pedestrian refuge island on Blackpool Old Road is purposefully located to prevent vehicles by-passing queueing traffic on Blackpool Old Road and continuing eastbound beyond the junction with Blackpool Road. This was the main concern identified by Lancashire County Council.

The key features of this scheme are:

- i) Localised carriageway widening to facilitate a 2m wide pedestrian refuge island on Blackpool Old Road. The location of the refuge island in the centre of the carriageway, in addition to the proposed hatched carriageway markings, provide a physical deterrent for overtaking vehicles looking to by-pass the queueing traffic on Blackpool Old Road whilst the level crossing barrier is activated. Vehicles would be physical unable to by-pass a queue without fully entering the opposite side of the carriageway. The proposals therefore fully remove the risk of vehicle conflicts at the Blackpool Road/Blackpool Old Road.
- ii) Proposed dropped kerbs and tactile paving to significantly improve pedestrian crossing facilities on Blackpool Old Road. The additional pedestrian facilities provide existing and future users a safe and convenient location to cross the major carriageway. The pedestrian refuge island also assists more vulnerable users and allows the carriageway to be crossed in two parts.
- iii) The provision of a ghost island right turn facility for vehicles turning from Blackpool Old Road into Blackpool Road. The ghost island provides sufficient length to accommodate up to three standard cars. This provides an opportunity for vehicles turning right to wait on Blackpool Old Road without obstructing through movements in the westbound direction. This will assist in reducing potential queueing and driver delays/frustration.

1.4 In addition to this improvement scheme at Blackpool Road/Blackpool Old Road junction, the supporting note clarifies the following improvements would be provided to the surrounding highway network:

- a) Blackpool Road traffic calming scheme - A scheme of traffic calming measures to be delivered along Blackpool Road that will reduce vehicle speeds and provide a safe environment for pedestrians and cyclists.
- b) Blackpool Road / Poulton Road traffic signal upgrade to MOVA with PUFFIN crossing facilities - Enhancements to the existing signal-controlled junction which will improve operation, reduce delays and provide modern crossing facilities.
- c) Fleetwood Road traffic calming scheme - A scheme of traffic calming measures to be delivered along Fleetwood Road that will reduce vehicle speeds and provide a safe environment for pedestrians and cyclists.

d) Tithebarn Street/Queensway traffic signal upgrade to MOVA with PUFFIN crossing facilities - Enhancements to the existing signal-controlled junction which will improve operation, reduce delays and provide modern crossing facilities.

e) Public Transport contribution - Provision of daytime service between the development site and Poulton town centre.

f) Upgrade of Public Right of Way FP 13 between Blackpool Road and Tithebarn Street - Physical improvements to an existing footpath which will benefit existing and future residents in the surrounding area.

g) Financial contribution towards the wider Poulton Highway Mitigation Strategy (PHMS) - The applicant will contribute to the established package of highway works including junction improvements, pedestrian/cycle infrastructure upgrades and town centre car parking review. NB County Highways confirm the (150k) contribution would be for public transport infrastructure improvements in the town centre, periphery and arterial road as outlined in the PHMS document. This is an additional measure identified when the document was reviewed this year to reflect the impact of this application. The "junction improvements, pedestrian/cycle infrastructure upgrades and town centre car parking review" listed in the note would be delivered by other development coming forward within the allocation site(s) as per the PHMS document.

1.5 Since the previous committee 1 additional representation has been received stating that the Curtins report does not consider the cumulative impact of traffic from this application and other pending applications nearby, however as stated at 9.19 of the main committee report the Transport Assessment does account for committed developments and allocated sites which these pending applications fall with, therefore they have been accounted for. It is considered that based on the above, the technical information presented within the Transport Assessment and Technical Note, and the current position of no objection by Lancashire County Council and Highways England, there are no residual highways and transport concerns that should prevent the approval of the outline planning application on highway grounds.

1.6 There are no other material planning changes since the application was previously presented to Members of the Planning Committee. The report below has been updated to reflect the information outlined in the Committee update sheet, including a procedural matter on member call-in, an updated paragraph at 5.2.3 in relation to the current housing land supply position and at section 9.40 in relation to trees.

1.7 Accordingly, for the reason set out above and in the main report below, the application is recommended for approval subject to the conditions listed below and a S106 legal agreement.

2.0 RECOMMENDATION

2.1 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, sustainable travel and highway improvements; and to secure the provision and future management of land to the south of the site for ecological enhancement. That the Head of Planning Services be authorised to issue the decision upon the satisfactory completion of the S106 agreement.

ORIGINAL REPORT FOR THE 2ND DECEMBER 2020 COMMITTEE

1.0 INTRODUCTION

1.1 The application is before Members of the Planning Committee at the request of Councillor McKay, and because the application proposes a significant housing development on land not allocated for such development in the recently adopted Local Plan. 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 comprises of 12.2 Hectares (30.14 Acres) of agricultural pasture land located on the southern side of Blackpool Road (B5268) opposite the junction with Tudor Close in Carleton. Geographically the site lies approximately 0.9 miles to the north west of Poulton town centre and 600 metres west of Carleton village centre. The surrounding area is mixed in character with residential properties of varying scale and design located to the north and further west, and to the east and south is an expanse of Grade 3 (good to moderate quality) agricultural land which is defined by intercepting boundary hedgerows and rolling landscape. Immediately to the west is an agricultural enterprise known as Woodhouse Farm which comprises of the farmhouse and several large agricultural buildings and structures. A Public Right of Way (PROW FP13) runs through Woodhouse Farm from Blackpool Road, crossing the application site west to east and linking up to Poulton Road and Tithebarn Street through the adjacent allocated site SA1/6.

2.2 The site is irregular in shape and comprises a number of agricultural fields of various sizes separated by hedgerows. There are three existing ponds within the site and a further two ponds immediately adjacent to the southern boundary. The majority of trees are located on the site boundaries or grouped around/within existing internal hedgerows. In terms of topography the site is relatively flat and has a level range of 10.93m to 12m Above Ordnance Datum (AOD) with various areas of depression where grass land is notably wetter in particular towards the north western section of the site. The site is located within Flood Zone 1 and adjacent to the southern boundary is the Woodhouse Farm Biological Heritage Site (BHS). The application site is unallocated land within the settlement boundary of Poulton-le-Fylde and is not affected by any other designations or allocations. Land to the east forms a residential housing allocation (SA1/6) in the Wyre Local Plan which expands to 19.54 hectares and has a capacity of 300 dwellings.

3.0 THE PROPOSAL

3.1 The application seeks outline planning permission for the erection of up to 330 dwellings with all matters reserved. The application has been accompanied by a block parameters plan to demonstrate how the site could accommodate the proposed development including the associated green infrastructure, sustainable drainage features, general locations of internal spine roads, existing ponds, trees, public rights of way (PROW) and vehicular access points.

3.2 Although access is not a detailed matter applied for at this stage, access locations must be shown, and the parameters plan indicates that there could be a primary and secondary vehicular access, both taken from Blackpool Road. The primary access is shown to be located at the western extent of the site frontage opposite 161 Blackpool Road and the secondary access is shown to be located to the eastern extent of the site frontage opposite 105 Blackpool Road approximately

20m east of the junction with Tudor Close. The application also proposes land to be reserved to the south of the site as a biological enhancement area and an extension to the existing Biological Heritage Site (BHS).

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

- Habitat Survey and Ecological Impact Assessment (including Update)
- Tree Survey and Arboricultural Assessment
- Flood Risk assessment and Drainage Strategy
- Noise Impact Assessment
- Planning Statement
- Transport Assessment (Revised)
- Interim Travel Plan
- Air Quality Assessment
- Design and Access Statement
- Climate Change Statement

4.0 RELEVANT PLANNING HISTORY

4.1 Planning records show that there is no planning history associated with the subject site.

4.2 In the immediate vicinity of the site within site allocation SA1/6 the following planning history is of relevance:

4.3 19/00551/FULMAJ - Hybrid planning application seeking detailed planning permission for the development of 197 dwellings including associated access, highway works, open space provision and landscaping and outline planning permission for the development of a two form entry primary school (all matters reserved) - Pending Consideration

4.4 19/00809/FULMAJ - The erection of 42 bungalows for people aged 55 and over (Use Class C3) with associated car parking, public open space and vehicular access from Blackpool Road - Pending Consideration

4.5 17/00632/OUTMAJ - Outline planning application for the erection of up to 48 dwellings (with access applied for) and construction of a Town Centre car park for up to 200 vehicles with access from Tithebarn Street (all other matters reserved) - Pending Consideration

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 application:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- 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
- CDMP5 - Heritage Assets
- CDMP6 - Accessibility and Transport
- HP1 - Housing Land Supply
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Developments
- LPR1 - Local Plan Review

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 In accordance with the National Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF) §73, the council must be able to demonstrate a 5 year housing land supply position (with a 5% buffer) when dealing with applications and appeals. The latest available evidence on housing delivery is that set out in the council's APS submission for 2020 which demonstrates a deliverable housing land supply position of 5.9 years. The council's 5 years housing land supply position has recently been considered by an Inspector and even if the Inspector's conclusions were accepted in full there would be a housing land supply

position of a minimum 5.2 years (including a 5% buffer). There is therefore full confidence that the council is able to demonstrate a deliverable 5 year housing land supply.

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
- Guidance for Applicants - Green Infrastructure in New Residential Developments (Policy HP9)

5.4 FURTHER RELEVANT PLANNING POLICIES/LEGISLATION/GUIDANCE

5.5 National Planning Practice Guidance (2019)

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

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

5.8 The Wildlife and Countryside Act 1981 (as amended)

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.1.1 No objections subject to conditions and financial contributions - A full detailed highway assessment is set out in paragraphs 9.22- 9.31 of this report. Listed below is a summary of the comments received.

6.1.2 First Response - Objected on the grounds that the development would have an unacceptable impact on the local highway network. The initial Transport Assessment (TA) was not entirely accurate and required the developer to provide an updated technical note. The highway issue identified related to the Blackpool Road / Blackpool Old Road junction. The operation of this junction is affected by the proximity of the railway level crossing on Blackpool Road. Approximately 635 vehicles cross the level crossing in the AM peak hour and 823 in the PM peak. This development would add an additional 96 vehicles to the AM peak and 109 to the PM peak. When the level crossing is closed northbound traffic quickly reaches the point where it queues through the Blackpool Road / Blackpool Old Road junction. The analysis shows that around 37 vehicles would regularly queue during the peak hours. Whilst queuing traffic clears relatively quickly once the level crossing is opened, there is an accident issue at this location, which LCC Highways consider will be exacerbated. There is a heavy left turn movement from Blackpool Old Road into Blackpool Road, which leads to the significant queue on the eastbound approach (westerly arm) and as the road is reasonably wide here there is a tendency for some straight on traffic to overtake the queuing traffic. As queue lengths increase, the risk of collisions will increase. Longer queues mean that pedestrians will also have to wait

longer, which can lead to pedestrians crossing between queuing vehicles. With the exit lanes of the junction on Blackpool Old Road being clear when the level crossing is closed and no vehicles emerging from Blackpool Road straight on traffic may risk driving outside the marked lanes (making inappropriate and hazardous manoeuvres) to avoid delays. Various options of junction control have been considered here by LCC, none of which have identified a suitable solution. The developer has not offered any solutions. As no safe and suitable solution to mitigate the impact of traffic on the safe operation of this junction under the varying road conditions has been identified it remains a reason for an objection to the development.

6.1.3 Second Response - A plan has been provided showing improvements at the Blackpool Road / Blackpool Old Road junction. In summary LCC are satisfied that with suitable mitigation measures the development will not have a severe impact on highway capacity or adverse impact on road safety and as such conforms to the NPPF and no highway objections are raised.

LCC's objection was focussed on highway safety at the Blackpool Road / Blackpool Old Road junction. When the level crossing on Blackpool Road is closed traffic queues backs through the Blackpool Road / Blackpool Old Road junction and whilst this queuing quickly disappears after the level crossing is opened some traffic travelling towards Poulton overtakes the stationary traffic. This manoeuvre should not be condoned as it poses dangers for other road users. To dissuade this movement the developer proposes to introduce central hatching along Blackpool Old Road, a pedestrian crossing close to the junction and a right turn facility for traffic from Poulton to turn into Blackpool Road. The scheme provides a number of benefits including;

- Safe pedestrian crossing point close to the junction.
- Physical deterrent to overtaking vehicles
- Safer right turn facility
- A reduction in traffic speed when traffic is free flowing.

The scheme proposed by the developer is considered to be sufficient to address the safety concerns of LCC Highways.

A number of highway improvements and financial contributions are considered necessary, as detailed in paragraph 9.25 of this report. These should be secured by conditions or a Section 106 legal agreement.

6.2 LANCASHIRE COUNTY COUNCIL (EDUCATION)

6.2.1 Initial assessment (04/10/2019) confirms LCC will be seeking a contribution towards 125 primary 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. LCC are not seeking any contributions towards secondary education. At the time of compiling this report an updated assessment from LCC has been requested.

6.3 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.3.1 No objection subject to conditions requiring a detailed drainage scheme and management plan to be agreed.

6.4 LANCASHIRE COUNTY COUNCIL (PUBLIC RIGHTS OF WAY OFFICER)

6.4.1 No observations received at the time of compiling this report

6.5 LANCASHIRE COUNTY COUNCIL (ARCHAEOLOGY)

6.5.1 No objection subject to a condition requiring the implementation of a programme of archaeological work in accordance with a scheme of written investigation. This is requested given the recent heritage assets located in the locality and the probability of potential buried remains within the site.

6.6 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.6.1 Initial response - the submitted ecological information provided by the applicant was not sufficient. This included lack of information and details in relation to Great Crested Newts, insufficient hedgerow assessment and breeding and wintering bird survey and lack of assessment in relation to statutory designated sites i.e. Morecambe Bay & Duddon Estuary SPA, or the Natural England SSSI Impact Risk Zones (IRZ) for the Wyre Estuary SSSI. Further clarification and information in relation to the sites drainage was also required. A Habitats Regulations Assessment will be required to be undertaken.

6.6.2 Additional response - following the submission of revised information and the undertaking of the Habitats Regulations Assessment (HRA) GMEU have advised on a number of conditions and obligations as well as detail that should be secured and submitted at Reserved Matters stage. Further detail is set out within paragraphs 9.35 - 9.41 of this report.

6.7 UNITED UTILITIES

6.7.1 Requested a number of conditions including the development drainage to be carried out in accordance with the submitted Flood Risk Assessment and details of management and maintenance of SuDS to be provided.

6.8 HIGHWAYS ENGLAND (HE)

6.8.1 Initial response requested a revised Transport Assessment to reconsider committed developments including sites allocated in the Local Plan and cumulative impacts on the Norcross junction/roundabout and Little Singleton junction. Additional response following the revised TA advised that whilst there are still some deficiencies in the traffic modelling of the Norcross junction, the number of trips the development would itself generate would equate to an additional vehicle approximately every two minutes using the junction. In isolation the traffic impact of the proposed development would not be severe as such overall Highways England offer no objection.

6.9 NATURAL ENGLAND (NE)

6.9.1 Initial response advised that HRA Screening was required. Additional response advised that NE concur with the HRA assessment conclusions subject to all mitigation measures being secured in relation to provision of open space, links to PROW, home owners pack, agreement of construction environmental management plan and surface water attenuation.

6.10 NHS FYLDE AND WYRE CLINICAL COMMISSIONING GROUP (CCG)

6.10.1 To mitigate against the development an appropriate financial contribution towards the refurbishment and/or reconfiguration of Queensway medical centre is necessary, which is estimated at £90,953. However the precise amount would be calculated at reserved matters stage.

6.11 POULTON HISTORICAL & CIVIC SOCIETY

6.11.1 Objects on the following grounds:

- Land is not allocated in the Local Plan and as such should remain in agriculture. It was formerly Green Belt and there was no consultation through the Local Plan on the possibility of releasing it for development. There is already substantial provision in the Local Plan made for residential development in Poulton.
- Highway impacts - Blackpool Road cannot cope with the existing traffic resulting in congestion at Carleton Crossing, the proposal in conjunction with 300 dwellings on SA1/6 will exacerbate this problem leading to congestion, traffic jams and air pollution. The Poulton Mitigation Strategy does not make provision for this site
- Development will destroy one of the few remaining areas of green open space and its loss will have a significant ecological impact. The Biological Heritage Site will become isolated by surrounding development
- No need for this development, which would also increase pressure on local infrastructure and services.

6.12 LANCASHIRE FIRE AND RESCUE SERVICE

6.12.1 Recommendations made in respect of satisfying Building Regulations.

6.13 BLACKPOOL BOROUGH COUCNIL (PLANNING)

6.13.1 No objections

6.14 THE RAMBLERS ASSOCIATION

6.14.1 No observations received at the time of compiling this report

6.15 CADENT GAS

6.15.1 No observations received at the time of compiling this report

6.16 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.16.1 No objections in principle - Applicant should provide results from percolation tests to establish if part or all of the site can discharge surface water into the ground in line with SuDS hierarchy and surface water discharge rate should be restricted to Qbar (69 L/s)

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

6.17.1 No objections subject to conditions relating to Contaminated Land Desk Study and Gas protection measures.

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

6.18.1 Advised that the Acoustic Noise Assessment highlights that noise from Blackpool Road may affect outside amenity of the dwellings built alongside the boundary of the site. Further clarification is requested in relation to design criteria for the dwellings to achieve the 55db standard for outside amenity areas. A Construction Environmental Management Plan (CEMP) should be conditioned.

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

6.19.1 To mitigate against the impacts associated with the development a number of conditions have been requested.

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

6.20.1 Concerns about potential loss of hedgerow at the primary and secondary access points from Blackpool Road. Hedgerow losses must be kept to an absolute minimal and any losses suitably mitigated for within any landscape scheme that comes forward.

6.21 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL
SUSTAINABILITY (PARKS DEVELOPMENT TEAM)

6.21.1 The proposals for the layout for the above application in relation to the GI provision is considered to be acceptable.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there have been 39 letters of objection received. The primary planning reasons for objection are summarised below:

Principle of development

- Site is not allocated in the local plan
- Loss of agricultural land and green environment
- Site has never been consulted on for development
- Lack of infrastructure including existing schools and NHS
- Loss of Green Belt
- Impacts upon local resident's quality of life
- Already meeting housing numbers, no need for new housing
- Cumulative impacts of development
- Development will mean that Carleton and Poulton will merge - the feel of

Carleton will be totally lost

- No economic benefits, lack of jobs on offer
- No masterplan - Piecemeal development
- Lack of proper planning
- Development too large

Visual Harm and Environmental Impacts

- Out of keeping with the area
- Air pollution

- Loss of semi-rural character
- No indication of scale of dwellings
- Impacts upon air quality
- Loss of visual amenity
- Development on this scale will dominate existing settlement
- Detrimental to climate change policy

Highways Matters

- Increase in traffic (500-600 cars) especially at peak times
- Impacts upon public safety (children and pedestrians)
- Impacts on queuing at Carleton Crossing where many incidents already occur
- Poulton Mitigation Strategy does not include this site
- New access close to junctions with poor visibility
- Neighbouring dwellings have restricted driveways
- Road is too narrow and Blackpool road is only a Classified B Road
- Roads are already congested
- Lack of speed limit signs along Blackpool Road
- Construction traffic will leave mud on the roads
- Traffic survey undertaken when main route in to Carleton was closed
- Consideration should be given to a new through road to reduce congestion
- 4 new access points will be created onto Blackpool Road
- Impacts on emergency vehicles

Ecological Impacts

- Loss of trees and hedgerows
- Impacts upon Great Crested Newts
- Loss of habitats
- Impacts upon migrating Geese
- Impacts upon Bats, foxes, birds, toad's insects, Flora and fauna, owls and hawks
- Impacts upon deer (Photographic images and movie provided)

Drainage Impacts

- Existing drainage is at capacity
- This site is extremely wet
- Surrounded by flood zone areas
- Existing drains struggle to deal with waste water
- Blackpool Road heavily floods (Photographic evidence provided)
- Already significant localised flooding in the area
- Water table is high in this area and as such development will increase risk of flooding elsewhere in the locality
- Drainage pipes are too narrow in this area as confirmed by United Utilities

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 During the course of the application there has been various contact with the agent acting for the applicant. A revised Transport Statement and additional plans were provided as well as additional information relating to drainage and ecology. There has been discussions relating to the required planning obligations. An extension of time has been agreed to the 3 December 2020 along with the pre commencement conditions.

9.0 ISSUES

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

- Principle of Development
- Housing Mix and Affordable Housing
- Green Infrastructure
- Landscape Character and Visual impacts
- Highway Matters
- Impacts upon Residential Amenity
- Flood Risk and Drainage
- Trees and Ecological Matters

Principle of Development

9.2 Planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Policy SP1 of the Local Plan (WLP31) outlines the development strategy for Wyre. It establishes a settlement hierarchy and directs the majority of growth and development to within settlement boundaries. The application site is undesignated land which lies within the settlement boundary of Poulton-le-Fylde. Poulton is identified as an 'urban town' at the top of the settlement hierarchy, where 48.6% of housing growth is expected during the plan period.

9.3 Whilst the site was previously designated as Green Belt in the (now superseded) 1999 Wyre Local Plan, it is no longer Green Belt in the 2019 WLP31. Through the WLP31 a number of sites were released from the Green Belt, with the WLP31 Inspector concluding that its release would ensure the permanence of the Green Belt in the long term, providing further opportunities for sustainable patterns of development beyond the Plan period. The site carries no special policy status in the WLP31 and it is not safeguarded land that is protected from development for the current Plan period. Policy SP1 (criterion 4) states 'development within settlement boundaries will be granted planning permission where it complies with the other policies of this Local Plan'. This denotes an acceptance in principle of residential development in settlement boundaries, and as previously set out, Poulton is one of the principle settlements in the Borough to which a large proportion of the Plan period development is directed. Therefore the proposal cannot be said to be in conflict with the development plan policy in principle. Although the Council considers it is able to demonstrate a five-year housing supply until October 2021, the existence of a deliverable supply of housing is not a reason to refuse planning permission. Indeed the policy imperative is to meet and exceed housing requirements. This point is particularly strong when there is no conflict with development plan policy. Furthermore the Inspector accepted the Local Plan even though the council at the time was unable to allocate sufficient land to meet the its Objectively Assessed Need (OAN) which ultimately has required the council to undertake a partial review. The development of this site would contribute towards meeting the shortfall in the councils OAN identified at that time. No planning harm is identified in terms of strategic planning if this site is released for housing during the current Plan period alongside the adjacent housing allocation (SA1/6). Whilst the policy requirement is for the adjacent allocation to be brought forward in accordance with an approved masterplan there is no requirement for a masterplan to be produced for this site, nor for the adjacent masterplan to include this site.

9.4 Policy SP2 of the WLP31 sets out that new development should contribute to the continuation or creation of sustainable communities in terms of location and accessibility along with the requirement to respond to the challenge of climate change through appropriate design. Sustainability is also a material consideration requirement of the NPPF. In this turn the application site is geographically located approximately 0.9 mile south west of Poulton town centre and 600m west of the main hub of Carleton. Blackpool Road (that borders the full frontage of the site) forms a key public transport corridor and provides good access to regular bus services as well as the existing pedestrian/cycle network. The site is also situated within close proximity to local shops and services making it a sustainable location in principle for residential development. Opportunities to enhance sustainable travel will be identified further in this report.

9.5 Policy SP2 (Criterion 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 significant biodiversity and green infrastructure enhancement including retention of existing trees and hedgerows, use of sustainable drainage solutions and at reserved matters stage full details of how energy efficiency measure through construction and re use of materials will be provided.

9.6 To ensure compliance with Policy SP1 new development must comply with other relevant policies of the WLP31, this includes securing 30% on site affordable housing, providing a widened choice of housing types and mix, and providing a sufficient amount and type of Green Infrastructure (GI). Other considerations include impacts upon the landscape and visual amenity of the area, impacts upon the highway network, ecological impacts and matters relating to flood risk and drainage. These are discussed in turn below. The site falls within Agricultural Land Classification Grade 3 (Good to moderate quality land) it is not considered to be the best and most versatile agricultural land in accordance with the grading set out by Natural England (Grade 1 being excellent agricultural land) as such the development of this site would not be detrimental to the boroughs supply of quality agricultural land.

Housing Mix and Affordable Housing

9.7 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. Also Policy HP2 sets out that to help meet the needs of an ageing 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 the housing mix is unknown at this stage and will be assessed at reserved matters stage. To ensure any reserved matters application comes forward in line with these policy requirements conditions should be imposed on the outline permission.

9.8 In terms of affordable housing, Policy HP3 of WLP31 requires new residential development of 10 dwellings or more on greenfield sites in Poulton to

provide 30% affordable housing on site. Assuming a reserved matters application came forward for all 330 dwellings, 30% would equate to 99 affordable units on site. Affordable housing would be secured in a Section 106 agreement.

Green Infrastructure (GI)

9.9 Policy HP9 of WLP31 requires development resulting in a net gain of 11 units or more to make appropriate provision of GI on site. Based on the proposed upper limit of 330 dwellings this development should provide circa 2.9ha of GI within the site. The submitted Illustrative parameters plan demonstrates that the development would deliver this 2.9ha on-site, with the GI comprising of amenity and natural/semi natural greenspace which includes the retention of existing trees, hedgerows ponds and other ecological features; and a wildlife corridor along the eastern, southern and south-western boundaries together with the hedgerow running east to west through the site alongside the PROW. A development of this scale is required to provide a locally equipped area of play (LEAP). Whilst this is not shown on the submitted parameters plan it can be secured in a Section 106 agreement. Subject to the inclusion of a LEAP, the types of GI is considered to be acceptable and has been agreed by the Council's Parks Development Officer.

Landscape Character and Visual impacts

9.10 The application site is not protected by any statutory or local landscape designation, and the site is no longer designated Green Belt, contrary to some of the neighbour representation responses.

9.11 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. Whilst layout, scale and appearance are not applied for at this stage, the submitted illustrative layout plan sets out areas for where the dwellings, internal access roads and GI are expected to be located. This provides assistance in assessing how the development could relate and integrate with the wider built and natural environment and provides confirmation that up to 330 units could be delivered in accordance with relevant planning policy and spacing guidance which would be applied to a detailed layout at reserved matters stage.

9.12 The site has a number of areas with localised depressions however the general topography of the site is relatively flat. It has a number of positive landscape features including individual trees and strong hedgerow boundaries to the north and south and a number of trees that form small woodland copses towards the centre of the site. The main views of the site are experienced at a localised level predominantly when travelling along Blackpool Road in both directions, from the dwellings which overlook the site from the north and from the PROW which passes through Woodhouse Farm before following the hedge line east across the centre of the site and progressing into the adjacent field the east.

9.13 The introduction of up to 330 dwellings and associated earthworks and infrastructure on this site would result in an inevitable change to the visual appearance of the local character of the site, however the illustrative layout provides a level of comfort that through sensitive design, density and layout, all of which would be assessed at reserved matters stage, the development would not result in unacceptable visual harm. The illustrative layout demonstrates the retention of the majority of the existing boundary hedgerows (save for the necessary removal to accommodate the visibility splays for the access points) and trees located within the highway verge and provides a set back of the dwellings from Blackpool Road by approximately 20-30m. An area of GI is located to the north eastern corner surrounding the existing pond. This will provide a natural break from development and the trees and vegetation to the south western corner adjacent to Woodhouse Farm are also shown to be retained all of which will assist in the visual transition from the development to undeveloped land beyond. A green buffer either side of the PROW has also been provided to provide ecological benefits but also to provide a green corridor throughout the site.

9.14 The illustrative layout also shows large areas of GI to the eastern boundary and towards the centre of the site. This along with the retention of the sites natural features will allow the development to sensitively integrate with the natural characteristics of the site and the wider built environment. The precise details of the landscaping and the layout of the development are matters for consideration at the reserved matter stage. However, the submitted Parameters Plan marks out these broad areas of landscaping and open space and can be conditioned to the outline permission in the event the proposal is supported.

9.15 As highlighted above the application site is predominantly flat and ranges from approximately 10.93m to 12m Above Ordnance Datum (AOD) and is generally at the same ground level with Blackpool Road. As the site falls within Flood Zone 1 (lowest risk of flooding) there should be no requirement for any significant changes in levels or excessive finished floor levels (FFL) to accommodate any flood mitigation. There may be some requirements for areas of the site to be filled where there are small depressions however this is not considered to result in any adverse visual harm. If the proposal is supported a condition is recommended to ensure that full details of ground and finished floor levels are provided with the reserved matters submission to enable full assessment.

9.16 Overall, whilst there are inevitable landscape and visual effects from the development, these are largely contained to the site itself. Important landscape features (boundary trees and woodland copse to the centre of the site) shall be retained, bolstered and enhanced through extensive landscape and ecology mitigation together with the provision of open space. The level of visual harm overall is not considered significant and would not result in a breach of Policy CDMP3 of WLP31, and moreover the site lies within the settlement boundary of Poulton and immediately adjacent to an expected development of 300 dwellings within SA1/6.

Highway Matters

9.17 Policy CDMP6 of the WLP31 and the NPPF (Paragraphs 108-111) both strive to ensure that development:

- Is safe and accessible for all users
- Promotes sustainable transport modes
- Makes appropriate provision for off street parking

- Minimises the need to travel by private car by prioritising bus, pedestrian and cycle movements
- Caters for the needs of people with disabilities and older people
- Maintains highway safety and efficiency of the highway network
- Creates safe, accessible and well connected places

9.18 The application has been accompanied by a Transport Assessment (TA) and an interim Travel Plan. Following initial consultation with the Local Highway Authority and Highways England the applicant has undertaken further surveys and assessments including a proposed plan showing junction improvements at Blackpool Road/Blackpool Old Road.

9.19 In terms of traffic generation and highway capacity, Lancashire County Highways having assessed the original TA initially disagreed with the proposed Trip rates used as they were not representative of a development in this location. Highways England also raised an objection as there was some deficiencies in the modelling of the Norcross roundabout/junction and cumulative impacts from committed developments and allocated sites within the WLP31 had not been taken into account. These trip rates have since been revised and are consistent with that used for the pending applications adjacent to the site within SA1/6. The proposal for 330 dwellings would generate approximately 193 vehicular movements in the AM peak and 219 in the PM peak. The revised TA also takes on board other committed developments and the pending applications within SA1/6 including the proposed school and carpark. The TA takes into account traffic growth to 2026 on a number of localised junctions. This includes the proposed site accesses at Blackpool Road, the junction at Blackpool Road/Poulton Road, Blackpool Road and Blackpool Old Road and Tithebarn Street/Queensway. Initially Lancashire County Highways objected to the impacts on highway safety at Blackpool Road/Blackpool Old Road on the basis that no safe and suitable solution to mitigate the impacts of traffic on the safe operation of the junction under varying road conditions had been identified. In overcoming this objection, the applicant has provided additional information which proposes to introduce central hatching along Blackpool Old Road, a pedestrian crossing close to the junction and a right turn facility for traffic from Poulton to turn into Blackpool Road. This is considered by LCC Highways to be sufficient to address their initial safety concerns. Further mitigation measures at other junctions are also proposed and are listed in turn below as part of the highway improvements.

9.20 Highways England have since revised their comments and no longer object to the proposal. They have advised that whilst there may be some long-term deterioration to the performance of the Norcross roundabout junction in the future due to likely blocking back through the signalised segments of the extended roundabout, overall the proposed development is not considered to result in a severe impact on this junction.

9.21 In terms of road safety, the submitted TA has used local accident data for the five year period from 2013-2017 and identifies 20 injuries, 2 of which were serious between the junctions with Blackpool Road and Poulton Road. The TA concludes that it is not considered that there is existing safety issues that is likely to be exacerbated by the proposed development. Lancashire County Highways have assessed the data they hold between 2014- 2018. LCC Highways have advised that this accident record would likely increase without the traffic calming measures that are proposed. With these measures along Blackpool Road and also Fleetwood Road the impacts of the development would be mitigated and assist in preventing any increased road safety issues.

9.22 In terms of site access, although this is not a matter applied for in detail at this stage, the applicant has provided an illustration of the proposed access arrangements. LCC Highways have advised that a development of this scale would be expected to have two access points. The primary access has been produced with a right turn lane and pedestrian refuge can be achieved and that whilst some minor modifications would be required at detailed design stage together with a Stage 1 Road Safety Audit an acceptable access arrangement can be provided. The secondary access is also considered to be acceptable and this shows a simple priority junction. The proposed access arrangements, although illustrative for the purpose of this application, demonstrate that the scheme would be able to satisfy Policy CDMP3 of the WLP31 which requires new development to provide a safe means of vehicular access.

9.23 In terms of sustainable transport, the site is within 400m walking distance of the existing bus stops on Blackpool Road, which is considered a reasonable distance. Blackpool Road is served by service 14 and two school services. The number 14 bus from Fleetwood to Blackpool provides services 5 times per hour with a good evening and weekend service, however there is no direct services from the site to Poulton. As such a public transport contribution of £650,000 is required (£130,000 each year for 5 years) to provide a daytime service between the development site and Poulton town centre, which could be secured in the section 106 agreement. Public Right of Way (PROW) Footpath 13 runs across the site from west to east and then connects to fields to the east to Berrys Lane and Tithebarn Street. Although no consultation response has been received from the LCC PROW Officer, a contribution OF £50,000 towards improving the PROW between Blackpool Road and Tithebarn Street is requested by LCC Highways to encourage pedestrian movement between the site, adjacent development and town centre. This will go towards the improvements of surfacing and upgrades to furniture. There is no requirement for any diversions or stopping up of the PROW as a result of this development.

9.24 To further encourage sustainable travel and mitigate the development on the local highway network, Lancashire County Highways require a financial contribution of £150,000 on top of the off site highway improvements towards the Poulton Highway Mitigation Strategy (PMS). The PMS is set out at Appendix C to the WLP31 although LCC have recently updated the strategy to include this development. It sets out a sustainable transport strategy to support housing development in the Poulton area of Wyre. The strategy identifies a number of sustainable transport improvements that are considered necessary to support development and ensure a safe and reliable highway network. Measures specific to this development set out in the updated PMS comprise of traffic signal upgrades with MOVA and PUFFIN at the Blackpool Road/Fleetwood Road South (Carleton) junction and traffic signal upgrades and introduction of pedestrian facilities with MOVA and Puffin at Queensway/Tithebarn Street.

9.25 Listed below is the required off site highway works and financial contributions to ensure the development is acceptable in highway terms:

- Site accesses to Blackpool Road. Details to be agreed and delivered through s278 agreement. Works to be complete prior to commencement of development.
- Blackpool Road Traffic Calming scheme. Details to be agreed and delivered through s278 agreement. Works to be completed before first occupation.

- Blackpool Road / Blackpool Old Road. Provision of highway improvement scheme based on drawing 69952-CUR-00-XX-DR-TP-75005-P02. Works to be complete prior to commencement of development.
- Blackpool Road / Poulton Road traffic signal upgrade to MOVA with PUFFIN crossing facilities. Details to be agreed and delivered through s278 agreement. Works to be complete prior to first occupation.
- Fleetwood Road traffic calming scheme contribution of £20,000 with payment prior to occupation of the 50th dwelling.
- Tithebarn Street / Queensway traffic signal upgrade to MOVA with the introduction of new PUFFIN crossing facilities. Details to be agreed and delivered through s278 agreement. Works to be complete prior to first occupation.
- Public Transport contribution of £130,000 per annum for 5 years with the first payment on commencement of development. Provision of daytime service between the development site and Poulton town centre.
- Upgrade of Public Right of Way FP 13 between Blackpool Road and Tithebarn Street. S106 contribution of £50,000. Payment on first occupation.
- Travel Plan contribution of £18,000 for LCC to oversee the progress from Interim Travel Plan to full Travel Plan and monitoring of the Travel Plan for a minimum period of 5 years. Payment of contribution to be prior to commencement of development.
- Poulton Highway Mitigation Strategy contribution of £150,000 with phased payments to be agreed (suggest prior to occupation of the 50th, 100th and 150th dwellings).

Impacts upon Residential Amenity

9.26 Policy CDMP3 of the WLP31 sets out that new development must not have an adverse impact on the amenity of occupants and users of surrounding or nearby properties and must provide a good standard of amenity for the occupants of the development itself. At this outline stage the main issues relate to the effects of noise, air quality and design, these matters are discussed in more detail below.

9.27 In considering the illustrative layout 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 published '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 northern boundary and the existing dwellings on the opposite side of Blackpool Road are shown to have an interface distance of approximately 50-55m which far exceeds the 21m guidance within SPG4. Furthermore the existing hedge lines and trees will provide additional screening so it is not anticipated there would be any loss of privacy or overlooking concerns in relation to the dwellings along Blackpool Road.

9.28 Located immediately adjacent the boundary towards the north eastern corner of the site is an existing residential dwelling (76 Blackpool Road) which is an extended dormer bungalow. It is not considered that this property would be adversely impacted as an area of GI is proposed in this location incorporating the existing pond. Furthermore the dwelling and its curtilage is bound by mature trees and established vegetation which offers high-level screening and privacy protection.

9.29 Located adjacent to the north western boundary is an existing farming enterprise known as Woodhouse Farm which comprises of various agricultural structures and buildings along with the existing farmhouse. At present a number of buildings are used for agricultural purposes which given the close proximity to the

application site would have an unacceptable impact on future dwellings in terms of noise and odour. The applicant has agreed to an appropriately worded Grampian condition which requires all of the buildings to be demolished (save for the existing farmhouse) prior to the first occupation of any dwelling on the site. As the applicant/landowner of the application site is also the landowner of Woodhouse Farm then a Grampian condition is considered to be reasonable and necessary in this instance.

9.30 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 the locality. This is necessary given the scale of development and its proximity to Blackpool Road. The Council's Environmental Health Officer concludes that the assessment methodologies are appropriate and that reasonable assumptions have been made. No objections are raised subject to conditions requiring a construction environmental management plan (CEMP) and electric vehicle charging points (EVCP), both of which are considered reasonable. The provision of 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 as this is a matter controlled by separate legislation (building regulations) this is not necessary or appropriate.

9.31 Paragraph 180 of the NPPF requires planning decisions to aim to avoid noise from giving rise to significant adverse impacts on health and quality of life. Policy CDMP1 of the WLP seeks to ensure existing and proposed residents are not significantly adversely affected by noise pollution as a result of new development. A Noise Assessment has been submitted to assess the impact of noise from Blackpool Road on the new dwellings. The Council's Environmental Health Officer requires the outside noise levels for these properties to not exceed 55db. This can be secured by an appropriately worded condition. The applicant has advised that the submitted parameters plan shows the dwellings would not have gardens backing onto Blackpool Road and the dwellings would provide an acoustic barrier to rear garden areas, as such these levels could be achieved and the development would not result in unacceptable noise pollution.

Flood Risk and Drainage

9.32 The site is located within Flood Zone 1 which is defined as having a low probability of flooding. A site specific Flood Risk Assessment (FRA) and outline drainage strategy 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 satisfy the sequential or exceptions tests. Local concerns relating to surface water flooding in the locality have been raised. This included photographs showing areas along Blackpool Road which have been the subject of flooding in the past.

9.33 The submitted FRA and outline drainage strategy demonstrates how the proposed development would satisfy the SuDS Hierarchy. It recommends that surface water from the development will discharge via onsite attenuation ponds (SuDS Features) into existing watercourses including the existing ditches and then into Horse Bridge Dyke located to the east of the site at a restricted discharge rate. 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 in accordance with policy CDMP2 of the WLP31. Full details including

results of percolation tests should be submitted for consideration and this can be secured by condition. The development must not connect to the combined sewer system as there is limited capacity. Foul drainage is proposed to be connected to the existing mains combined sewer which is located within Blackpool Road. The LLFA and United Utilities also raise no objections in principle.

9.34 Overall, whilst local concerns are acknowledged, 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 recommended conditions, no unacceptable drainage issues are anticipated and the development is considered to satisfy policy CDMP2 of the WLP31.

Trees and Ecological Matters

9.35 The application has been supported by an ecological assessment and additional bird surveys as requested by Greater Manchester Ecological Unit (GMEU) and Natural England. Immediately adjacent to the southern boundary of the site is the Woodhouse Farm Biological Heritage Site (BHS) which extends south to the railway line and comprises of swampy land and a number of ponds/watercourses which support great crested newts and other amphibians. The proposal will not result in any direct land take of the BHS or other designated site(s). However, it may result in indirect impacts as the site is within 2.3km of the Morecambe Bay and Duddon Estuary Special Protection Area (SPA) and 3.2km of Liverpool Bay SPA, Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and RAMSAR. As such a screening Habitat Regulations Assessment (HRA) and an Appropriate Assessment was required to be undertaken to assess any impacts. The HRA takes into consideration pending applications adjacent to the site to the east within SA1/6 in order to assess the cumulative impacts of development. Additional information in relation to the bird survey and matters relating to drainage was provided in order to allow a comprehensive assessment.

9.36 The HRA concludes that the development has the potential to affect the designated sites by reason of recreational disturbance and impacts upon water quality. These impacts have further been assessed via a stage 2 Appropriate Assessment, which concludes that subject to available mitigation measures, no direct or indirect impact will occur. A number of conditions are recommended to secure this mitigation:

- The quantum of GI shown on the submitted parameters plan to be provided as well as the biodiversity BHS Zone
- Directional signage to the PROW
- The provision of homeowners packs to include reasonable behaviour in the vicinity of the housing development on PROW and the coast
- Construction Environmental Management plan to include details of pollution prevention to the watercourses
- Details of surface water attenuation

9.37 In conclusion, the development will have no adverse effects on the integrity of the designated sites, their designated features or their conservation objectives. Natural England concur with the conclusions of the HRA and raise no objections subject to the conditions above.

9.38 Localised ecology impacts have also been assessed by GMEU. This includes the impacts upon protected species and wider biodiversity. Local concerns

in relation to impacts on species which may be affected by the development are acknowledged, although the submitted Ecological Report identifies a generally low level of nature conservation interest on the site. However, it does confirm that whilst there is no suitable roosting habitats for bats they do use the central and southern parts of the site for foraging and commuting to a moderate extent. Furthermore there are historic records of great crested newts (GCN) and recent records on adjacent land. One of the adjacent off site ponds is suitable for supporting breeding toads however the presence of a significant population of common toads or other amphibians on site is considered highly unlikely given the lack of suitable habitat, lack of connectivity and overall level of disturbance from current and recent land use.

9.39 To mitigate the potential impacts upon GCN and other amphibians the survey sets out that all on site ponds will be retained and enhanced where possible and be linked to the wider wildlife corridor and prior to commencement of any works on site, all habitats suitable for use by amphibians located within 250m of the ponds shall be enclosed by protective fencing and amphibians shall be trapped/removed from site and relocated to a designated receptor site. To compensate for any loss of habitat and to increase biodiversity of the wider area a significant area of land situated to the south of the site as shown on the illustrative parameters plan adjacent to the BHS, will be set aside and managed for GCN and other important species, ultimately acting as an extension to the existing BHS. GMEU have advised that this is acceptable and should be secured by Section 106 legal agreement. Other conditions requested by GMEU include additional surveys of GCN being undertaken prior to the submission of any Reserved Matters application and biodiversity enhancements and future management of landscaping to be secured.

9.40 In terms of tree and hedgerow retention the application has been accompanied by a tree survey which only identifies two areas along the site boundary where trees are proposed to be removed to accommodate the primary access point and also due to poor health. The majority of trees and hedgerows will be retained in accordance with the submitted parameters plan. The Council's Tree Officer has highlighted the importance of the retention of the majority of hedgerows and trees along Blackpool Road, and where unavoidable, to secure appropriate compensation and mitigation. The applicant has provided further clarification as to how much hedgerow and tree removal would be required along Blackpool Road to accommodate the site accesses should they be applied for in the same position at reserved matters stage. This indicates that 12m of hedgerow loss for the primary access and 21 meters of hedgerow loss for the secondary access as well as three existing trees to be removed in the strip of grass land for the secondary access. The agent states that the proposed landscaping scheme to be agreed at reserved matters stage would be more than adequate to accommodate these lost trees and hedgerow. In addition it is stated the proposed wildlife area to the south of the site would also include the planting of a number of new trees, areas of scrub and consolidation of hedgerow. The agent goes on to state that it is likely that more hedgerow will be lost from within the main site to accommodate the development, but the full extent of this will not be known until the final layout has been agreed. However, given the amount of proposed open space and extension to the adjacent Biological Heritage Site, any proposed landscaping will be more than adequate to replace any losses. The statement concludes by saying it is reasonable to assume that there will be no net loss of trees and hedgerow. It is considered that full details of tree protection and mitigation hedgerow planting should be conditioned at this stage. The Council's Tree Officer has no objections to this additional information subject to an appropriate landscape mitigation scheme being secured at reserved matters stage. The Tree Officer has informed Officers that the trees located along the site frontage along Blackpool Road are considered worthy of protection by a Tree Preservation Order

(TPO) and as a result the data has been captured and details have been put forwards to Legal Services to create the TPO. It is understood that the three trees mentioned above are included in this TPO schedule however as referred to above, the TPO Officer is satisfied that their removal, if required, could be suitably mitigated.

9.41 Overall, the proposed development accords with paragraphs 174 - 177 of the NPPF and Policy CDMP4 of the WLP31.

Other Considerations

Contamination

9.42 Matters relating to site contamination have been addressed in the application with the Council's Environmental Health Officer requesting that the standard contaminated land and gas protection measures conditions be attached.

Archaeology/Heritage

9.43 Lancashire County Council Archaeology have advised that the site is located in an area where there has been significant archaeological discoveries in recent years including the find spot of Palaeolithic Poulton Elk and a human skull of the bronze age. Whilst there are no known heritage assets noted on Lancashire Historic Environment records within the site the existence of the heritage assets noted above means there is a possibility that there may be further buried remains within the proposed site. As such a pre commencement condition has been requested requiring the implementation of a programme of archaeological work in accordance with a scheme of investigation.

Education Infrastructure

9.44 To mitigate the impacts of this development on primary school provision, the section 106 agreement will need to secure a financial contribution in line with LCC's methodology to be calculated at reserved matters stage when a detailed scheme can be assessed. In their response LCC were not currently requesting any contributions towards secondary education. LCC will be asked to produce a re-assessment in time for planning committee dealing with their updated position on primary and secondary contributions.

Health provisions

9.45 The Clinical Commissioning Group (CCG) has advised that to mitigate the impacts of this development on local health care facilities, an appropriate financial contribution towards the refurbishment and/or reconfiguration of Queensway medical centre in Poulton is required. Whilst this is estimated at £90,953, the precise amount would be calculated at reserved matters stage. The section 106 agreement will need to secure this contribution in line with the CCG's methodology.

10.0 CONCLUSION

10.1 Although the application site does not form one of the strategic site allocations in the Wyre Local Plan, it is located within the settlement boundary for Poulton and Policy SP1 (4) identifies new residential development within settlement boundaries as being acceptable in principle. The site is undesignated, and whilst it was not envisaged to come forward for development during the Plan period, with no specific policy preventing its development and with no strategic planning harm

identified from it coming forward, there is no basis for resisting development at this stage from coming forward in principle.

10.2 The site is sustainably located on the edge of the existing urban area of Poulton/Carleton. It is contained by other development to the north and housing allocation to the east (SA1/6) and offers a logical extension to the built environment. There is good access to sustainable travel options with opportunities to further promote travel by bus (new bus route into Poulton town centre), cycling and walking. The applicant has demonstrated that the illustrative access points would be safe for all users. The effects of traffic generated from the development would not result in severe impacts on the safe operation and efficiency of the local or strategic road network subject to mitigation to ease capacity at key junctions. Existing trees and hedges to the site boundaries (save for the location of the accesses) together with the hedgerows and trees within the site would be retained and bolstered as part of the landscape and ecology mitigation proposal. With a comprehensive package of mitigation, the development would not adversely affect the biodiversity value of the site, protected species or the integrity of the nature conservation designations. The application has satisfactorily demonstrated that all technical constraints can be overcome.

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, sustainable travel and highway improvements; and to secure the provision and future management of land to the south of the site for ecological enhancement. 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 access, 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 23/09/2019 including the following plans/documents:

- Location Plan Drawing Number 18 0744 OP01

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 total number of residential units to be provided on the site in the general locations shown on the approved Parameters Plan (Drawing Number 180744PR03 Rev C) shall be up to 330, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development delivers appropriate sustainable housing in the right location on the site.

4. No development shall commence until a phasing programme for the whole of the application site to include the approved residential and green infrastructure 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 and CDMP3 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 + 40% 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 development details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

- i. on-going inspections relating to performance and asset condition assessments
- ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

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

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

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. Prior to commencement of the development, a construction phasing programme that includes delivery and completion of the site accesses and all off-site works of highway improvement to be carried out as part of a section 278 agreement under the Highways Act 1980, shall be submitted to and approved in writing by the Local Planning Authority. The site accesses and off-site highway works shall include:

- Blackpool Road - new priority junctions
- Blackpool Road - traffic calming / road safety scheme
- Blackpool Road / Blackpool Old Road - junction improvement the scope of which is shown on drawing 69952-CUR-00-XX-DR-TP-75005-P02
- Blackpool Road / Poulton Road signalised junction upgrade to include MOVA and PUFFIN facilities
- Tithebarn Street / Queensway signalised junction upgrade to include MOVA and PUFFIN facilities

The site accesses and off-site highway works shall be carried out in accordance with the approved phasing programme.

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

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

(a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team

(b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team

(c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays

(d) contractors' compounds and other storage arrangements

(e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period

(f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)

(g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable

(h) external lighting of the site during the demolition / construction period

(i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

(j) recycling / disposing of waste resulting from demolition / construction work

(k) measures to protect watercourses against spillage incidents and pollution

(l) how biodiversity would be protected throughout the construction period

(m) the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify appropriate mitigation measures necessary to protect and prevent pollution of these waters from sediments entering the river Wyre

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

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.

10. No development shall commence until a Framework Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority. The Framework Travel Plan must include a schedule for the submission of a Full Travel Plan within a suitable timeframe such as on first occupation or other identifiable stage of development. Where the Local Planning Authority agrees a timetable for implementation of a Framework or Full Travel Plan, the elements are to be implemented in accordance with the approved timetable unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum of at least 5 years.

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.

11. A scheme for the provision of electric vehicle recharging points (EVCP) shall be submitted for all dwellings 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 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).

12. Prior to the commencement of development 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. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site. 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).

13. The development shall incorporate suitable gas protection measures, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The measures shall include as a minimum: ventilation of confined spaces within the building, a ground slab of

suitable construction, a low permeability gas membrane, minimum (ideally none) penetration of the ground slab by services, and passive ventilation to the underside of the building. The development shall be carried out in accordance with the approved scheme and thereafter be maintained and retained. Alternatively, prior to the commencement of development, a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures are not required. The results shall be submitted to and approved in writing by the Local Planning Authority. Any gas monitoring programme must be carried out over a period of at least three months and include at least three readings where the atmospheric pressure is below 1000mb. Gas flow rates must also be provided.

Reason: The footprint of the proposed development is within the immediate vicinity of an area of infilled ground. The nature of the fill is unknown. Works are therefore required in the interests of public safety and in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

14. Prior to the commencement 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. Any reserved matters application relating to layout 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 PDA Acoustic Consultants ref J002528/3871/1/TD) will be achieved, together with details of noise mitigation if required to achieve the noise levels stipulated. The approved noise mitigation measures, if required, shall be provided prior to first occupation or first use of any part of the development to which they relate 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).

16. 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 and the approved Parameters Plan (Drawing Number 180744PR03 Rev C) submitted with this application, unless otherwise agreed in writing by the Local Planning Authority.

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.

17. As part of any reserved matters application 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.

18. Prior to the commencement of above ground 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.

19. Prior to first occupation, a scheme for the provision of home-owner information packs (as outlined in the Habitats Regulations Assessment completed for this application) highlighting the sensitivity of Morecambe Bay (a European protected nature conservation site) to recreational disturbance shall be submitted to and agreed in writing by the Local Planning Authority. The scheme details shall include the content of the home-owner information packs which must explain the conservation value of Morecambe Bay, the potential impacts that can arise from residential development and explain the responsible behaviours in the vicinity of the housing development on public rights of way along with what would be required from residents to avoid undue ecological impact, as well as a methodology for the distribution of the home-owner packs to future home owners including upon resale of the dwellings as far as is reasonably practicable. The approved information packs shall subsequently be made available to future home owners in line with the approved methodology.

Reason: In order to safeguard biodiversity from the recreational disturbance effects of residential development in close proximity to Morecambe Bay, in accordance with the provisions of Policy CDMP4 of the Wyre Local Plan 2011-31.

20. Prior to the submission of any Reserved Matters application relating to layout, the ecological measures and survey submitted with the outline application (Extended Phase 1 Habitat Survey and Baseline Ecological Impact Assessment (Rev 1.4), Cameron Crook & Associates, September 2019) shall be reviewed and, where necessary, amended and updated specifically in relation to great crested newts (Habitats Regulations 2017).

The review shall be informed by further ecological surveys commissioned to:

- i) establish if there have been any changes in the presence and/or absence of great crested newts; and
- ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures shall be revised and new/amended measures and a timetable for their implementation shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Works shall then be carried out in accordance with the proposed new approved ecological measures and approved timetable for implementation.

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.

21. Prior to the commencement of development, including any demolition or tree works, a Tree Protection Plan for the retained tree(s) 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 Survey and Arboricultural Impact Assessment Sept 2019) unless otherwise agreed in writing by the Local Planning Authority.

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

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. Prior to the installation of any external lighting within the development a scheme for the provision of external lighting together with an Artificial Lighting Assessment for that 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. 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.

24. No development shall commence until a Landscape and Habitat Creation and Management scheme (LHCMS) 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, bat, beetle and hedgehog boxes within the development;
- 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 ecological connectivity across the site;
- opportunities to enhance the value of the site for wildlife through, for example, new structure planting;
- opportunities for the road infrastructure to include amphibian friendly features such as off-set gully pots and dropped kerbs and locations between ponds and adjoining hedgerows/green infrastructure;
- The use of locally native species planting specification;
- Design of attenuation ponds to hold water under normal circumstances and to include amphibian protection measures to outflows and flow control mechanisms and;
- The use of ecologically permeable boundary treatments across the site to allow the movement between green infrastructure and gardens of amphibians and small mammals such as hedgehog;
- Full details of informative signage in relation to North Blackpool Pond Trail and any new countryside furniture/path/surfacing details; and
- Full details of management and maintenance arrangements of each of the above.

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

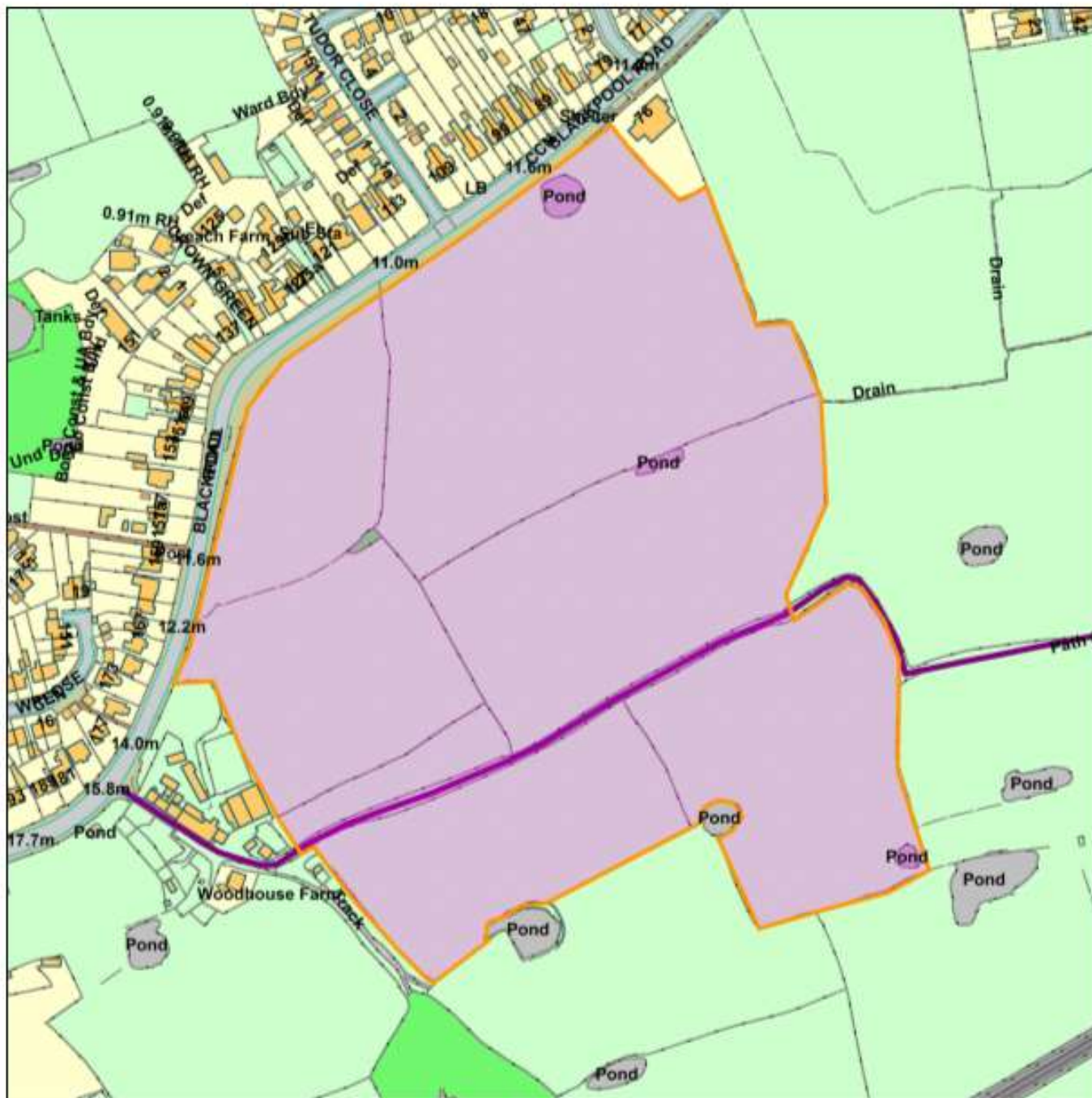
Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

25. No dwelling hereby permitted shall be occupied until the adjacent agricultural buildings at Woodhouse Farm located to the south west of the application site, as shown within the blue edge on the approved Site Location Plan (and identified to be demolished on the Proposed Plan ref: 180744PR05), shall be fully demolished and the land made good.

Reason: The use of these buildings for agricultural purposes is considered to be a source of potential odour and noise nuisance that would have an unacceptable adverse impact on the residential amenity of future occupiers of the development. As such their removal would ensure the development satisfies the provisions of policies CDMP1 and CDMP3 of the Wyre Borough Local Plan 2011-2031.

Planning committee

19/00615/OULMAJ - Land South of Blackpool Road Poulton



Scale: 1:3273

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	14 December 2020
SLA Number	100018720

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Committee Report

Date: 02.12.2020

Item Number 02

Application Number 20/00383/REMMAJ

Proposal Reserved matters application for access off Preston Road together with matters of appearance, scale, layout and landscaping for the erection of 30 dwellings following outline approval 19/00348/OUTMAJ

Location Land South Of B5269 Preston Road And East Of St Peter's Church Of England School Inskip

Applicant Concert Living

Correspondence Address c/o De Pol Associates
Farington House Stanifield Business Park Stanifield Lane
Farington, Leyland PR25 4UA England

Recommendation Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Miss Lucy Embery

1.0 INTRODUCTION

Site Notice Date: 20/05/2020

Press Notice Date: Gazette 30/05/2020, Garstang Courier 03/06/2020

1.1 The application is before the Planning Committee for consideration as the proposed delivery of the housing site allocation and supporting Green Infrastructure (GI) is different to the typical approach usually taken, as in this case the Green Infrastructure provision would be largely provided outside the allocation on land designated as countryside.

1.2 The application was previously reported to the December 2020 Planning Committee for consideration and deferred by Members due to concerns about the two storey properties on the western boundary adjacent to St. Peter's C of E School. The application is being brought back to the January 2021 Planning Committee following receipt of amended plans.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is part of an existing agricultural field approximately 1.24 hectare in size, to the south of Preston Road, Inskip. The site forms part of a site allocation (SA1/11) for housing in the Adopted Wyre Local Plan 2011-31 (WLP31). The site sits between land to the east and north east which is currently being

developed for housing (55no. dwellings), and an existing primary school to the west. To the south are open agricultural fields.

2.2 The site benefits from outline planning permission for the erection of 30no. dwellings with all matters reserved (19/00348/OUTMAJ).

2.3 An application (20/00381/FUL) has been submitted concurrently with this application on land to the south of this reserved matters proposal seeking full planning permission for the creation of an area of Green Infrastructure (0.3 hectares) with associated operational development including a pond and boundary hedgerow. This would provide the supporting infrastructure for the 30 dwellings the subject of this application.

3.0 THE PROPOSAL

3.1 This application seeks reserved matters consent for access off Preston Road together with matters of appearance, scale, layout and landscaping for the erection of 30 dwellings following outline approval 19/00348/OUTMAJ.

3.2 One access point is proposed off Preston Road into the northern boundary of the site which would then continue to a main spine road running north to south before curving round along the southern boundary.

3.3 The application proposes a total of 30no. dwellings with 21no. open market properties and 9no. affordable properties (30%). It is proposed that 5no. of the affordable units would be for affordable rent and 4no. would be shared ownership properties. The affordable units are the Artle House Type 2-bed properties, and the Eagley House Type 3-bed properties.

4.0 RELEVANT PLANNING HISTORY

4.1 19/00348/OUTMAJ - Outline application for the erection of up to 30 dwellings (all matters reserved). Application permitted.

Relevant planning history (wider allocation):

4.2 17/00631/REMMAJ - Reserved matters application for the erection of 55 dwellings with matters of access, layout, scale, appearance and landscaping to be determined (following outline approval 16/00481/OUTMAJ). Application permitted.

4.3 16/00481/OUTMAJ - Outline application for a residential development comprising up to 55 dwellings and a village shop, with associated infrastructure (all matters reserved). Application permitted.

Relevant planning history (land to south):

4.4 20/00381/FUL - Creation of an area of open space with associated operational development including pond and boundary fencing, in lieu of on-site provision in association with development approved by outline permission 19/00348/OUTMAJ for up to 30 dwellings. Application pending.

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
- SP8 - Health and Well-Being
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Treatment
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility and Transport
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Developments
- SA1 - Residential Development
- SA1/11 - Inskip Extension, Inskip

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, paragraphs 47-50, and 54-55
- Section 8: Promote healthy and safe communities
- Section 9: Promoting sustainable transport
- 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 In accordance with the National Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF) §73, the council must be able to demonstrate a 5 year housing land supply position (with a 5% buffer) when dealing with applications and appeals. The latest available evidence on housing delivery is that set out in the council's APS submission for 2020 which demonstrates a deliverable housing land supply position of 5.9 years. The council's 5 years housing land supply position has recently been considered by an Inspector and even if the Inspector's conclusions were accepted in full there would be a housing land supply position of a minimum 5.2 years (including a 5% buffer). There is therefore full

confidence that the council is able to demonstrate a deliverable 5 year housing land supply.

5.3 OTHER MATERIAL CONSIDERATIONS

5.3.1 WYRE SUPPLEMENTARY GUIDANCE NOTES

- Supplementary Planning Guidance Note 2: Trees and Development
- Supplementary Planning Guidance Note 4: Spacing Guidance for New Housing Layouts
- Supplementary Planning Guidance Note 9: Designing Out Crime
- Guidance for Applicants - Green Infrastructure in New Residential Developments (Policy HP9) (October 2020)

5.3.2 NATIONAL PLANNING PRACTICE GUIDANCE (NPPG):

The NPPG provides advice on the application of Government policy. Within the NPPG, the following sections are of most relevance:

- Design
- Flood risk and coastal change
- Healthy and Safe Communities
- Natural environment
- Open space, sports and recreation facilities, public rights of way and local green space

6.0 CONSULTATION RESPONSES

6.1 INSKIP WITH SOWERBY PARISH COUNCIL:

FIRST RESPONSE RECEIVED: Objects to the application.

6.1.1 Notwithstanding that the comments in respect of 20/00381/FUL are also applicable, these are exacerbated by the loss of a potential ribbon of green infrastructure, contiguous with that contained within the Ash Meadow and St Petersfields developments to the east. The Parish Council would like to see that extended within the boundary (as designated in the Local Plan) of the development site under consideration. In the future it could form part of a potential pedestrian route to the school that was contained within a corridor of open space. That would provide an alternative access route to the school devoid of the associated traffic risks associated with its only current access point directly off the B5269. It would still satisfy the Greater Manchester Ecology Unit (GMEU) request that a biodiversity buffer is provided to the south of the site and that could present educational opportunities for the school.

6.1.2 The Parish urges that the design principle established by the Create Homes developments by reserving the southern extremities of the site(s) for green infrastructure purposes be followed. Failure to do so would allow for a visually unacceptable 'hard' development to spread in a southerly direction.

6.1.3 There is concern about the siting of predominately two-storey dwellings to the western edge of the site that abuts the school which is single storey. Given the siting of the school building, set back from the B5269 with an open field to the fore, those dwellings sited forward of the school building will be prominent.

6.1.4 Approaching from the west the rear elevations on plots 8-14 would provide an undesirable visual impact and be detrimental to the character of the village. A softer treatment could be provided by siting one and a half storey properties in this location, also providing more privacy to those accessing/using the school.

6.1.5 The Parish Council acknowledges a Grizedale design on plot 7 and hopes this principle is expanded on along the whole of the western boundary.

SECOND RESPONSE after re-consultation on revised plans received following deferral of this application at 2nd December Planning Committee:

6.1.6 Objects to the application. Our comments in respect of the previous scheme that went before the Planning Committee meeting in early December remain relevant, in particular with regard to the siting of two-storey dwellings abutting the western boundary.

6.1.7 To reiterate, the siting of two-storey houses, backing on to the School drive will give a detrimental appearance to the village when approached from the west. The Parish Council were pleased that the applicant had amended their initial scheme and that the plans put before the December 2nd meeting respected their view. It was though only 'half a job' as it did not address the request that no two-storey dwellings be sited on land abutting the school.

6.1.8 Good design dictates that any development along the western boundary to the site should respect the single storey structure of the school and have a minimal impact on its character and setting. Further to that we share the concerns of the School Governors with regard to the safety and rights of the Primary School children. The parish council believes this can be achieved in a number of ways through further plot substitutions.

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS):

6.2.1 No objections to the proposed site access and proposed internal highway and are of the opinion the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

6.2.2 In respect of site access LCC Highways are of the opinion that the shown site access is acceptable. The shown sight lines are acceptable for this size and scale of development, based on the guidelines in Manual for Streets, and observations on site. The sight lines are fully achievable over the exiting adopted highway and as such a planning condition is not required to protect the sight lines. The proposed geometry of the site access is to prescribed design standards for this size of development for all highway users.

6.2.3 In respect of sustainable links (LCC) Highways are of the opinion that the existing footpaths leading to the site are suitable for this rural location. Condition 11 of outline planning application 19/00348/OUTMAJ, requires the applicant provides a system of street lighting for the full frontage of the site with Preston Road to ensure the new access is suitably illuminated and provides pedestrians with a desirable route to walk to and from the site. No further improvements are recommended.

6.2.4 In respect of internal highway layout (LCC) Highways are of the opinion that the layout and car parking conforms to current guidelines. The planning department is advised to consider the impact on highway amenity for refuse collection and fire appliance access.

6.2.5 In respect of future highway adoption considerations (LCC) Highways are of the opinion that the internal highway layout is to an acceptable adoptable layout for adoption under section 38 of the 1980 Highways Act.

6.2.6 Highways recommend conditions be attached in relation to timely construction and adoption (or agreement of other management arrangements) of the estate roads and parking areas; a Construction Management Plan; timely construction of site access; and removal of permitted development rights for conversion of garages.

6.3 UNITED UTILITIES:

6.3.1 No objections, the flood risk assessment submitted is acceptable, and the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

6.4 GREATER MANCHESTER ECOLOGY UNIT (GMEU):

6.4.1 No evidence of protected species was found at the outline stage. These surveys are still valid. No further information or measures are required. Nesting birds matters are covered by condition 8 of the outline permission. No further information or measures is required.

6.4.2 The matter of Enhancing the Natural Environment is covered by condition 9 of the outline permission, with detail not required until prior to commencement. It is noted a landscape plan has been provided that is in line with requirements of the condition, though still lacking detail on species and management.

6.4.3 It is noted that some of the proposed nest boxes have been placed on the new native trees. These trees will not be large enough to locate such bird boxes. They should therefore be relocated to a more appropriate location. However this information is not required now as it is a matter for the condition on the outline.

6.4.4 Additional comments received that the amended landscape plan has moved the bird boxes from the new trees and provided planting details. Whilst bird boxes are located on southern elevations, there is a caveat that this is to be agreed with the ecologist and if under the eaves there should not be an issue with overheating of the box. The tree planting is primarily native within the wildlife area. There are no longer any concerns relating to these landscape proposals which could be conditioned as part of any permission.

6.5 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE):

6.5.1 First response: No objection in principle, however confirmation is required that United Utilities are prepared to adopt SuDS infrastructure, including attenuation pond, as part of S104 agreement.

6.5.2 Second response: No objection.

6.6 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (PARKS DEVELOPMENT OFFICER):

6.6.1 The site is within walking distance of an existing play area that caters for a wide age range. It is not considered the open space indicted on this site would be

suitable for a LAP, however it is currently proposed to be a wildflower meadow. Consideration should be given to more formal green amenity space/natural play.

6.7 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREE OFFICER):

6.7.1 Can confirm the appropriateness of details in relation to existing trees and hedgerow to be retained, and, new trees and hedgerows (including associated schedule and specifications). Queries whether any details have been submitted about what will happen about replacement of any failed stock.

6.8 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (WASTE MANAGEMENT):

6.8.1 Originally responded that access for a refuse collection vehicle will not be an issue as there is a turning head between plots 26 and 27. A number of properties will not cause a collection issue as they can present directly on the kerbside at the front of their own property. However, some presentation points which will have to be introduced due to communal access/driveways, and therefore hard standing surfaces should be considered as presenting bins weekly could cause damage to grass.

6.8.2 Further response received following submission of Waste Collection Plan comments that the majority of plots have sufficient access, but plots 1-7 and 28-30 are proposing that the collection staff walk on the privately owned communal driveway to collect a bin, which is not something the collection team can accept, as we operate a kerbside collection service and do not enter private land to collect waste containers, so collection points at the mouth of the communal driveway would have to be introduced.

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

6.9.1 The comments on application 19/00348/OUTMAJ requiring a contaminated land condition are relevant to this application.

7.0 REPRESENTATIONS

7.1 Nine letters of objection have been received to this application. The issues raised can be summarised as follows:

Location and housing need:

- The village will become overcrowded.
- Inskip is not a city or a town. It is in the countryside.
- The local plan details expansion of Inskip during the life of the plan 2011-2031, not increased supply in 2020.
- The cumulative effect of the three major development (85 dwellings on the allocation) without supporting infrastructure is a detriment to the village and against the intention of the local plan.
- There is no need for housing for sale or rent. Houses that have been built on the Create Homes development (opposite) have not been sold.
- People who have already moved in to the new houses already have a for sale board outside.

Highway matters and parking:

- Volume of traffic particularly at peak times creates road safety issues for children/parents and carers attending the school.
- The existing road network is inadequate to serve the community.
- This additional housing stock will add to road safety issues.
- Concerns about dangerous and inconsiderate parking during construction.
- No hardstanding for vehicles waiting to unload or for contractors vehicles which is essential given proximity to the school and visibility is limited west of the school entrance even when no vehicles are parked.
- The speed of traffic on Preston Road is a concern. There is no traffic calming.
- The Developer's Vehicles need to be banned from parking on the road west of Inskip School because of the blind bend at Lodge Cottages which is a dangerous section of road due to traffic speed.
- The Create Homes development caused major damage to the roads, pavements, and verges, as well as blocking road drains. This damage was reduced only when a hard-standing area was made part way through the second phase.
- The development creates a new significant Health and Safety risk for children and adults by introducing a high risk of collisions between vehicles and children, and between vehicles in the vicinity of the Inskip Primary School.
- The access onto Preston Road is 25 metres from the Primary School entrance. Preston Road is filled with parked cars in the drop-off, pick-up times. This will coincide with the exit from this development of vehicles leaving for work
- There will be friction between new residents and parents/carers of children for the school parking outside houses.
- Sightlines for drivers of the site will be in both directions by the parents' cars, and at the same time young children will be crossing the development road exit.
- The development will add further parking problems with pick up/drop off of pick at the school.
- Insufficient parking. There will be surplus vehicles including those of visitors parking on the pavements including those of Preston Road. The plans indicate two car park slots per house maximum, with some having only one car park slot and many do not have garages.
- Many of the houses have shared access to their properties and garages. This is a recipe for acrimony between neighbours and litigation.

Services and transport:

- The bus service is too infrequent to facilitate going to work outside the village (limited employment locally) and there are no shops.
- Car ownership is a necessity.

Pollution:

- Increased noise, dust, dirt and pollution will affect the school pupils.
- It seems there has been no communication with the school or Local Education Authority about health and safety implications from the development

Amenity:

- Plot 27 is too close to existing properties and garages.
- Large trees planned to go into the gardens of plots 27-30 should be changed to small trees to stop blocking of sunlight and autumn leaves cluttering gardens (of existing properties).
- Other matters:

- It is questioned what livestock will eat in summer and winter
- The field has been used by a local farmer for growing of potatoes

Construction (upon amenity):

- Concern against (construction) work starting at 6am and finishing at 8pm working with flood lights, and that normal working hours of 7:30am till 4:30pm should be used to allow residents to live a normal family life.

7.2 3 letters of objection have been received from the Inskip C of E School Board of Governors as listed below:

FIRST LETTER:

7.2.1 A summary of the concerns raised are as follows:

- The developers failed to integrate the 'open space' at the design stage whilst at the same time maximising housing floor space within the existing allocated boundary and that this has been to the significant detriment of the design, layout, density and aesthetics of the whole development.
- The erection of 5 x 2 storey 3 bed mews and 4 x 2 storey 2 bed mews (as per their siting outlined in the development plan), raises both aesthetic and privacy/safeguarding issues given that the proposed properties will overlook the school (which is single storey).
- Children's rights to privacy are enshrined in Human Rights legislation and it is concerning that the applicant has not taken this into account when siting the 2 storey dwellings on the Western Boundary adjacent to the school. The privacy of the schools' pupils would be compromised.
- The proposed access point for the housing development is in too close proximity to the entrance to the school. There is concern for the safety of school children parents and guardians caused by vehicular access to and from the new housing development. Already farm tractors and large delivery vehicles constitute a relatively high percentage of the traffic on this road which causes a visibility issue.
- At busy periods Preston Road becomes a one lane road when parents park their cars on one side to drop off and collect children. Getting children in and out of cars at these times is already dangerous. The development will make matters even worse.
- The entrance to the development site is also in too close proximity to the Pinfold Lane junction, which it is understood is ear-marked for a local convenience store. The developments entrance, as proposed, would not be safe for either pedestrians or traffic.
- Concerned about the dangers posed to school children as they are walking up the main pathway to school during the period that construction works would be carried out.

SECOND LETTER:

7.2.2 This was received prior to the December 2020 Planning Committee (as reported in that Committee update sheet), stating that the amended plans do not deal with any of the issues previously raised over the privacy and security of children at the school in particular from the two storey houses proposed adjacent to the school that would have an unobstructed view into not only the school's outside grounds, but also into the school building itself including the classroom's; and during construction.

THIRD LETTER:

7.2.3 This has been received following deferral of the application at the 2nd December Planning Committee and re-consultation on the revised plans submitted. The issues and concerns can be summarised as follows:

- At the December Committee meeting where the application was deferred a proposal was put forward that the bungalows sited on Plots 2, 3, 22, 23 and 26 could replace the two storey dwellings sited on plots 11,12,13,14 and 15, and that the two storey dwellings could be moved into the body of the site. This would result in bungalows being sited along the whole of the Western boundary. This would satisfy both the Planning Officers and the School Governors.
- The new proposal does not satisfy the Governors, since it now sites the two storey dwellings back alongside the school walkway. The Governors had objected to this configuration in their first letter, and Wyre Planning saw it as an improvement to have the low level dwellings on the western boundary that would be more in keeping with the school height and edge of settlement character.
- It is entirely within the developer's gift to reconfigure the placing of the two storey houses so that they neither overlook the school building itself, the play/sports area and the walkway thereby protecting the children's right to privacy, the school's ability to fulfil their safeguarding responsibilities and would not lead to the children of St Peter's School C of E Primary School being left more vulnerable than they are under the present configuration.
- Both the School Governors and the Parish Council are of the opinion that all the low level properties should be sited along the whole of the Western Boundary adjacent to the school.
- Given that the GI and recreation facilities are being provided off-site, this creates health & safety issues for the children on the new development who would have to cross a busy main road to access a playground over 700m away at the other end of the village.
- Wyre Planning has said that it has taken Articles 8 and 1 into account when recommending acceptance of this planning application. However it has failed to mention whose human rights it has considered and therefore the grounds for its recommendation to approve the applications. Under Human Rights legislation it is incumbent upon Public bodies to consider the rights of anyone affected by their decisions including children under the age of 18 since they are protected by this legislation.
- Re-iterate highway safety concerns expressed previously (summarised at 7.2.2 above in respect of lack of parking arrangements for parents during construction and after completion of this development, and the position of the new site access in close proximity to the school.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Various. Including discussions relating to housing mix, play area contributions, and layout requirements of SPG4.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Housing mix
- Affordable housing provision
- Access and internal highway layout matters
- Scale
- Layout and impact upon residential amenity
- Appearance
- Landscaping
- Green infrastructure and play area provision/contributions

Principle of development

9.2 The site is part of the Inskip Extension Allocation (Policy SA1/11) and the principle of development for housing has been established through the allocation policy and the extant outline permission 16/00625/OUTMAJ. As determined at outline stage the site is Grade 3 agricultural land which is classed as moderate quality and therefore the proposal would not lead to the loss of high value agricultural land. Matters of principle including flood risk and drainage, highway capacity and impact on the highway network, contamination, amount of affordable housing required, and impact on existing infrastructure were also considered at outline stage and therefore cannot be revisited here. This reserved matters application follows the parameters of the outline permission in terms of the amount of development. Whether the proposal complies with specific policy requirements and conditions on the outline application are discussed in the following sections of this report.

9.3 Policy SA1/11 sets out a number of Key Development Considerations (KDC's) for the whole allocation. KCD1 and KDC6 requires land immediately west of the school be used for an extension to the school if required, and there would be no conflict with this requirement.

Housing mix

9.4 Policy HP2 of the WLP31 requires that developments provide an appropriate mix in terms of size, type and tenure of housing to meet the identified need in the borough and local market demand to accord with the most recent Strategic Housing Market Assessment (SHMA). The Policy also requires that developments exceeding 20 dwellings should make provision for at least 20% of dwellings on site to be designed to be adaptable to meet the needs of older people and people with limited mobility. Condition 15 on the outline permission requires the housing mix in the reserved matters application to satisfy Policy HP2. As originally submitted the proposal did not comply with this requirement as too few smaller units and too many four bedroom properties were proposed. A revised housing mix has since been proposed which has not altered the layout but instead altered the house types within the plots. The housing mix now equates to 30% 2 bedroom properties (9 units), 46% 3 bedroom properties (14 units), and 23% 4+ bedroom properties (7 units) which is now in general accordance with the SHMA evidence and in turn the policy requirement. The change to the house type on Plot 7 (The Lostock House Type) now shown on the most up to date plans does not alter this proposed housing mix. In addition to bedroom numbers it is also acknowledged the house types include bungalow properties, terraced, semi-detached and detached dwellings to help widen the overall choice.

Affordable housing provision

9.5 The S106 Agreement for the outline permission secured the provision of 30% affordable housing on-site. The total number of affordable units proposed is 9no. units. Five of these would be for affordable rent and 4no. would be shared ownership properties. The affordable units would be proposed on plots 8-10 (previously plots 12-15) on the western boundary, and plots 20-23 in the centre of the site. The location of the plots split by the internal access road and integrated with the open market properties is acceptable. It is also considered that the scheme would be tenure blind as the same house types would also be open market properties. Overall it is considered the amount, type and tenure of the affordable units would be acceptable and compliant with Policy HP3 of the WLP31.

Access and internal highway layout matters

9.6 Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. The wider implications of the proposed development such as impact upon highway capacity and the strategic highway network were considered at outline stage and considered acceptable. The matter of access is a consideration as part of this current application. The application proposes a new access off the southern side of Preston Road. The access would be off-centre of the site frontage, more towards the west than the east. The access would then lead into a main spine road which would run directly southwards through the site and then bend eastwards within the site to serve further properties. Objectors have raised concerns about the location of the access and proximity of the access to the school, with specific concerns about highway safety both from the development itself when completed and during construction, health and safety of children and parents/guardians, and parking concerns giving rise to highway safety issues.

9.7 LCC Highways have been consulted on this application. They have no objections to the proposed site access and internal highway and are of the opinion the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. They have also stated that the shown sight lines are acceptable for the size and scale of this development, based on the guidelines in Manual for Streets, and their observations on site. Whilst objections have been received citing highways safety and parking concerns the Local Highways Authority as the professional body has raised no objections. They have however requested a number of conditions (listed in section 6.2 of this report). The requirement for a Construction Management Plan (CMP) condition would help address the concerns of objectors however this was imposed on the outline permission and so is not necessary to repeat. The matter of conversion of garages is considered later in this section. Other conditions are deemed appropriate and it is suggested these are imposed. In addition condition 11 on the outline permission requires the provision of street lighting for the full frontage of the site to ensure the new access is suitably illuminated and provides pedestrians with a desirable route to walk to and from the site.

9.8 The Local Highway Authority have provided comments that the internal highway layout conforms to current guidelines and would be suitable for adoption. They suggest the planning department considers suitability of the layout for fire appliances and refuse vehicles. Generally a twin-axle refuse vehicle has a similar manoeuvring requirement to a fire appliance, with the latter falling under building regulations. The Council's waste management team raise no concerns about turning

provision for the refuse vehicles. Waste storage areas are also considered generally acceptable. There were outstanding concerns about collection issues for specific plots, however the applicant has submitted a revised Waste Management Plan together with minor changes to the internal road layout at the turning head between plots 25 - 26 to address the concerns. Two bin collection points are also shown on the plan adjacent to plot 26 and near to the main site entrance. The Council's Waste Management Officer has advised that these waste collection areas along with the highway layout changes would be acceptable and overcome previous concerns. Therefore a condition is suggested to ensure the proposal is carried out in accordance with the agreed Waste Management Plan. It is noted that the current Waste Management Plan does not show the revised dwellings layout on the western boundary of the site. At the time of compiling this report the applicant has advised an updated waste plan will be provided. Clarification of the plans received and any correct plan revision will be reported in the Committee Update Sheet.

9.9 Amended plans received prior to the December 2020 Planning Committee as reported in that Committee Update Sheet made minor changes to the internal layout at the request of Officers to provide scheme improvements. These minor changes are reflected in the most recent amended plans and for clarification are as follows:

- Side parking for plots 18 and 19 instead of parking at the front to reduce the extent of frontage parking. This change has resulted in
- plots 18-23 being shifted south and the parking for plot 24 being moved adjacent to plot 25
- To turn the access road in to an access way i.e. with grassed service verges along both sides of the road instead of footpaths. As there is a
- rumble strip at the site entrance the internal road beyond this can be a shared surface, which is considered a visual improvement as
- presents a more semi-rural feel. LCC Highways confirm this layout is suitable for adoption
- Provision of hedgerow to the east of plots 21-24.

9.10 The plan revisions to achieve the waste management requirements have resulted in some minor changes to the separation distances between dwellings 24 and 25. The rear of plot 24 is now marginally below 13m (measured distance is 12.6m) to the side of plot 25. The amended plans show a hedgerow to be planted to the rear of the garden of plot 24, and therefore occupiers of this plot would not look straight out onto the side of plot 25. Overall it is considered that the benefits of the internal alterations made far outweigh the impact of a 40cm shortfall in the separation distance between plots 24 and 25, particular as this would be the only shortfall in separation distance on the whole application site. Furthermore, many plots on the site achieve well over the separation distances required.

9.11 WLP31 (Appendix B) sets out parking standards requiring a maximum of 2no. parking spaces for 2 and 3 bedroom properties, and 3no. spaces for 4no. bedroom properties. LCC Highways have stated that the parking layout conforms to current standards. The revised plans show that each property would be provided with a minimum of 2no. external parking spaces, with some of the four bedroom properties having 3no. external spaces. The proposed garages are sufficient sizes to be used as parking spaces if required by inhabitants of the dwellings. Therefore as every dwelling would be provided with a minimum of 2no. parking spaces it is considered that sufficient off road parking spaces would be provided, and that a

condition removing permitted development rights for conversion of the garages is not necessary or reasonable in this case.

9.12 Members raised queries at the December 2020 Planning Committee as to why a Sustainable Transport Contribution had not been requested, and whether there is a need for a pedestrian crossing because this development is reliant on an existing play area within the centre of Inskip adjacent to St. Peter's Church. The Local Highway Authority considered whether a Sustainable Transport Contribution was required during the outline application. They initially requested a contribution but then removed this request stating that it did not meet the tests for asking for such contribution. This is due to the amount of secured monies within Wyre and Fylde for improvements to the bus service through Inskip, mainly the adjacent sites, and the development at Mill Lane in Elswick. It is therefore considered monies from these other sites are providing sufficient contributions, and therefore a contribution from this site is not necessary. In terms of a pedestrian crossing, LCC Highways have responded that this would not meet the requirement criteria due to the insufficient use by pedestrians and the relatively low number of vehicle movements; and this would include any location along the road. There have also been no collisions along this road to justify a crossing. Furthermore the carriageway is not wide enough to provide a pedestrian refuge safely for all users. From the response received it is clear that LCC Highways do not consider a pedestrian crossing to be justified.

Scale

9.13 The NPPF and the NPPG state that good design is a key aspect of sustainable development and that new development should contribute positively to making places better for people. Policy CDMP3 of the WLP31 is also concerned with securing high quality design.

9.14 The dwellings would be a mixture of two storey properties and 1 ½ storey properties. Bungalows are proposed as the Grizedale House Type and these would have a full ground floor of accommodation and a half floor of accommodation above. The nearest existing dwellings around the site, which are mainly to the east, with some to the north-east, are predominantly two storey in height. There are occasional smaller single storey bungalows within those nearest existing developments. The existing school to the west is single storey height.

9.15 The applicant was asked to reduce the density and massing of the properties on the western boundary as the vast majority were proposed to be two storey terraced and semi-detached properties. Since that request, Members considered the application at the December Planning Committee and deferred the application due to concerns about two storey properties on this western boundary facing Inskip C of E Primary School. The applicant has provided further amended plans. The two storey properties that were previously on plots 13-15 as a short terrace have been moved further northwards on the western boundary and are now plots 8-10. Detached bungalows were previously proposed on the western boundary, however these have now been moved to become plots 13 and 14 (The Grizedale House Type) and would now face as single storey properties towards the western boundary, the school and its playground. A bungalow was previously proposed on the north west corner of the site closest to Preston Road, and as a result of the layout changes adjacent the school, this corner plot would now be a two storey Lostock House Type. Overall the amendments would result in single storey properties on the southern section of the western edge adjacent to and behind the school building, and two storey properties on the northern section of the western edge, within the centre of the site, along the site frontage, and along the eastern edge adjacent to existing

two storey properties to the east. Whilst visually it would be preferable if the northern section of the western boundary were also single or 1½ storey, as officers have previously expressed a preference for, it is acknowledged that this is not a policy requirement and nor is it a character of other recently built development on the settlement edge of Inskip including to the north of Preston Road. Therefore on balance it is not considered to result in unacceptable visual impacts to justify a refusal of the application. Overall the scale, density, and type of the proposed dwellings is considered to be acceptable, and it is considered the proposal would comply with Policy CDMP3.

Layout and impact upon residential amenity

9.16 Policy CDMP4 states that development will be expected to incorporate existing trees and hedgerows into the design and layout of schemes where possible unless their loss is essential for development to go ahead and is supported by evidence. Policy CDMP3 requires layout of developments to respect the character of the area, and to integrate with the wider built environment having regard to design of matters such internal roads and permeability, open space, and car parking. Policy CDMP6 also requires that appropriate provision is made for vehicular access and car parking. Policy CDMP1 requires that development will not lead to significant adverse impact upon amenity, which includes impact from noise.

9.17 It is considered that a layout with houses fronting Preston Road and then predominantly fronting the main roads through the site is acceptable and would ensure properties do not turn their back on roads resulting in blank walls in the most public locations within the sites and so that there is surveillance of people and vehicles. The gardens of the properties would be to the rear of each plot. Overall it is considered the overall layout of the site is acceptable.

9.18 The proposed layout has been considered against SPG4, and the spacing required between plots within the site, and existing properties outside the site. As mentioned in the highways layout section of this report revised plans have been received to achieve the waste management requirements and have resulted in some minor changes to the separation distances between dwellings 24 and 25. The rear of plot 24 is now marginally below 13m (measured distance is 12.6m) to the side of plot 25. The amended plans show a hedgerow to be planted to the rear of the garden of plot 24, and therefore occupiers of this plot would not look straight out onto the side of plot 25. It is considered that the benefits of the internal alterations made far outweigh the impact of a 40cm shortfall in the separation distance between plots 24 and 25. Overall it is considered there are sufficient separation distances between the proposed properties on the site as a whole to comply with SPG4, as this would be the only shortfall in separation distance on the whole application site. Furthermore, many plots on the site achieve well over the separation distances required. Whilst separation distances are considered to be acceptable the dwellings on plots 8-10 are a short row of terraced properties, and it is suggested that a condition should be attached to remove permitted development rights to prevent alterations of extensions to these properties, so that the Planning Authority can control and ensure works to these properties would not impact upon the amenity of each property in the row.

9.19 One of the objections raises concerns about the proximity of properties on the eastern side of the site with existing residential properties and garages. In particular in relation to Plot 27. The SPG4 sets out that rear to rear elevations, front to front elevation and front to rear elevations should be at a distance of 21m of a dwelling house. Side to rear elevations should be at least 13m distance. Plot 27 would be sited further south of the nearest existing residential property with no

elevations directly facing that existing property. The side elevation of plot 27 would be 10.8m away from the garage of the nearest existing residential property, however the separation distances do not apply to outbuildings. Other proposed properties on the eastern side of the site would have rear elevations facing towards the side elevations of existing properties. The required distance in this scenario is 13m, and the proposed dwellings would be between 25m and 27m away from the nearest elevations of the existing dwellings. Therefore the existing and proposed dwellings would be suitably distanced from each other and compliant with policy requirements.

9.20 Inskip C of E School Board of Governors and the Parish Council have raised objections over the privacy and security of children at the school in particular from the two storey houses proposed that would have an unobstructed view into not only the school's outside grounds, but also into the school building itself including the classrooms, and during construction. As reported in the December Planning Committee Update Sheet separate specific safeguarding and child protection legislation exists for the safety and welfare of children although all local authorities are to make arrangements to ensure that their functions are discharged having regard to the need to safeguard and promote the welfare of children. In discharging this duty regard is to be had to any guidance given to them for the purpose by the Secretary of State. The NPPG provides guidance on promoting healthy and safe communities as referred to in section 8 of the NPPF including designing out crime and disorder having regard to Section 17 of the Crime and Disorder Act 1998 (as amended). However where public safety is concerned with the privacy and security of children there is no specific guidance, for example designing residential development adjacent to schools. Indeed it is not uncommon for houses to be built in close proximity to school buildings/grounds or on primary walking routes to schools. Indeed for many years it has been good planning practice to ensure that play areas for children within developments are overlooked for the very purpose of assisting in preventing harm. No specific risks have been identified. Nonetheless public concern about threats to public safety can itself be a material planning consideration.

9.21 Since members considered the application at the December Planning Committee, amended plans have been received which have switched around the plots along the western boundary to enable the bungalows to be sited immediately adjacent to the school building / rear play area, with the two-storey units closer to Preston Road at the front of the site. The changes have resulted in a new 2 storey house type at Plot 7 (The Lostock House Type) at the north west corner of the site, and this has been proposed to ensure that this plot does not have any windows overlooking the access road to the school (as opposed to the previous Sabden House Type on this plot). With this Lostock House Type the housing mix across the site remains unchanged.

9.22 The proposed amended layout would still result in a pair of two-storey properties being sited to the immediate west of the closest elevation of the school building (plots 11 and 12). However, these properties would face a gable elevation of the school that incorporates a service door and one window, and there is a flat roof area to the south of this gable containing small windows. From looking at the planning history for the school dating back to 2010 (10/00683/FUL) these windows serve an area of the school containing a kitchen and kitchen/servery. The school hall is further west of this kitchen servery and therefore away from the proposed dwellings. Therefore there are no classroom windows on this particular elevation that any of the proposed dwellings would directly look towards. The northern dwelling of this pair would also look past this gable elevation of the school and would potentially have views from first floor towards the main entrance lobby of the school, and the field to the front of the school which is not part of the school playground. The

applicant has also provided a 'distances plan' that also shows there is still a separation distance over 21m from the gable elevation of the school and the dwellings proposed on plots 11 and 12.

9.23 It is considered the revised plans are an improvement on the previous scheme and would not result in direct overlooking onto any of the sensitive school areas. Whilst the School of Governors and the Parish Council are of the view that the latest revised plans do not address the previous concerns raised, it is considered that the concerns raised are not objectively justified and this issue is not otherwise considered to be of such weight as to justify refusal of this application. It is also not considered that there would be a breach of convention rights to privacy in the circumstances of this case if approval were to be granted. As set out in the highway section above, LCC Highways do not consider the development would be unsafe in highway terms in close proximity to the school both during construction and once the dwellings are occupied. Overall it is not considered that the development would increase significantly the public safety risk caused to the nearby school to render it unacceptable.

Appearance

9.24 The dwellings are proposed to be constructed in a mixture of red brick walls and red brick and render walls. Those constructed of part brick and part render would be brick walled at the lower section and rendered in champagne coloured render at first floor level. Cills and headers would be constructed in buffer colour cast stone. Roofing for all plots would be grey Marley smooth roof tiles. Boundary brick walls to properties would be constructed of brick to match that used on the associated dwelling (dwarf brick base with timber panels to 2.1m height), and fencing boundaries for each dwelling would be 1800mm high close boarded timber with timber posts and gravel board to the base.

9.25 Existing dwellings and buildings in the area are constructed of brick, or render, or a mixture of both. Occasional buildings are constructed of stone walls. Most buildings in the area are constructed with grey slates or tiles to the roofing. Therefore it is considered that the materials proposed would be appropriate to the existing built form of the area. Subject to conditions securing this detail, the appearance of the proposed dwellings and related garages would be acceptable and the proposal would comply with Policy CDMP3 of the WLP31.

Land levels

9.26 Land levels are a matter that can affect the appearance of a site. Plans have been submitted providing details of the existing and proposed land levels and the finished floor levels of the dwellings. The proposed plans demonstrate that the land levels at the front of the site would be raised by between 15cm and 20cm. These alterations to the land levels at the site frontage are considered to be minimal and would not make the development frontage overly dominant or visually unacceptable.

9.27 In the area around plots 11 and 12 on the western edge of the site the finished floor levels of the properties would be a maximum of 50cm higher than the existing land levels, and on the eastern side of the site plot 28 would have a finished floor level 96cm higher than the existing land level. However this would mean that one specific area of the site would be raised to ensure all of the properties across the centre of the site would be at the same land and finished floor level. The land would be raised by just over 1m to site plots 24 and 25 which are further south

into the site. However although the land levels would be raised, these properties would be no higher than the properties proposed on the western boundary of the site, and only marginally higher than existing land levels of the western site boundary. Therefore overall it is considered the changes to the land levels would not result in unacceptable harm to the visual amenities and appearance of the area.

Landscaping

9.28 The applicant has submitted a soft landscaping scheme. The Council's Tree Officer approves of the soft landscaping proposed, stating that the landscape /ecological management plan and landscape proposal robustly cover the full requirements of a scheme of this proportion. He has queried whether any details have been submitted about replacement of any failed stock, however the Council's standard condition requires any failed stock within 7 years of planting would have to be replaced. Overall the proposed soft landscaping proposed for this reserved matters application is considered acceptable, however the applicant has been advised that they would need to provide updated landscaping plans to show the revised layout on the western boundary and the proposed soft landscaping in the correct locations to tally with the revised layout. The applicant has agreed to provide updated landscaping plans. As these plans would propose the same soft landscaping, just in the correct location to tally with the revised housing layout, it is considered that the soft landscaping proposals would likely remain acceptable. An update will be provided to Members in the Committee Update Sheet, along with any plan revision details. Condition 14 of the outline permission requires details of the management and maintenance of the GI and all communal areas within the site. Therefore it is not necessary to repeat this condition. Details of the soft landscaping to the land to the south is considered in more detail as part of that separate application.

9.29 In terms of hard landscaping the applicant has submitted a materials layout plan and a Materials Sheet which details that roads to be adopted would be constructed with black tarmac, as would pavements, and unadopted roads (private shared drives) would be constructed with tarmac with hot rolled red fleck within it. Private driveways for each plot would be constructed with brindle (red brick) block paving, and paving flags around the dwellings would be buff in colour. The use of tarmac to internal roads is typical of modern housing estates, and is required to afford suitable access and adoptable standards. The proposed hardstanding materials are considered acceptable in this case as the brick block paving and tarmac with red flecks would break up the extent of tarmac within the site and help to add interest to the appearance of the site. This can be secured by a condition. In similarity to the soft landscaping details the applicant has agreed to provide updated landscaping plans. As these plans would propose the same hard landscaping materials, just in the correct location to tally with the revised housing layout, it is considered that the hard landscaping proposals would likely remain acceptable. However, an update will be provided to Members in the Committee Update Sheet, along with any plan revision details.

Green infrastructure and play area provision/contributions

9.30 A condition was attached to the outline consent requiring the provision of green infrastructure (GI) in accordance with Policy HP9. The GI requirement for this reserved matters scheme is 0.28 hectares. 0.3 hectares is proposed which satisfies the policy and outline condition, however this is located outside of the land with outline permission, as such a concurrent application (20/00381/FUL) has been submitted seeking full permission for this area of GI with associated operational

development including a pond and boundary fencing. This application on its own, therefore, does not comply with Policy HP9 and would therefore only be considered acceptable if the associated application for the area of Green Infrastructure is also approved and carried out concurrently with this development. This can be controlled by an appropriate condition.

9.31 It is considered that the approach to the provision of GI can be supported in this case. Although it would be outside the extent of the housing allocation in designated countryside, there is presently no physical boundary between the southern edge of this site and the additional land to the south so no obvious encroachment (an assessment of visual impact is outlined below in this report and also in the concurrent 20/00381/FUL application). As it would involve no land-take within the allocation it would enable 30 units to come forward on the allocation which, together with the 55 units permitted to the east and north-east, would enable delivery of the full allocation capacity of 85 units whilst still retaining sufficient land to the west for the school expansion if required.

9.32 KDC2 of policy SA1/11 mentions the provision of on-site open space, and formal and informal play, as well as tree planting and pedestrian and cycle connectivity where possible outside the site. As well as this Policy HP9 states that the most appropriate types of open space provision need to be determined, and open space should be meaningful in order to make an important contribution to the health and wellbeing of communities. As the site is within walking distance of an existing play area close to St. Peter's Church in the centre of Inskip that caters for a wide age range, and which has recently been upgraded, it is considered that future occupants of the development should be encouraged to use this play area to help achieve community cohesion rather than having a small stand-alone play area towards the rear of the site. Furthermore, visually it is considered that informal GI in the form of a soft natural/semi natural landscaping buffer to the south of the development adjoining countryside beyond would be more appropriate. As the application proposes the required amount of GI and there is no identified need to upgrade existing GI in the village, there is no GI contribution required in lieu of on-site provision. The delivery of this GI could be conditioned to come forward simultaneously with the construction of the dwellings. Overall the proposal is considered to comply with the aims of KDC2 and Policy HP9 of the WLP31.

Other matters

9.33 Contamination - Whilst the Environmental Health Officer has responded that the same conditions are relevant to this reserved matters application, as the conditions are already on the outline permission it is not necessary to repeat them.

9.34 Ecology - The impact upon ecology was assessed at outline stage and no evidence of protected species was found at the site. Conditions were attached to the outline application in relation to nesting birds and ecological enhancement. GMEU have been consulted on this application and have confirmed that the surveys from the outline application are still valid. They have noted that the initial landscaping plans provided showed nest boxes on the new trees but that these trees will not be large enough to locate the bird boxes. Whilst this is not a matter for the reserved matters application as the enhancement measures are dealt with by the outline condition, nevertheless revised landscape plans with this reserved matters application have been provided to demonstrate that bird boxes will be provided on the dwellings themselves rather than the trees in order to reflect this advice.

9.35 Drainage - The matter of drainage was considered at outline stage, and there are drainage conditions on the outline permission. Condition 5 requires the applicant to submit drainage details prior to or simultaneously with any reserved matters application. The applicant has submitted a discharge of condition application which includes drainage details, and has provided the same plans as part of this reserved matters application for information. The Council's Drainage Engineer has responded to both applications that he has no objections in principle but that confirmation is required that United Utilities are prepared to adopt the SuDS infrastructure, including the attenuation pond. United Utilities have responded raising no objection to the application and urging the applicant to engage with them over a detailed drainage design, to be submitted as part of the adoption agreement. UU have also confirmed that they cannot state at this stage whether the SUDS feature would be adopted as they would have to wait for a S104 Agreement to be submitted to them and consider the details. Even if UU did not wish to adopt the SuDS feature then there is the option for this to be privately managed. In any event this is not a matter for this reserved matters application as the outline condition requires details of drainage management arrangements to be submitted. An informative can be attached to this effect as a reminder to advise the applicant of the need for a S104 Agreement.

10.0 CONCLUSION

10.1 The proposal would generally comply with the parameters of the outline permission, and the access, layout, scale, appearance and landscaping of the proposal are considered to be acceptable subject to conditions. In this case whilst the layout does not include green infrastructure provision, and therefore fails to comply with Policy HP9, this is proposed to be provided on adjacent land to the south as proposed in the concurrent application before members, with its timely delivery to be secured by a Grampian condition. Not providing the GI within the site enables the delivery of 30 units, which helps to deliver the housing capacity figure in the allocation and Wyre's overall housing target. The impact in particular visual of providing this GI is considered in the concurrent application. Matters relating to visual impact, highway safety and impact on the adjacent school have been duly considered although no harmful impacts are identified that would justify refusal of this application.

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 reserved matters approval subject to conditions.

Recommendation: Permit

Conditions: -

1. (i) No dwelling hereby approved shall be occupied unless and until the area of land the subject of planning permission ref: 20/00381/FUL has been enclosed on the eastern, southern and western boundaries in order to be separated from the

wider agricultural land and left with an open northern boundary so that it is encompassed within the residential development site hereby approved;

(ii) No more than 19 dwellings hereby approved shall be occupied unless and until, all of the green infrastructure and associated operational development / works approved under planning permission ref: 20/00381/FUL have been completed in full and made available for use.

Reason: To ensure that the necessary green infrastructure required to support this development is provided in a timely manner in accordance with Policy HP9 of the Adopted Wyre Local Plan 2011-2031.

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 05.05.2020 including the following plans/documents:

- Drawing No. 100 Rev D (Location Plan)
- Drawing No. 104 Rev M (Site Plan proposed 1_500) received 08.12.2020
- Drawing No. 105 Rev M (Site Plan Proposed) received 08.12.2020
- Drawing No. 116 (Single Garage Plan and Elevations)
- Drawing No. 117 (Double Garage Plan and Elevations)
- Drawing No. 116 Rev A - 3B6P House Plans and Elevations (Bradshaw Type 2)
- Drawing No. 125 - 2B4P House Plans and Elevations (Artle Type 1)
- Drawing No 127 Rev A - 3-Bed House Plans and Elevations (Eagley Type 2 - BR+r - Mid-Terrace)
- Drawing No. 128 Rev A 3-Bed House Plans and Elevations (Eagley Type 2 - BR+r)
- Drawing No. 130 Rev 1 - 2B4P Bungalow Plans and Elevations (Mearley Type 1 -BR+r) received 6.11.2020
- Drawing No. 135 Rev A - 4B7P House Plans and Elevations (Pendle Type 1)
- Drawing No. 146 Rev A - 3B5P Bungalow Plans and Elevations (Grizedale Type 3)
- Drawing No. 150 Rev A - 4B6P House Plans and Elevations (Sabden Type 2)
- Drawing No. 154 Rev A - 3B5P House Plans and Elevations (Irwell Type 2)
- Drawing No. 162 Rev A - Lostock Type 1 - BR 4-Bed House and Elevations received 17.12.2020
- Drawing No. 177 Rev A - 4B7P House Plans and Elevations (Pendle Type 2)
- Drawing No. 192 Rev A - 5-Bed House Plans and Elevations (Whitewell Type 1-BR) received 17.12.2020

- Drawing No. 001704 JPL ZZ XX DR D 2001 Rev P12 Proposed Access Road and General Arrangement received 17.12.2020
- Drawing No. 001704 JPL ZZ XX DR D 4801 Rev C02 Swept Path Analysis received 17.12.2020
- Drawing No. 115 Rev D Site Levels Drawing received 17.12.2020

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 approved document titled 'Materials Tracker by btp Architects, Project Name Preston Road Inskip, Job No. 3548 Dated 17.12.2020 Revision D', received 17.12.2020, 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.

For the avoidance of doubt all walls and roofing to garages, and boundary walls, shall be constructed of materials to match those used on the associated host dwelling to which the garages and boundary treatments serve.

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

4. The boundary treatments shown on plan No. 109 Rev H (Boundary Plan and Details) received 17.12.2020 shall be installed before the associated dwelling(s) hereby approved are first occupied and shall thereafter be retained and maintained.

Reason: For the avoidance of doubt and in the interests of residential amenity to secure private curtilage and in the interests of the appearance of the site and locality in accordance with Policy CDMP3 of the Adopted Wyre Borough Local Plan 2011-2031 (WLP31).

5. Prior to first occupation of any dwelling hereby approved the off-site works of highway improvement [namely, new site access] shall be provided, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority, in which case the site access shall be provided in accordance with any alternative approved timetable for implementation.

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

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

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

(c) Should the plan required by (a) show that any highway within the estate would be proposed for adoption by the Local Highway Authority, those roads/

footways/ cycleways shall be made up to, and retained thereafter to, the Local Highway Authority's Adoptable Standards.

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

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

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

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

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

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

(i) no works shall take place that would preclude the use of the driveways hereby approved for the parking of cars; and

(ii) no hard boundary treatments (fences, walls, pillars, gates, or railings) shall be erected forward of a property elevation facing a road other than those shown on submitted plan No. 109 Rev H (Boundary Plan and Details) received 17.12.2020; and

(iii) no areas of soft landscaping to the front of properties shall be removed to make provision for additional car-parking, without planning permission being granted by the local planning authority.

Reason: To ensure that the Local Planning Authority has control over any future development in order to ensure the estate retains its open plan character in the interests of residential and visual amenity in accordance with the provisions of Section 12 of the NPPF and Policy CDMP3 of the Wyre Borough Local Plan 2011-2031 (WLP31).

9. The development hereby approved shall not be first occupied or brought into use until the parking / turning area(s) shown on the approved plan Drawing No. 105 Rev M received 17.12.2020 has been laid out, surfaced and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

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

10. The proposed hard and soft landscaping works shall be carried out in accordance with the approved details as shown on drawing No.s 101 Rev K (Landscape Layout), and 201 Rev J (Planting Plan) received 18.12.2020, and the document titled 'Materials Tracker by btp Architects, Project Name Preston Road Inskip, Job No. 3548 Dated 17.12.2020 Revision D' received 17.12.2020, prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 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 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.

11. The waste storage and waste collection points as details on drawing No. 112 Rev E received 17.12.2020 shall be installed for each associated dwelling to which they serve prior to first occupation of that dwelling. The waste storage and waste collection points shall thereafter be retained for the lifetime of the development.

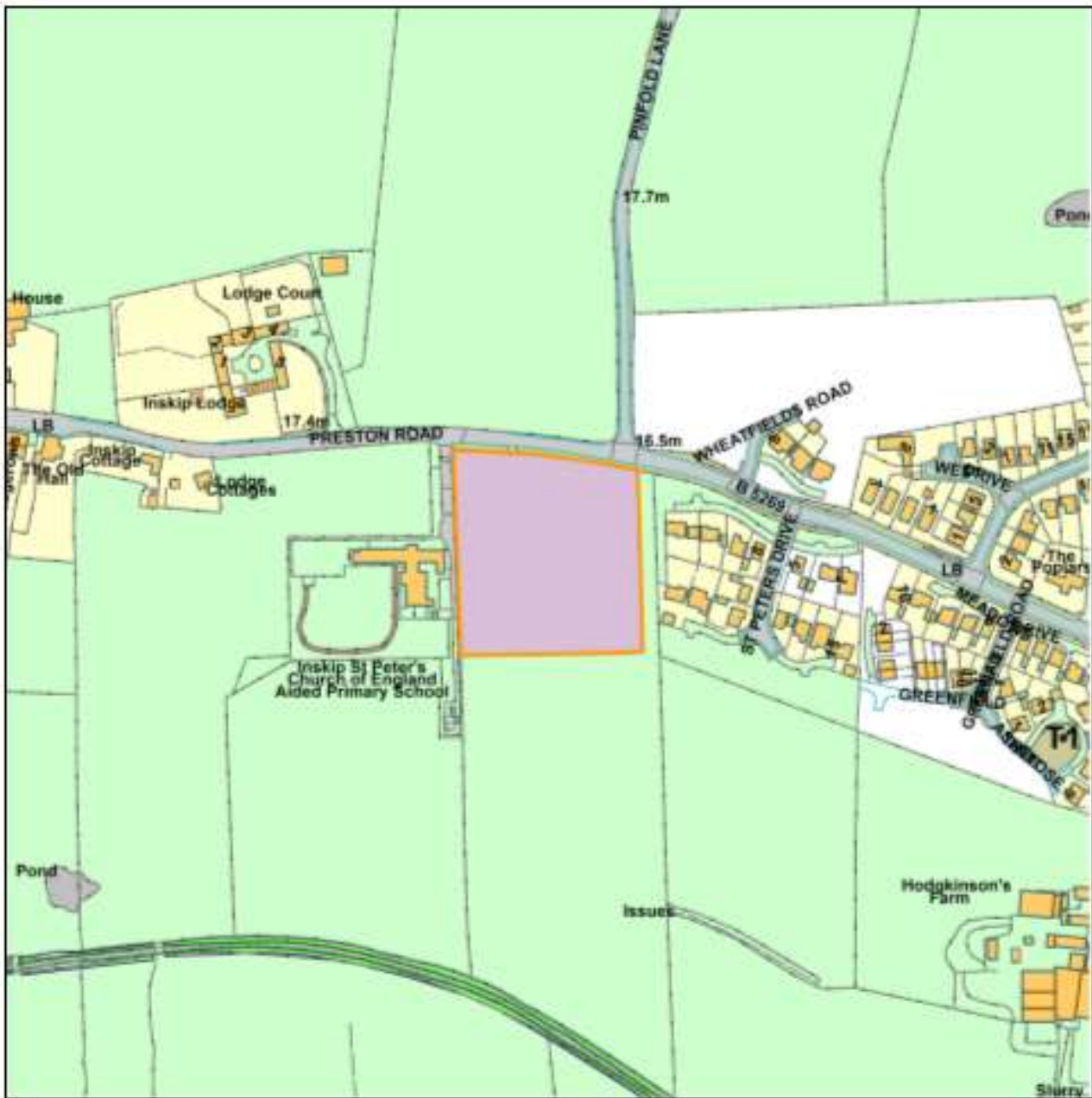
Reason: In order to ensure that waste is properly provided and managed for each property within the site in the interests of visual and residential amenity in accordance with the provisions of Section 12 of the NPPF and Policy CDMP3 of the Adopted Wyre Borough Local Plan 2011-2031 (WLP31).

12. Notwithstanding the provisions of Schedule 2 Part 1 Classes A-D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), the dwellings on plots 8-10 hereby approved shall not be altered or extended, without planning permission.

Reason: To ensure that the Local Planning Authority have control over any future development of the dwellings in the interests of preserving the character and amenity of the area and the residential amenity of occupants / neighbours of these particular plots in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

Planning Committee

20/00383/REMAJ - Land south of B5269 Preston Road Inskip



Scale : 1:1214

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 2
Date	18 December 2020
SLA Number	100018720

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Committee Report**Date: 06.01.2021****Item Number 03****Application Number** 20/00381/FUL**Proposal** Creation of an area of open space with associated operational development including pond and boundary fencing, in lieu of on-site provision in association with development approved by outline permission 19/00348/OUTMAJ for up to 30 dwellings**Location** Land South Of B5269 Preston Road Inskip**Applicant** Concert Living**Correspondence Address** c/o De Pol Associates Ltd
Farington House Stanifield Business Park Stanifield Lane Leyland
Preston PR25 4UA**Recommendation** Permit**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Miss Lucy Embery****1.0 INTRODUCTION**

Site Notice Date: 20/05/2020

Press Notice Date: Not applicable

1.1 The application is before the Planning Committee for consideration as the proposed delivery of the housing site allocation and supporting Green Infrastructure (GI) is different to the typical approach usually taken, as this Green Infrastructure provision would be largely provided outside the allocation on land designated as countryside.

1.2 The application was reported to Planning Committee on 2nd December 2020 for consideration together with reserved matters application 20/00383/REMMAJ on land to the north, as both applications relate to each other and need to be considered by Members at the same time. Both applications were deferred by Members due to concerns in relation to the reserved matters application about the two storey properties on the western boundary adjacent to St. Peter's C of E School. Both applications are being brought back to the January 2021 Planning Committee following receipt of amended plans for the reserved matters application.

1.3 In respect of this application, Members also expressed that the southern boundary of the green infrastructure shall include the addition of a hedgerow. Revised plans have been received to reflect this.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is a rectangular piece of land which is to the south of land recently granted outline permission (ref: 19/00348/OUTMAJ) for 30 dwellings and which forms part of the wider Inskip Extension Allocation Site SA1/11. The subject site currently forms part of an existing agricultural field and is within the designated countryside, to the south of the settlement boundary. There is no existing field boundary between this site and land to the north, nor between this site and the wider field to the south.

3.0 THE PROPOSAL

3.1 The application seeks full planning permission for the creation of an area of Green Infrastructure with associated operational development including an attenuation pond and boundary fencing, in lieu of on-site provision in association with development approved by outline permission 19/00348/OUTMAJ.

3.2 The site subject to this application is 0.3 hectares in size. The layout proposes a SuDS pond within the south eastern corner, with the rest of site comprising landscaped open space. The site would have an open boundary with the site to the north so that it would be read as an integral feature of that development.

3.3 The applicant has submitted a reserved matters application on the site to the north for 30 dwellings following on from the outline permission, which is to be considered concurrently with this application.

4.0 RELEVANT PLANNING HISTORY

Adjacent land to north:

4.1 19/00348/OUTMAJ - Outline application for the erection of up to 30 dwellings (all matters reserved). Application permitted.

4.2 20/00383/REMAJ - Reserved matters application for access off Preston Road together with matters of appearance, scale, layout and landscaping for the erection of 30 dwellings following outline approval 19/00348/OUTMAJ. Pending consideration.

Wider allocation:

4.3 16/00481/OUTMAJ - Outline application for a residential development comprising up to 55 dwellings and a village shop, with associated infrastructure (all matters reserved). Application permitted.

4.4 17/00631/REMAJ - Reserved matters application for the erection of 55 dwellings with matters of access, layout, scale, appearance and landscaping to be determined (following outline approval 16/00481/OUTMAJ). Application permitted.

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
- CDMP2 - Flood Risk and Surface Water Treatment
- CDMP3 - Design
- CDMP4 - Environmental Assets
- HP9 - Green Infrastructure in New Residential Developments
- SA1/11 - Inskip Extension, Inskip

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, paragraphs 47-50, and 54-55
- Section 8: Promote healthy and safe communities
- 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

5.3 OTHER MATERIAL CONSIDERATIONS

5.3.1 WYRE SUPPLEMENTARY PLANNING GUIDANCE

- Supplementary Planning Guidance Note 2: Trees and Development
- Guidance for Applicants - Green Infrastructure in New Residential Developments (Policy HP9) (October 2020)

6.0 CONSULTATION RESPONSES

6.1 INSKIP WITH SOWERBY PARISH COUNCIL:

6.1.1 Objects to the application as the site area for development is clearly defined in the Wyre Local Plan and in allowing this application it would be a clear departure that could set an unwanted precedent. It constitutes a clear encroachment into agricultural land. The Parish Council contends that the whole of this development, including any green infrastructure, should be contained within the defined development area and therefore this application should be refused.

6.2 GREATER MANCHESTER ECOLOGY UNIT (GMEU):

6.2.1 Ecological issues were resolved at the outline stage of the housing application. There are no protected species issues with this development. No further information or measures are required. In terms of nesting birds it is unclear whether any vegetation removal will be required as part of this application, and it seems hedgerow removal will be restricted to the housing element to the north. A nesting bird informative is recommended to advise the applicant that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built, and this legislation is separate to the planning process.

6.2.2 This application will lead to net gain for this part of the site, though it is contributing to the wider site. There is no objection to the layout but the proposed nest boxes are on trees that will not be large enough to provide secure nesting spots. The nest boxes should be provided within the wider housing site.

6.2.3 It is recommended that all tree planting within the open space is native and that the emergent planting in the SUDs pond be a native species such as yellow flag-iris, marsh marigold or purple loosestrife.

6.3 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (PARKS DEVELOPMENT OFFICER):

6.3.1 The site is within walking distance of an existing play area that caters for a wide age range. It is not considered the open space indicated on this site would be suitable for a LAP, however it is currently proposed to be a wildflower meadow. Consideration should be made for more formal green amenity space/natural play.

6.4 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREE OFFICER):

6.4.1 Can confirm the appropriateness of details in relation to existing trees and hedgerow to be retained, and, new trees and hedgerows (including associated schedule and specifications). Queries whether any details have been submitted about what will happen about replacement of any failed stock.

6.5 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE):

6.5.1 No objection in principle, however confirmation is required that United Utilities are prepared to adopt SuDS infrastructure, including attenuation pond, as part of S104 agreement. The developer would be required to undertake maintenance until this infrastructure is adopted.

7.0 REPRESENTATIONS

7.1 The application has been advertised by site notices and neighbour notification letters. Seven letters of objection have been received and the matters raised can be summarised as follows:

- The green space / pond proposed is positioned at the rear of the development. This green space should be at the front of the site to the benefit of the entire community and not just a select few residing close to the proposed site.

- The site is susceptible to heavy standing water which is why there is a complex drainage system down to Inskip Brook.
- The proposed pond will be a health and safety issue to children even though fenced off, and a health issue as standing water on which mosquitoes will breed.
- The grassed open space will be attractive to campers and travellers.
- It is unclear on the ownership of open space and whether the developer will own it after the houses are erected.
- The site notice was erected when the school was closed and should be reported on the community noticeboard.
- With more houses in Inskip the school needs to and is struggling accommodate extra families. Builders need to contribute to St. Peter's School for upgrade and extension.
- Concerns about dangerous and inconsiderate parking during construction. No hardstanding for vehicles waiting to unload or for contractor's vehicles which is essential given proximity to the school, and visibility is limited west of the school entrance even when no vehicles are parked.
- Contractor traffic should be directed by a permanent linkage of roads from the site to the east at St. Peter's Drive, to ease traffic joining Preston Road.

7.2 A letter of objection has been received to this application which raises concerns considered more relevant to the concurrent reserved matters application. However it has been submitted to this application and the issues raised additional to those above are as follows:

- There is no need for further housing as the Create Homes development (opposite) remains unsold.
- The local plan details expansion of Inskip during the life of the plan 2011-2031, not increased supply in 2020.
- The cumulative effect of the three major development (85 dwellings on the allocation) without supporting infrastructure is a detriment to the village and against the intention of the local plan.
- The existing road network is inadequate to serve the community and this additional housing stock will add to road safety issues.
- The speed of traffic on Preston Road is a concern. There is no traffic calming.
- Volume of traffic at peak times creates road safety issues for children/parents and carers attending the school.
- The development will add further parking problems with pick up/drop off of pick at the school.
- Where the new access is proposed there will be friction between new residents and parents/carers of children for the school parking outside houses.
- Close proximity of the entrance/exit of the site to the entrance to the primary school is a concern and will be an obstacle for children.
- Increased noise, dust, dirt and pollution will affect the school pupils.
- It seems there has been no communication with the school or Local Education Authority about health and safety implications from the development

7.3 A letter has been received from the Inskip C of E School Board of Governors objecting to the application. The concerns raised in the letter relevant to this particular application can be summarised as follows:

- The proposed site lies outside of the boundary for which Outline Planning has been approved.

- The proposed site lies outside the parcel of land allocated for development under Wyre's Local Plan.
- The proposed off site 'open space' is in fact an existing 'open space' because it constitutes a parcel of prime agricultural land to the south of the boundary of the development and has not been allocated for development in Wyre's Local Plan.
- The location of the land means that it would fail to provide a meaningful or useable open space.
- Aside from the fact that this land is prime agricultural land, it is a clear departure from containing the development within boundaries allocated within the Local Plan, thereby setting an undesirable precedent.
- The developers failed to integrate the 'open space' at the design stage whilst at the same time maximising housing floor space within the existing allocated boundary and that this has been to the significant detriment of the design, layout, density and aesthetics of the whole development.

The School Board of Governors have also raised Health and Safety concerns which relate to the access, siting of properties in relation to the school, and highway safety from the housing development. These matters are relevant to the reserved matters application 20/00383/REMMAJ and are reported and assessed in that Committee report which is being put before members concurrently with this application.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Various. Including discussions relating to condition securing the open space and drainage to serve the housing development, contact about the amount of open space provision and policy requirements.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development and Green Infrastructure Provision
- Visual Impact and Landscaping
- Ecology
- Drainage

Principle of development and green infrastructure provision

9.2 Paragraph 170 of the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. This is a matter that was considered during the drafting of the Local Plan, prior to allocating the site. The application site is Grade 3 agricultural land which is classed as moderate quality and therefore the proposal would not lead to the loss of high value agricultural land. As such the proposal would not conflict with Paragraph 170 of the NPPF.

9.3 The application site sits to the south of the Inskip housing allocation and settlement boundary, within the defined countryside area. Policy SP4 of the WLP31 is therefore relevant. This sets out that within countryside areas planning permission will only be granted for new development which meets the requirements of the core development management policies and which meets one of the exception criteria listed. Criterion b) outlines that outdoor sport and leisure facilities where a countryside location is needed and justified is considered to be an appropriate type of

new development. The provision of open space, the majority of which would be available for informal recreation use, is considered to be in general accordance with this criterion, and the justification and need for it to be in this location is outlined in the concurrent reserved matters application before members (i.e. to enable delivery of the housing capacity figure and school expansion if required within the Inskip housing allocation).

9.4 Policy SP4 also requires development in the countryside to not adversely impact on its open and rural character. This will be considered in the visual impact section below.

Visual impact and landscaping (including typology)

9.5 The proposed area of green infrastructure (GI) would project into the countryside beyond the identified site allocation / settlement boundary. However there is no existing physical boundary between the site allocation and this application site as the land to the north is part of the same agricultural field. It is acknowledged that the proposal would remove part of the existing agricultural field. Instead it would provide an area of GI containing, trees, a wildflower meadow, and SuDS pond. Originally stock boundary fencing was proposed along the edge of the site separating it from the remainder of the agricultural field. However, in response to Members' request, the applicant has submitted revised plans showing a hedgerow along the southern boundary to join up with the proposed hedgerow on the east and west boundary. This hedgerow would comprise a native mix of hedgerow planting. It is considered that the revised plans with this southern boundary hedgerow are acceptable.

9.6 Within the wildflower meadow twelve trees are proposed to be planted as a mix of native medium size trees, and large ornamental trees. Shrub planting would be around the base of the larger trees north of the proposed pond and along the south of the access road between the houses and green infrastructure. Hedgerow planting is now proposed to the east, west and south boundaries of the green infrastructure. As there would be no physical built structures in the GI, it is considered that the site would have the appearance of semi-natural open space and retain an open character typically associated in countryside areas. For these reasons it is considered that the proposal would not result in harm to the character and appearance of the wider countryside.

9.7 The applicant has proposed a wildflower meadow as part of the GI. At the time of the outline application GMEU recommended that a wildflower meadow should be provided for ecological enhancement purposes. The Council's Head of Public Realm and Environmental Sustainability has stated that consideration should be made for more formal green amenity space/natural play. This has been considered, however as the wildflower meadow would have the appearance of semi-natural open space, retain the open views from the wider countryside towards the housing to the north and respect the existing open character, and offer ecology benefits, it is considered that the provision of the wildflower meadow is appropriate. Furthermore the adjacent housing site to the east at St. Peter's Drive that was granted reserved matters consent in 2015 (15/00497/REMMAJ) also included a soft edge which was part grassland and part wildflower and bulb planting. Therefore, the provision of a wildflower meadow would resemble what has been approved on the southern edge of adjacent land. In terms of long term management of this GI a condition can be attached to ensure that a management plan is submitted and agreed should Members resolve to approve the application. Whilst a landscape management

condition was imposed on the outline permission, as this site does not fall within the parameters of that permission, it is necessary to impose a separate condition.

Ecology

9.8 The application site is not within an area of ecological designation. The proposal would however be on greenfield land. KDC8 of Policy SA1/11 relating to the allocation states that the site has no nature conservation designations, but potential ecological impacts should be considered due to the greenfield nature of the site and hedgerows. GMEU have stated that this application will lead to net ecological gain for this part of the site, although the proposed nest boxes are on trees that will not be large enough to provide secure nesting spots. As a result these are to be provided on the adjacent housing site instead. It is also recommended that all tree planting within the open space and the emergent planting in the SUDs pond be a native species. The applicant is in the process of amending documents to meet GMEU's comments. GMEU have also stated that there should be regular mowing of the wildflower grassland. The applicant has confirmed that they are in the process of updating the Landscape Management Plan to include the land subject to this application so that it includes wildflower meadow mowing details needed to enable the wildflower grassland to flower. Should this be received and agreed by GMEU before committee then an updated position on this issue will be reported to members, otherwise the suggested condition requiring a landscape management plan to be submitted and agreed for this application will remain.

9.9 GMEU commented on outline application 19/00348/OUTMAJ that rabbits were identified as present on the adjacent land to the, and an informative was attached to remind the application of the Wild Mammal Protection Act. As this land is immediately to the south and part of the same agricultural field, it is considered the same informative regarding mammal protection should be attached.

Flood risk

9.10 The site is located within Flood Zone 1 on the Environment Agency's Mapping Service and therefore has the lowest probability of fluvial flooding. As the site in conjunction with the adjacent site exceeds 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted.

9.11 The Council's Drainage Engineer has been consulted and has raised no objections in principle but states confirmation is required that United Utilities are prepared to adopt the Sustainable Drainage (SuDS) infrastructure for the sider development, including the attenuation pond proposed in this application, as part of a Section 104 agreement. United Utilities have responded to the application on land to the north raising no objection in principle and urging the applicant to engage with them over a detailed drainage design, to be submitted as part of the adoption agreement. UU have also confirmed for that application that they cannot state at this stage whether the SUDS feature would be adopted as they would have to wait for a S104 Agreement to be submitted to them and consider the details. They have not responded specifically to this application. The applicant has confirmed that it is their intention for the SuDS to be adopted by United Utilities in the same way that it is for roads and sewers to be adopted, but should it be the case that United Utilities won't adopt the SuDS then a Management Company would instead be used. Even if UU did not wish to adopt the SuDS feature then there is an alternative option for this to be privately managed. As the SuDS feature within this application would be serving the adjacent development then it would be included within the scope of the drainage conditions imposed on the outline permission, one of which requires management

details to be submitted and agreed. As such there is no reason to repeat this condition, and suitable management arrangements can subsequently be agreed once the applicant has confirmation on the UU adoption position.

10.0 CONCLUSION

10.1 Although this is a 'stand alone' application, its purpose is to provide the requisite Green Infrastructure to allow the proposed adjoining housing development to comply with Policy HP9 in respect of the provision of Green Infrastructure. The provision of green infrastructure on this site is considered to satisfy the requirements of policy SP4 as being appropriate development in the countryside as the majority would provide an opportunity for informal recreation use and there is a case for it to be here in order to enable the delivery of 30 units on the adjacent housing allocation. The scheme is considered to be visually acceptable and would not adversely affect the open and rural character of the countryside. It would also introduce ecology benefits. Therefore it is recommended the application be approved subject to conditions.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant full planning permission subject to conditions

Recommendation: Permit

Conditions: -

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 05.05.2020 including the following plans/documents:

- Drawing No. 102 Rev A Location Plan
- Drawing No. P105 Rev A Proposed Site Plan POS
- Drawing No. 109 Rev H Boundary Plan and Details

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 landscaping works shall be carried out in accordance with the approved details [Drawing No. 102 Rev E - Landscaping Layout POS and Drainage Tract Land Boundary, and Drawing No. 202 Rev D - Planting Plan POS and Drainage Tract Land Boundary].

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 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.

4. Prior to the commencement of development, a management and maintenance plan for the green infrastructure and all communal areas within the site shall be submitted to and agreed in writing by the Local Planning Authority. This plan shall cover features such as ponds, detention basins, hedgerows, grassland and planting areas. The plan shall also detail how long-term management of the green infrastructure will be resourced. The management and maintenance plan shall be implemented in accordance with the agreed details.

Reason: In order to ensure that communal areas of planting are managed in such a way as to safeguard their ecological benefits in the interests of biodiversity and the appearance of the site in accordance with the provisions of paragraphs 17 and 118 of the NPPF and Policies CDMP3, CDMP4 and HP9 of the Wyre Local Plan 2011-2031. 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.

5. The use of the land hereby permitted shall be for green infrastructure and drainage and all area(s) of open space designed to be publicly accessible shall thereafter be retained and maintained for use by the public.

Reason: In order to ensure that the use remains appropriate to this countryside location and remains available for public access in order to perform a functional green infrastructure role in accordance with Policies SP4, SP8 and HP9 of the Wyre Local Plan 2011-2031.

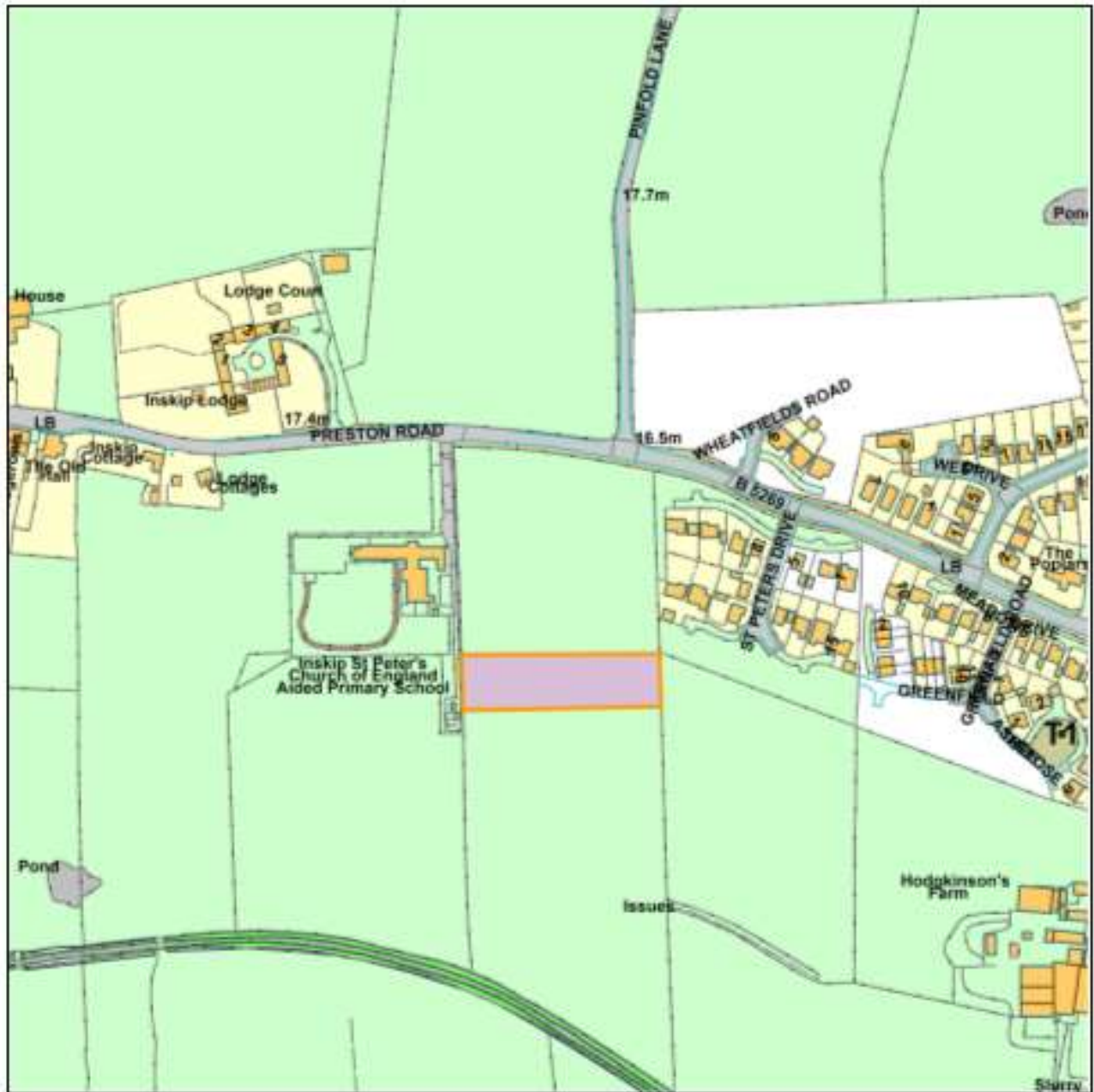
Notes: -

1. The applicant is reminded that, under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning consent does not provide a defence against prosecution under this act.

2. The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s)

Planning Committee

20/00381/FUL - Land south of B5269 Preston Road Inskip



Scale : 1:3214

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Organisation	Wyre Council	
Department	Planning Department	
Comments	Item 3	
Date	18 December 2020	
SLA Number	100018720	

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Committee Report

Date: 06.01.2021

Item Number	04
Application Number	20/00405/LMAJ
Proposal	Erection of 210 residential dwellings with vehicular access from Bourne Road and associated public open space and infrastructure.
Location	Land At Bourne Road Thornton Cleveleys FY5 4QA
Applicant	Mr Andrew Garnett
Correspondence Address	c/o Mr Philip Rothwell 4 Myrtle Street BOLTON BL1 3AH United Kingdom
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Karl Glover

1.0 INTRODUCTION

1.1 This application is before Members of the Planning Committee at the request of Councillor Emma Ellison. 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 extends to 5.09 hectares (12.57 Acres) and is located on the northern side of Bourne Road to the west of Hillhouse International Business Park. To the north and west of the site are the newly constructed residential dwellings off Willow Road and Birch Lane. To the south on the opposite side of Bourne Road is Butts Road, the former Burn Naze public house, children's play area and a large area of woodland. The site is bound to the east by the disused Thornton-Fleetwood railway line which is also a designated Biological Heritage Site (BHS).

2.2 The site was formerly occupied by Thornton Power Station which was constructed in 1953 by I.C.I and was used to power the adjacent Hillhouse plant. The power station was decommissioned in 1999 and subsequently demolished in September 2009. It is currently free from any buildings and is characterised as a brownfield site that is overgrown by self-seeded vegetation with areas of hardstanding remaining from the sites former use. There is an existing access point off Bourne Road along with high level railings along the southern boundary of the site. Along the north eastern and western boundaries are mature and semi mature trees.

2.3 In terms of topography the site is predominantly flat and lies approximately 5.8m Above Ordnance Datum (AOD). It is located within Flood Zone 3 and there is a culverted watercourse close to the northern boundary. A mains high pressure gas pipe runs through the site to the southern boundary and passes beyond the railway to the east. The site falls within a Health and Safety Executive (HSE) consultation zone. It is undesignated within the Wyre Local Plan (2011-2031) (WLP31).

3.0 THE PROPOSAL

3.1 The application seeks full planning permission for the erection of 210 residential dwellings with vehicular access from Bourne Road and associated landscaping and green infrastructure (GI). The proposed dwellings consist of 85 x 1 bed units, 53 x 2 bed units, 66 x 3 bed units and 6 x 4 bed units and comprise of apartments, bungalows, semi-detached and terraced properties. 21 units (10% of all dwellings proposed) on site would be secured as affordable rent. The site is to be accessed from a new access off Bourne Road and the site plan demonstrates visibility splays measuring 2.4m x 59m in both directions along with a secondary emergency access with demountable bollards located to the south western corner of the site. A new 2m wide footpath is also proposed along the site frontage and a footpath link is proposed on the northern boundary to allow access to the site adjacent.

3.2 The site layout is arranged in blocks separated by the main internal estate road which measures 5.5m in width. Along the length of the eastern boundary a 1.5m high acoustic earth bund is proposed with a 1.5m high close boarded timber fence on top. This bund is also proposed to provide ecological enhancements as well as noise mitigation. Within the site to the north and southern areas a total of 0.95ha of Green Infrastructure (GI) is to be provided by way of natural and semi natural amenity green space. The submitted Drainage Strategy proposes to discharge surface water into the existing culverted water course and foul water into the existing mains drains within Bourne Road. Boundary treatments comprise of a mixture of 1.5m and 1.8m high fencing along with brick pillars around the perimeter boundary to the north and west.

3.3 The planning application has been accompanied by the following supporting documents:

- Design and Access Statement
- Tree Survey
- Ecological Assessment including reptile survey
- Transport Statement
- Noise Assessment
- Flood Risk and Drainage Strategy including Flood Risk Sequential Test
- Contamination Report - Remediation Strategy
- SuDS Statement (Revised)
- Green Infrastructure Statement (Revised)
- Sustainability Statement
- Supporting Planning Statement
- Affordable Housing Statement

4.0 RELEVANT PLANNING HISTORY

4.1 The application site has the following relevant planning history:

4.2 07/00824/FULMAJ - Demolition of former ICI power station and associated infrastructure, and erection of 558 dwellings with access, car parking, public realm, open space and landscaping - Permitted

4.3 12/00074/LMAJ - Residential development consisting of 186 dwellings - Permitted. Following the discharge of conditions a technical start was made on this permission such that the permission remains 'live' and can be continued at any time.

4.4 12/00074/DIS - Discharge of conditions 8, 10, 11, 13, 16 relating to planning application 12/00074/FULMAJ - Spilt decision (further information required in relation to contamination)

4.5 Within the immediate vicinity of the site the following planning history is of relevance:

4.6 10/00215/FULMAJ - Erection of 267 dwellings with associated access, parking, public open space and landscaping - Permitted

4.7 11/00560/FULMAJ - Change of house types to 111 dwellings and erection of 2 additional dwellings - with associated access, parking and landscaping. Variation to planning permission 10/00215/FULMAJ- 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 application:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- 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
- CDMP5 - Heritage Assets
- CDMP6 - Accessibility and Transport
- HP1 - Housing Land Supply
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Developments
- LPR1 - Local Plan Review

5.1.3 In accordance with the National Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF) §73, the council must be able to demonstrate a 5 year housing land supply position (with a 5% buffer) when dealing with applications and appeals. The latest available evidence on housing delivery is that set out in the council's APS submission for 2020 which demonstrates a deliverable housing land supply position of 5.9 years. The council's 5 years housing land supply position has recently been considered by an Inspector and even if the Inspector's conclusions were accepted in full there would be a housing land supply position of a minimum 5.2 years (including a 5% buffer). There is therefore full confidence that the council is able to demonstrate a deliverable 5 year housing land supply.

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.2.1 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

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
- Guidance for Applicants - Green Infrastructure in New Residential Developments (Policy HP9)
- Guidance for Applicants - Flood Risk Sequential and Exceptions Test advice note

5.4 FURTHER RELEVANT PLANNING POLICIES/LEGISLATION/GUIDANCE

5.5 National Planning Practice Guidance (NPPG)

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

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

5.8 The Wildlife and Countryside Act 1981 (as amended)

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.1.1 No objections subject to conditions and a £6,000 contribution towards travel plan support. Off-site highway works required include a 2m wide footpath to the site frontage and two new bus shelters on Fleetwood Road North at the existing bus stops near "The Iron Horse" PH. The revised sightlines are now considered to be acceptable and the internal spine road is considered to be to an adoptable standard. Management and maintenance of the private roads will be required as they would not be suitable for adoption.

6.2 LANCASHIRE COUNTY COUNCIL (EDUCATION)

6.2.1 Based on the latest assessment (2/11/2020) an education contribution is not required.

6.3 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.3.1 No observations received at the time of compiling this report

6.4 ENVIRONMENT AGENCY

6.4.1 Initially objected on the basis that the Flood Risk Assessment (FRA) was insufficient. Following the submission of revised information and a subsequent FRA the objection has been removed subject to a condition requiring the development to be undertaken in accordance with the mitigation measures set out within the FRA.

6.5 HEALTH AND SAFETY EXECUTIVE (HSE)

6.5.1 Advise Against - HSE believe there are sufficient reasons on safety grounds to advise against the granting of planning permission. Should the application be approved then a further 21 days should be provided to allow HSE to consider whether or not they will request the Secretary of State to call in the planning application for determination.

6.5.2 Officer note: Although HSE state that they believe there are sufficient reasons on safety grounds to advise against the granting of planning permission, they have not, despite officer requests, provided those reasons.

6.6 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.6.1 Initial response requested further information to be submitted in relation to reptiles and advised the proposed development would not cause harm to the special nature conservation importance of Morecambe Bay and Duddon Estuary European designated sites (SPA, SAC and Ramsar) or the Wyre Estuary SSSI. However as requested by Natural England a Habitats Regulation Assessment (HRA) has been undertaken, and to mitigate against the development it is suggested that a condition requiring new residents to have homeowner information packs describing the recreational disturbance of birds be attached along with conditions relating to lighting and the submission of a Construction Management Plan. Revised response states the additional reptile survey information confirms that the site supports a good population of common lizards, a specially protected species, and that a strategy has

been put forward for mitigating potential harm to lizards and compensating for habitat losses. GMEU require a condition requiring this strategy to be implemented. Acknowledge the bund would support suitable habitats however recommend that more provision is made for greenspace either on or off site to compensate for habitat losses and that a detailed landscape scheme is required to include opportunities for biodiversity net gain.

6.7 UNITED UTILITIES

6.7.1 The proposals are acceptable in principle subject to conditions.

6.8 HIGHWAYS ENGLAND (HE)

6.8.1 No objections - It is noted that the site is already subject to planning consent for 186 units that is said to have commenced and as such can be classed as committed development. Therefore the additional dwellings would not be likely to make any material difference to the operation of the A585/Bourne Way junction. Also acknowledge significant upgrades that have been made to this junction.

6.9 NATURAL ENGLAND (NE)

6.9.1 Following the submission of the Habitats Regulations Assessment (HRA) NE raise no objection subject to appropriate mitigation being secured.

6.10 NHS FYLDE AND WYRE CLINICAL COMMISSIONING GROUP (CCG)

6.10.1 To mitigate against the development an appropriate financial contribution towards the refurbishment and/or reconfiguration of Thornton medical centre is necessary, this equates to £49,496.

6.11 NETWORK RAIL

6.11.1 Response sets out the requirements which must be met to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the railway.

6.12 LANCASHIRE FIRE AND RESCUE SERVICE

6.12.1 No observations received at the time of compiling this report

6.13 CADENT GAS

6.13.1 As long as no works interfere within the easement or permitted build distance of the High Pressure pipeline Cadent would return a not affected comment. All works should still follow the relevant safety guidelines.

6.14 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.14.1 Objects on the basis that the proposal involves the culverting of a main river watercourse and also an ordinary watercourse. There are no objections to the proposed levels. Future management and maintenance of the culverting must be provided to prevent flooding up stream.

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

6.15.1 The submitted remediation strategy is considered to be generally acceptable, however it does recommend an additional site investigation and risk assessment is carried out into areas of the site not yet investigated. The additional site investigation should focus on areas of hardstanding and the southern extent of the site. The additional investigation and risk assessment should be carried out prior to the finalisation of the remediation strategy. This information should be subject to regulatory review prior to the discharge of the associated site investigation and remediation planning conditions. It is critical that each stage of additional investigation, risk assessment and preliminary remediation is reported and subject to regulatory review prior to the onset of the following stage. All investigation and risk assessment should be completed prior to the onset of remediation and prior to any construction activities taking place. Upon completion of the remediation works, a verification report should be produced detailing the nature of the remediation and mitigation. In order for further investigation of the site and remediation/validation works to be fully assessed by expert consultants and to ensure the site is safe and suitable for use it is considered reasonable and necessary to secure a financial contribution of £10,000 towards ongoing monitoring in relation to the site contamination.

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

6.16.1 The revised noise assessment has been considered. A number of properties are noted to be affected however subject to a condition requiring the noise mitigation measures set out in the report being undertaken then there is no objection.

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

6.17.1 No issues identified in relation to air quality

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

6.18.1 Initially raised concerns at the lack of information provided and the amount of trees being removed. Following a further site visit it has been confirmed that the site mostly comprises of low retention grade C trees and that there will be a loss of a number of moderate retention (grade B) trees and the majority of low retention trees. Acknowledges the moderate trees alongside Bourne Road to the south east end of the site are to be retained and a tree protection plan submitted is sufficient. The proposed Landscaping plan that has been submitted is acceptable and the design puts forward a quality scheme with thought given to include native species to assist with biodiversity enhancement. The inclusion of reptile hibernacula is also welcomed.

6.19 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL
SUSTAINABILITY (PARKS DEVELOPMENT TEAM)

6.19.1 As the onsite provision is deficient then the remaining amount of Green Infrastructure (GI) should be provided by way of an off-site financial contribution. This equates to £209,184.90 and the recreational fields at the junction of Bourne Way/Fleetwood Road is the identified project for the monies to be used. This facility will cater for younger and older children.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there have been 32 letters of objection received. The primary planning reasons for objection are set out below:

Principle

- 100% Affordable Homes will have a huge impact upon house prices in the locality
- Insufficient infrastructure in the area - Impacts upon schools and health services
- No need for new houses to be built

- Residential Amenity
- Loss of privacy
- Noise impacts

Highway Impacts

- Increase in Traffic on Bourne Road
- Impacts upon Beech Drive and Hawley Gardens - Junction already dangerous
- Cumulative impacts of the proposal and Thornton Football Club
- Severe improvements to footpaths is required along Bourne Road
- Bourne Road cannot support additional traffic
- Bourne Road is a private un adopted highway
- Bourne Road Heavily used by HGVs
- Impacts upon emergency vehicles

Other

- Loss of trees and habitats
- Impacts upon local wildlife
- Impacts upon Hedgehogs, foxes, breeding birds, Bats, Deer's, hares
- Lack of consultation
- Vast amount of Hog weed on the site
- Existing estates should be finished off before any new sites
- Flooding
- Increase in risk of anti-social behaviour
- Hawley Gardens residents should have been consulted on the proposal
- Railway is not properly fenced off causing increase in crime

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. Meetings have been held to discuss concerns with regards to the proposed layout and other matters relating to consultation responses including highways and green infrastructure provision, there have also been discussions in relation to financial contributions and planning obligations, agreement of conditions and extension of time until 6th January 2021.

9.0 ISSUES

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

- Principle of Development
- Housing Mix and Affordable Housing
- Green Infrastructure
- Visual Impacts, Design and Layout
- Highway Matters
- Impacts upon Residential Amenity
- Flood Risk and Drainage
- Ecological Matters and Trees

Principle of Development

9.2 Planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Policy SP1 of the Local Plan (WLP31) outlines the development strategy for Wyre. It establishes a settlement hierarchy and directs the majority of growth and development to within settlement boundaries. The application site is undesignated land which lies within the settlement boundary of Thornton. Thornton is identified as an 'urban town' at the top of the settlement hierarchy, where 48.6% of housing growth is expected during the plan period.

9.3 The principle of residential development on this site has already been established through the approval of planning application 12/00074/FULMAJ for 186 dwellings. This permission is considered to be extant as a technical commencement of development was undertaken in July 2015. Furthermore all pre commencement conditions had been agreed with the exception of further investigation works being carried out in relation to contamination/remediation. Although this proposal seeks permission for 24 additional units to that previously approved, in land use planning terms the development of this brownfield site within the settlement boundary is considered to be acceptable and an appropriate form of development.

9.4 Although the previous scheme was approved at the time of the former Wyre Local Plan (1999-2011) was in force the site has no special policy status in the more recently adopted WLP31 (it is 'undesignated land') and it is not safeguarded land that is protected from development for the current Plan period. Policy SP1 (criterion 4) states 'development within settlement boundaries will be granted planning permission where it complies with the other policies of this Local Plan'. This denotes an acceptance in principle of residential development within settlement boundaries, and as previously set out, Thornton is one of the principle settlements in the Borough to which a significant proportion of the Plan period development is directed.

9.5 Policy SP2 of the WLP31 sets out that new development should contribute to the continuation or creation of sustainable communities in terms of location and accessibility along with the requirement to respond to the challenge of climate change through appropriate design. Sustainability is also a material consideration requirement of the NPPF. In this turn the application site is geographically located within a reasonably accessible location to many services and community facilities available in Thornton. Approximately 0.5m to the south is the sports and recreational facilities at Poolfoot Farm, towards the west north of the junction with Bourne Road

and Fleetwood Road North is the Iron horse Public House and restaurant and south of the junction is the recently established Co-op convenience store. Fleetwood Road North (which is located approximately 600m to the west of the site entrance) forms a key public transport corridor and provides good access to regular bus services as well as pedestrian and cycle networks. As part of this application a new pedestrian footpath running the length of the site frontage is proposed which is anticipated to link into the footpath to be provided for the Barratts Housing site to the west and eventually provide a continued pedestrian footpath to Fleetwood Road North. Given the close proximity to local shops and services, as well as employment, the site is considered to be in a sustainable location in principle for residential development.

9.6 Policy SP2 (Criterion 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. The applicant has provided a supporting statement outlining how the proposal would satisfy this policy. This includes meeting the Standard Assessment Procedure (SAP) for building regulations which considers various parameters to calculate the energy performance of a dwelling. Other measures include energy efficiency measures, use of building fabric, lighting appliances and usage and the re use and efficiency of water within the site. Along with the use of Sustainable drainage measures other Water saving devices include:

- Provision of water saving baths
- Provision of water butts to all houses
- Flow restrictors on heating and cold water system to throttle the supply of water to the house
- Deep flow rainwater gutters to slow the passage of water into the drainage system

9.7 To satisfy Policy SP1 new development must comply with other relevant policies of the WLP31. These are discussed in turn below.

Housing Mix and Affordable Housing

9.8 Policy HP2 of the WLP31 requires new housing developments to widen the choice of housing types 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 setting out a need for 38% 1 and 2 beds, 43% 3 beds and 18% 4+ bed units. Out of the 210 units proposed, 40% would be 1 bed, 25% 2 bed, 31% 3 bed and 4% 4bed. The mix proposed is not strictly in accordance with the SHMA as it comprises a higher proportion of smaller units compared to the 3 or 4 beds. However the provision of smaller properties is in line with the overall SHMA objective and is therefore acceptable. Also within Policy HP2 it 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. This equates to 42 suitable or adaptable units in this case. The supporting statement states that 20% of the dwellings will be adaptable for older persons and they will be located in the most accessible location for services and facilities. This can be secured by reason of condition and in accordance with the details submitted by the applicant.

9.9 Whilst the supporting documentation sets out the scheme will be providing 100% affordable properties, Policy HP3 of the WLP31 requires 10% affordable housing on brownfield site in Thornton and this amount will be secured in the section 106 agreement. As such whilst the applicant may choose to provide more than this, very little additional weight should be given to the provision of additional affordable homes over the 10% in the overall planning balance. The Council's Affordable Housing Officer has advised that the proposed affordable rent tenure is acceptable and the house types would be appropriate. The applicant has identified the location of the 21 affordable units (10%) to be secured in the section 106 agreement. As they are sporadically located and are not grouped together in one location their siting is considered to be acceptable. The scheme would comply with Policy HP3 of the WLP31.

Green Infrastructure (GI)

9.10 Policy HP9 of the WLP31 requires developments resulting in a net gain of 11 dwellings or more to make appropriate provision of green infrastructure (GI) on site. Where appropriate, however, the Council can alternatively seek a financial contribution towards improving the quality and accessibility of nearby green infrastructure in lieu of on-site provision. In this instance based on the housing mix proposed for 210 dwellings, a total of 1.49ha of GI is required to be provided. The application would provide 0.95ha of GI on site comprising of amenity/natural green space and ecological enhancements located to the northern and southern boundaries along with the landscape bund making up the eastern boundary. Given the sites location and the density proposed it has been accepted that the deficit of GI provision can be provided by reason of an offsite financial contribution equating to £209,184.90. This would go towards the cost of improving public open space at the Junction of Bourne Way and Fleetwood Road which is within a reasonable walking distance of the site, and should be secured within the section 106 legal agreement. Furthermore along the northern boundary a pedestrian connection to the adjoining site has been demonstrated this will allow pedestrian connectivity to the future play area and equipment. Whilst it has not been delivered on site to date the play area does benefit from planning permission and is a requirement of the terms of approval of planning application 11/00560/FULMAJ.

Visual Impacts, Design and Layout

9.11 Policy CDMP3 of the WLP31 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.

9.12 In terms of ensuring the development is integrated into the wider built environment the development of this brownfield site would form a continuation and natural expansion to the residential properties to the north-west. The layout as proposed follows a similar block structure to that development and would have a similar visual impact. It is also considered that the proposal would assist in visually enhancing what is considered to be a run down and overgrown brownfield site. Whilst

this application proposes more units than that of the extant permission on the site, it is considered to provide a more attractive layout with improved spacing and visual breaks between dwellings.

9.13 The original layout submitted was for a higher density of 225 units which failed to comply with the spacing guidance set out in SPG4 and offered a poor layout. Officers have since worked with the applicant to achieve an improved scheme. This has resulted in the reduction of units to 210 dwellings. The amendments include the setting back of the dwellings immediately adjacent to Bourne Road and the re location of the 3 Apartment blocks into the site so when entering they appear more as a gateway feature than dominant structures at the site access as originally proposed. Spacing between units has been improved with more parking provision to the side of dwellings to prevent dominant frontage parking and make more attractive street scenes. The breaking up of car parking spaces and introduction of landscaping throughout has also been provided. The revised layout now satisfies SPG4 with 21m being achieved between the front/rear of dwellings and 13m being achieved where the side elevations face front/rear elevations. Rear gardens are also generally 10-10.5m in depth. Bin storage has been amended to remove them from the frontages where possible. Based on the final revised layout the scheme is now considered to be acceptable. The applicant has also provided street scene sectional drawings which demonstrate that the visual breaks, separations and variation in ridge heights including on the apartment blocks would not have any detrimental impacts upon the character of the area. To accommodate the site remediation requirements and to overcome the objections from the Environment Agency the ground levels across the site are proposed to be raised by approximately 0.40m Above Ordnance Datum (AOD) with the dwellings shown to have FFL of approximately 6.60M AOD. Having reviewed the overall heights of the dwellings including the 3 storey apartments taking into consideration the raising of the levels, it is still considered that the heights would not result in any adverse visual impacts. Having reviewed the application adjacent to the north-west, the proposal would sit at a similar level. Full details of levels should be conditioned accordingly.

9.14 Whilst the developer is intending the scheme to be 100% affordable housing the design and appearance of the house types including the apartments is not seen to be compromised. The house types are made up of detached, semi-detached, terraced dwellings, apartments and bungalows which provides for a wide variety of styles. The submitted materials schedule identifies that they will be externally constructed using 3 contrasting red bricks Ibstock Alderley Russet blend, Calderstone Claret and Ravenhead smooth along with white k rend to be used for first floor. Based on the materials distribution plan provided it is considered that the different external finish of the red bricks will provide an acceptable contrast and will offer visual interest throughout the site. Each of the house types will have decorative brick heads and cills to the front elevations including above doorways along with centralised band courses, again with a variation in brickwork. These features will provide some character to the properties and will be similar in design and appearance to other new dwellings already built to the west of the site. The materials schedule submitted including the roof materials, windows and doors and rainwater goods are all seen to be acceptable and would comply with the design requirements set out in CDMP3 of the WLP31.

9.15 The application has been accompanied by a boundary treatment plan. The boundary treatment plan submitted demonstrates that the proposed boundary treatments will comprise of a mixture of 1.8m high close boarded fencing with brick pillars in-between and for party boundaries a 1.5m high close boarded fence is proposed. All site frontages are proposed to remain open plan, this too should be

conditioned. A landscaping plan has also been submitted which demonstrates new areas of planting and green spaces and includes biodiversity improvements. In particular the areas surrounding the apartments and the areas between the site frontages soften the visual impacts of the proposal. The Council's Tree Officer has advised that the planting specifications are adequate. Along the eastern boundary a 1.5m high earth bund with a 1.5m high timber panel fence on top (3m in total) is proposed to provide an acoustic barrier from the activities associated with the Hillhouse Enterprise Zone and also provide a wildlife corridor. Visually the bund will provide sufficient screening from distant views from the east and when landscaped with wildflowers as proposed would provide a visual enhancement.

9.16 Following further amendments the site layout is now considered to provide sufficient parking provision to satisfy the requirements of Appendix B of the WLP31 and also bin storage and cycle storage is demonstrated. An electrical substation is shown towards the south western corner of the site and the elevation plans confirm this would be 2.5m high and coloured green which is visually acceptable. Overall the layout and design of the development including materials are considered to be acceptable and would sit well within the context of the surrounding area. In turn the proposal is seen to satisfy Policy CDMP3 of the WLP31 and design guidance set out within SPG4.

Highway Matters

9.17 Bourne Road is currently an un-adopted private road with a recommended speed limit of 20mph. Along the site frontage there is a 1.2m wide verge and on the opposite side of the highway there is a 1.35m wide footway with a 2.8m wide verge to the rear. Bourne Road benefits from (un-adopted) street lighting and measures approximately 8m in width. A Transport Statement (TS) has been submitted in support of the application which provides information on the existing site and the extant developments and also the traffic impacts and an analysis of road safety in relation to this application proposal. Lancashire County Highways have advised that they agree with the submitted TS and confirm that there has not been any reported incidents along Bourne Road and that the highway network along Bourne Road is considered to have a good accident record which indicates there are no underlying issues which this proposed development would exacerbate, providing a safe access to the site can be achieved for all users.

9.18 In terms of highway capacity LCC Highways and Highways England have raised no concerns and both consultees acknowledge that permission has previously been granted on this site for 186 dwellings and as such the additional 24 units proposed would not result in any capacity issues on the highway networks. The site access is to be taken from Bourne Road and the site plan submitted demonstrates visibility splays of 2.4m x 59m in each direction which the Highways Officer has confirmed is acceptable for a 20mph speed restriction and that based on the submitted plans the proposed geometry to the site access is to prescribed design standards for this size of development for all highway users.

9.19 The submitted site plan demonstrates that a new 2m wide pedestrian footpath for the majority of the site frontage is to be provided. LCC Highways have raised concerns about the lack of a continuous footpath along the northern side of Bourne Road, however it is acknowledged that as part of the Legal agreement attached to the adjacent Barratt's development (application 10/00215/FULMAJ) a footpath was required to be installed which would provide a continuous link from the application site towards the junction of Bourne Road and Fleetwood Road. Whilst this footpath has not been delivered to date there is an enforceable planning mechanism

to pursue and to ensure it is provided to ensure a continuous length is achieved. Planning permission has also been granted under 19/00347/FULMAJ for residential development on the site of the former Thornton Football Club. That application also requires a footpath to be provided along its site frontage. Implementation of these applications would provide a continuous pedestrian connection along the northern side of Bourne Road. As part of the offsite highway works LCC have requested that two bus shelters are provided at the existing bus stops near the Iron Horse public house on Fleetwood Road North, this can be conditioned accordingly and will be undertaken as part of the Section 278 works. As monies were secured for the dwellings constructed to the north-west towards sustainable transport there is no request for this application to also provide a financial contribution.

9.20 Internally the main site spine road is considered to be acceptable and would be to an adoptable standards. The feeder roads would not be acceptable for adoption and so full details of their management and maintenance should be conditioned. Numerous revisions have been made to ensure that sufficient parking provision is provided for each dwelling. At least two off road parking spaces would be provided for each property and 1 per 1 bed apartment. This would comply with the Council's parking standards set out in Appendix B of the WLP31. The parking generally provides one space to the side/rear or to the front of the dwellings. In some instance double frontage parking has been proposed although this is not an overly dominant feature in the street scene. LCC Highways have raised concern about the parking along the private roads for plots 73 to 86, 101 to 111, 113 to 129 as visibility is required across the adjacent properties land. The removal of permitted development rights for all fences and walls to the front of the houses to protect the visual amenity of the area would also overcome this highway concern.

9.21 An electronic vehicle charging point (EVCP) plan has been submitted showing all of the dwellings provided with EVCP sockets with the exception of the apartment blocks. Policy CDMP6 of the WLP31 requires these to be provided for all units unless demonstrated to be impractical. The agent has advised that it is not practical to supply EVCP for the apartments as the driveways and parking spaces are detached from the dwellings and there would be ongoing dispute over who would fund them along with management concerns from the Registered Provider managing the site. This is considered to be a reasonable and acceptable justification. The ECVP identified will be conditioned accordingly. Subject to conditions it is considered that the proposal satisfies Policy CDMP6 of the WLP31 and SPG4.

Impacts upon Residential Amenity

9.22 Policy CDMP3 of the WLP31 sets out that new development must not have an adverse impact on the amenity of occupants and users of nearby properties and must provide a good standard of amenity for the occupants of the development itself. Located towards the north and western boundaries of the site are the residential dwellings constructed under application 10/00215/FULMAJ. The dwellings with potential impacts are the ones which back on to the site from the cul-de-sac of Willow Road to the west and Birch Lane to the north. An assessment of the impacts is set out below.

9.23 No 1 Willow Road is a 2 storey end terraced property with a side elevation facing onto the rear garden of plot 106. There is also approximately 21m from its side elevation to the rear elevation of plot 123. Given the interface distance it is not anticipated there will be any adverse impacts upon the amenity of this dwelling by reason of overlooking or loss of privacy. The existing tree cover to the east will be

removed however the 1.8m high boundary treatment will provide adequate screening along with new landscaping.

9.24 Nos 15-19 Willow Road back on to the proposed private turning head and drives to the east as such they will not be affected by the new dwellings. No 19 will side face on to the rear elevation/garden of Plot 85 however there will be an interface distance of 16m which exceeds the 13m set out in SPG4 between a 2 storey side and rear elevation. Nos 25 and 34 Willow Road will also be unaffected. No 25 is a flat over a pair of garages and No 34 will side on to a private road so will not be overlooked. Subject to conditioning the boundary treatment and where required any side facing first floor windows to be obscure glazed it is not anticipated that any of the properties on Willow Road will have any significant impacts upon amenity as a result of the new development.

9.25 The dwellings which back onto the north western corner of the site are separated by the area of proposed Green Infrastructure and as such the interface distances are such that there will be no overbearing adverse impacts or overlooking and loss of privacy. On this basis the proposed development is not considered to result in any harmful adverse impacts upon existing neighbouring residential amenity.

9.26 There are no other residential units that would be impacted upon as a result of the proposal. Turning to impacts upon occupants of the proposed dwellings, initial concerns were raised during the application process in relation to the overall density which resulted in an unacceptable relationship between dwellings. Following a number of revisions the proposed layout now provides a policy compliant layout where interface distances along with boundary treatments would meet the guidance set out within SPG4.

9.27 Given the site's location adjacent to the commercial Hillhouse Enterprise Zone to the east and elevated levels of traffic noise to the south a Noise Assessment (NA) has been submitted to assess the impact on the residential dwellings. The Council's Environmental Health Officer has advised that the report submitted is acceptable and subject to implementing the recommended mitigation measures the impact from road noise and noise from the industrial site will not be unacceptable and will ensure the development can meet the relevant industry guidelines. It is noted the properties closest to Bourne Road along the site frontage have been amended to be set back to reduce potential impacts arising from noise. Planning conditions should be applied to ensure the mitigation measures proposed within the NA are implemented. This includes the provision of the 3m high combined bunding and fence along the eastern boundary along the railway line, solid 1.8m high timber panel fencing for those gardens exposed to noise from Bourne Road and uprated glazing combined with through-window trickle ventilation units for windows with facades closest to Bourne Road.

Flood Risk and Drainage

9.28 The application site is located within Flood Zone 3 as identified on the Environment Agency Mapping system which is defined as having a high probability of flooding in the NPPG, and the proposed development is classified as a more vulnerable use. The application has been accompanied by a drainage layout plan, a Sustainable Drainage Strategy and a site specific Flood Risk Assessment. The plans submitted show that the proposed surface water for the site will be discharged via the existing culverted main river watercourse to the northern boundary at a controlled discharged rate of 62.4l/s through a hydrobrake. An onsite attenuation basin is proposed to the south and spread out within the site 4 underground cellular

attenuation tanks are also proposed. Cut off surface water drains along the northern and western boundary are also shown to prevent run off on to the adjacent properties. Centrally located towards the western side of the site an existing ordinary watercourse is planned to be relocated and culverted running adjacent to the site boundary. Whilst the Lead Local Flood Authority have not provided any response to the application, the Council's Drainage Engineer has raised an objection to this watercourse being culverted due to potential management and maintenance issues which could arise which may ultimately result in flooding up stream. These comments are acknowledged and whilst it is not common practice for officers to go against the professional advice from the Drainage Engineer in this instance a reasonable and pragmatic approach is to be applied as part of the overall planning balance. As set out within this report the site benefits from an extant permission which could be implemented in accordance with the approved details. Upon reviewing the previously approved drainage plan the same watercourse is also proposed to be culverted to accommodate surface water in this location. Furthermore when viewed on site, what shows as a watercourse on plans does appear as a blocked and overgrown depression currently providing little benefits. Outside of the planning process the applicant would be required to apply to Lancashire County Council for consent to undertake this culvert. Overall on balance, whilst it would be preferable to see the open watercourse remain in situ taking into consideration the factors highlighted above officers are of the view that subject to full technical details being submitted the proposed surface water scheme would be acceptable. The applicant has also satisfactorily demonstrated that they have investigated that the hierarchy set out in the NPPF and NPPG has been considered and that the site is not suitable for infiltration techniques. Foul waters are proposed to be connected to the existing mains foul drain located within Bourne Road. Whilst drainage details have been submitted a condition requiring full details of management and maintenance and full technical drainage plans including run off discharge rates is to be attached.

9.29 In terms of Flood Risk the Environment Agency (EA) initially raised an objection to the submitted FRA, as a result the applicant provided further details including existing culvert plans and proposed drainage layouts along with an addendum. This has allowed the EA to remove their objection and based on the information submitted they are satisfied that the development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere subject to mitigation measures set out within the FRA being conditioned accordingly. These include the Finished Floor Levels (FFL) being set at no lower than 6.6m AOD and the implementation of all flood resilience measures proposed. With regards to the FFL these will be similar to those of the development already constructed to the north-west of the site, and the Council's Drainage Engineer advises that whilst these are relatively high, as they are similar to the land adjacent there is no objection.

9.30 Given the site is within Flood Zone 3, the NPPF (Para 157-159) states that a sequential test must be applied with the aim of steering development to areas with the lowest risk of flooding, and where necessary, the Exceptions Test should be applied. This is supported by policy CDMP2 of the WLP31.

9.31 A sequential test has been submitted by the applicant, covering the whole Wyre borough area for comparator sites. The submitted sequential test has included consideration of comparator sites that are +/-10% of the application site area which would accord with the Council's guidance. This equates to a comparator threshold of 4.56ha - 5.57ha. Sites with a capacity of 189-231 units have also been considered. The submitted sequential test has considered the most recent Housing Land Monitoring Report, Strategic Housing Land Allocations Assessment and sites

marketed by land agents in a search for comparator sites including internet based searches.

9.32 Whilst 23 comparator sites are identified within the Sequential Test, a majority of these are at similar or greater risk of flooding and have been screened out, and the remaining have either already commenced on site or been completed, had discharge of conditions or reserved matters applications submitted or have no planning permission in place and are on sites outside the settlement boundary or with other policy constraints. On this basis, the application is considered to pass the sequential test and demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

9.33 In accordance with the NPPF, where the sequential test has been passed, the exceptions test applies to more vulnerable development which includes this scheme. For the exception test to be passed it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh flood risk and the development must be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere. The submitted exception test outlines social and economic sustainability benefits of the development including positive contributions to Thornton Cleveleys by the redevelopment of a brownfield site in close proximity to nearby services and facilities. Whilst some of the benefits listed carry minimal weight overall the applicant has demonstrated wider sustainability benefits to outweigh flood risk harm. The second part of the test requires an acceptable Flood Risk Assessment (FRA). The (revised) FRA submitted has been deemed by the Environment Agency to demonstrate that the development will be safe without exacerbating flood risk subject to mitigation measures. As such the exceptions test is passed. Overall, the application is considered to have no unacceptable impact on flooding and drainage and would accord with Chapter 14 of the NPPF, NPPG on 'Flood Risk and Coastal Change' and Policy CDMP2 of the WLP31.

Ecological Matters and Trees

9.34 The application has been accompanied by an Ecological Assessment and additional reptile survey. Greater Manchester Ecological Unit (GMEU) have confirmed that the survey is acceptable and has been undertaken by an appropriately qualified specialist. As the application site is located within 500m of the Morecambe Bay and Duddon Estuary European designated site and the Wyre Estuary SSSI both GMEU and Natural England have advised there is a requirement for a Habitats Regulations Assessment (HRA) to be undertaken. This has been provided and GMEU have analysed why impacts from the development are considered unlikely including that the site does not support habitats generally suitable for bird species associated with the Bay or Estuary. To mitigate against the development a condition requiring new residents to be issued homeowner information packs describing the significance of the area and the risk of recreational disturbance to birds is recommended along with conditions relating to lighting and the submission of an Environmental Construction Management Plan (ECMP). Natural England have confirmed that they agree with the HRA findings and conditions proposed by GMEU. Therefore the proposal is unlikely to cause any harm to the special nature conservation importance of the Morecambe Bay and Duddon Estuary European designated sites (SPA, SAC and Ramsar) or the Wyre Estuary SSSI.

9.35 Immediately adjacent to the eastern boundary is the Fleetwood Railway Branch Line Biological Heritage Site (BHS) which is designated because it supports

linear botanically rich habitats. GMEU raised concerns about the proposed acoustic bunding which is proposed to be engineered adjacent along the entire boundary. Following further details of its construction and height and confirmation that the bund is to provide habitat enhancements with the planting of wildflowers GMEU agree that this provides an acceptable form of mitigation.

9.36 A number of concerns have been highlighted in the neighbour representations with regards to wildlife and protected species. These observations are acknowledged. GMEU requested further information to assess the potential impacts upon habitats including the impacts upon reptiles and nesting birds. Following the submission of the additional surveys GMEU have advised that the submitted landscaping plan is considered to be acceptable and whilst they consider there to be a lack of greenspace what is being provided is considered to be appropriate as it incorporates a number of biodiversity enhancements including installation of bird and bat boxes and hedgehog highways into the scheme. The submitted reptile survey has confirmed that the site supports a good population of common lizards which is a specially protected species. The submitted strategy for mitigating the potential harm to lizards and for compensating habitat losses should be conditioned to be implemented in full.

9.37 In terms of tree and vegetation the site comprises predominantly of bare ground with developing young woodland and scrub. The Council's Tree Officer has reviewed the submitted Tree Survey and visited the site and has advised that the site mostly comprises of low retention Grade C trees. To accommodate the development and the sites remediation it is noted that the survey requires the removal of a number of Grade B (moderate retention) trees along with the majority of Grade C trees. However the Grade B trees alongside Bourne Road at the South Eastern end of the site are to be retained and the submitted tree protection plan is sufficient to be followed to achieve suitable tree protection subject to temporary fencing being installed. The Tree Officer has confirmed that the submitted Landscaping Scheme provides sufficient detail in terms of specifications and schedules relating to new soft landscaping. This landscaping scheme can be conditioned accordingly. The proposal accords with paragraphs 174 - 177 of the NPPF and Policy CDMP4 of the WLP31.

Other matters

Gas Pipeline

9.38 The proposed development site lies within the Health and Safety Executive (HSE) consultation zone of National Grid Pipe line (6805_1082) Brock/Thornton. The high pressure gas main runs close to the boundary at the southernmost part of the site for approximate 15m before leaving the site to the east under the disused railway and into the Hillhouse Enterprise before running north. The submitted plans denote a non-build area and easement to protect the gas pipeline. Cadent Gas has responded and advised that they are of the view that as long as no works interfere within the easement of the high pressure pipeline then they would provide a "not affected" consultation response. Whilst the layout plans do not indicate that it would be, ultimately the applicant is responsible for ensuring this easement isn't breached.

9.39 As the site falls within the HSE consultation zone an assessment of the development using the HSE web application has been undertaken. This response provided an 'Advise against' response and as such further consultation with HSE was required. HSE remain of the view that there are sufficient reasons on safety grounds for advising against the granting of planning permission due to the potential for harm to people at the proposed development site. Having reviewed the extant permission

where residential units are approved to be sited closer to the pipeline and taking into consideration that Cadent Gas do not advise against the proposal subject to works being carried out in accordance with their guidance, officers are of the opinion that on balance the HSE 'Advise Against' response would not be a sole reason for refusing this application. In accordance with Section 9 paragraph 72 of the Planning Policy Guidance on Hazardous Substances if the Council is minded to approve the development against the HSE advice they should allow an additional 21 days from notice to HSE to consider whether to request that the Secretary Of State call in the application for their own determination. Therefore should Members be minded to approve the application then the HSE would be re consulted for a decision on whether or not to request the application is called in.

Contamination

9.40 Policy CDMP1(B) of the WLP31 sets out that in the case of previously developed or other potentially contaminated land a remediation scheme should be secured which will ensure that the land is remediated to a standard which provides a safe environment for occupants and users and does not displace contamination. Given the nature of the previous uses on this site there has previously been extensive historic investigation undertaken in consultation with the Council's Environmental Health Officers and the Environment Agency. As set out in paragraph 4.4 previous reports including a remediation strategy have been agreed as part of the previous application (12/00074/DIS) however since then further assessments have needed to be undertaken. As part of this application a remediation report has been submitted and assessed by the Environmental Health Officer who advises that further investigatory and risk assessment works are required prior to commencing remediation on site. This can be addressed via conditions. In addition it is recommended that Permitted Development rights for extensions and additions is removed as it is highly likely that they would need to incorporate gas and vapour protection measures like the approved development, and this can be controlled through the consideration of future planning applications. This is considered to meet the tests of reasonable and necessary. In order for further investigation of the site and remediation/validation works to be fully assessed by expert consultants and to ensure the site is safe and suitable for use it is considered reasonable and necessary to secure a financial contribution of £10,000 towards ongoing monitoring in relation to the sites contamination.

Education Infrastructure

9.41 Lancashire County Council Education have advised in their latest assessment (dated 2/11/2020) that an education contribution is not required for either primary or secondary school places to mitigate against the proposed development.

Health Provisions

9.42 The Clinical Commissioning Group (CCG) has advised that to mitigate the impacts of this development on local health care facilities, a financial contribution of £49,496 towards the refurbishment and/or reconfiguration of Thornton medical centre is required. The applicant has agreed to pay this sum which will be secured within the section 106 agreement.

10.0 CONCLUSION

10.1 On balance the scheme is considered to satisfy relevant policies of the WLP31 and relevant national policy and local guidance. In particular the proposal

represents sustainable development which satisfies Policies SP1 and SP2 of the WLP31. Occupants of the dwellings would benefit from a good access to community and local services within the Thornton Area. The design and layout of the dwellings is considered to be acceptable and would not result in any unacceptable adverse impacts visually or upon residential amenity subject to mitigation as indicated. The applicant has demonstrated that the development has passed the flood risk sequential and exceptions test and that the development will be safe for its lifetime and would not increase the risk of flooding elsewhere. Natural England and GMEU are satisfied that the development would not have any adverse impacts upon ecology subject to conditions.

10.2 The concerns of the Drainage Engineer and Health and Safety Executive (HSE) are acknowledged however the redevelopment of a vacant and overgrown brownfield site with a scheme which is considered to be an improvement on the previous extant permission is considered to provide a number of benefits including the delivery of some on site green infrastructure and a considerable off-site financial contribution towards the future delivery of children and young people's play at the junction of Bourne Road and Fleetwood Road. Members are advised that the application can be supported subject to no call-in request being received from the Secretary of State following a further 21 day re consultation with the HSE along with 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 the application not being called in for consideration by the Secretary of State and subject to conditions and a S106 legal agreement to secure on-site affordable housing (10%) and green infrastructure and financial contributions towards off-site green infrastructure, travel plan support, health care and contamination monitoring. That the Head of Planning Services be authorised to issue the decision following confirmation from the HSE or Secretary of State that the application is not to be called in for his determination and on 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 15.05.2020 including the following plans/documents:

- P01 - Bourne Road - Proposed Site Layout - Rev G
- P02 - Bourne Road - Boundary Treatments Plan - Rev E
- P03 - Bourne Road - Boundary Treatments Rev A
- P04 - Bourne Road - Materials Distribution Plan - Rev C
- P05 - Bourne Road - Car Charging Plan - Rev D
- P08 - Bourne Road - Site Location Plan
- P10 - 2b4p House type 68
- P11 - 2b4p 68 Terr 3
- P12 - 2b4p 68 Terr 4
- P13 - 3b5p 82
- P14 - 3b4p 82 2b4p 68
- P15 - 3b5p 82 3b4p Asp 80
- P16 - 3b4&5p 80-82 Terr 3
- P17 - 4b6p 95
- P18 - 1b2p Bungalow 50
- P19 - 2b3p Bungalow 60
- P20 - 1b2p Apartments
- P21 - Bourne Road - Street Scenes - Rev A
- P22 - Bin & Cycle Stores
- P24 - Bourne Road - 3b4p 80 Aspect House Type
- P25 - Bourne Road - 3b5p 82 Detached House Type
- P27 - Bourne Road - Tree Retention Plan
- P28 - Bourne Road - 10% Affordable Housing Plan
- P29 - Bourne Road - Site Section
- P31 - Bourne Road - GI Layout - Rev A
- P32 - Bourne Road - Tree Retention Plan
- BOURNERD-CULVERTPLAN
- 30431_200A_Autotrack Analysis Refuse Vehicle
- BOURNE ROAD - P36 - Proposed Substation plan

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 plan(s) (Materials Distribution Plan ref Bourne Road - PO4 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 (2011-3

4. The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details (as shown on plan drawings Proposed Development and Drainage Layout ref 30431/100 Rev B and Bourne Road Site Section Plan ref Bourne Road - P29 Rev A) 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 ensure that the development has a satisfactory visual impact on the street scene, a satisfactory impact on neighbouring residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31).

5. The approved boundary treatments (approved plans "Boundary Treatment Plan ref Bourne Road - PO2 REV E" and "Bourne Road P03 Rev A") that relate to the relevant dwellings shall be completed before those dwelling(s) are first occupied. The approved details shall thereafter be maintained and retained in accordance with the approved details.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants / neighbours in accordance with policy CDMP3 of the Wyre Local Plan (2011-31).

6. The landscaping works and ecological enhancements shall be carried out in accordance with the approved details [ref: Landscape Structure Plan Drawing Number 6293.03] prior to first occupation of any dwelling or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 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 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.

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

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

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

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

8. 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.

9. Prior to first occupation, a scheme for the provision of home-owner information packs (as outlined in the Habitats Regulations Assessment completed for this application) highlighting the sensitivity of Morecambe Bay (a European protected nature conservation site) to recreational disturbance shall be submitted to and agreed in writing by the Local Planning Authority. The scheme details shall include the content of the home-owner information packs which must explain the conservation value of Morecambe Bay, the potential impacts that can arise from residential development and explain the responsible behaviours in the vicinity of the housing development along with what would be required from residents to avoid undue ecological impact, as well as a methodology for the distribution of the home-owner packs to future home owners including upon resale of the dwellings as far as is reasonably practicable. The approved information packs shall subsequently be made available to future home owners in line with the approved methodology.

Reason: In order to safeguard biodiversity from the recreational disturbance effects of residential development in close proximity to Morecambe Bay, in accordance with the provisions of Policy CDMP4 of the Wyre Local Plan 2011-31.

10. The development hereby approved shall be implemented in full accordance with section 4.3 of the EUS Reptile Presence/Absence Survey July 2020 submitted with the planning application including the strategy put forwards for mitigating for potential harm to lizards and compensating for habitat losses.

Reason: To ensure compliance 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.

11. Prior to the installation of any external lighting within the development a scheme for the provision of external lighting together with an Artificial Lighting Assessment 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. 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.

12. No development above ground level shall be commenced until full details of the construction (to include elevation details, cross-sections and landscape scheme) of the acoustic/wildlife enhancement bund along the eastern boundary of the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include how the adjacent Biological Heritage Site will be protected during its construction and how any protective measures that are required shall be fully installed and retained / maintained at all times thereafter. The bund shall then be provided in accordance with the approved details prior to first occupation of any dwelling unless an alternative timeframe is first submitted to and approved in writing by the Local Planning Authority, in which case the bund shall then be provided in accordance with the agreed timeframe.

Reason: To ensure the bund is satisfactorily constructed and landscaped in a timely manner in the interests of visual amenity and ecology and residential amenity (noise mitigation) in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31)

13. The measures contained within the approved Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (P32 - Bourne Road - Tree Retention Plan and P27 - Bourne Road - Tree Retention 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.

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.

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

(a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team

(b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team

(c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays

- (d) contractors' compounds and other storage arrangements
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period
- (f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (h) external lighting of the site during the demolition / construction period
- (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (j) recycling / disposing of waste resulting from demolition / construction work
- (k) measures to protect watercourses and the adjacent Biological heritage Site (BHS) against spillage incidents, pollution and sediments during the construction phase.

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

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

15. The visibility splays shown along Bourne Road on approved plan reference Bourne Road- P01 Rev G shall be provided prior to first occupation of any dwelling hereby approved and shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

Reason: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

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

(b) Should the plan required by (a) show that any highway within the estate would be privately managed, details of a Road Management Plan to detail how those sections of highway would be maintained in perpetuity, such as a private management and maintenance company to be established if applicable, shall be submitted to and approved in writing by the Local Planning Authority. The highway

shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

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

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

17. No dwelling hereby approved shall be first occupied unless and until the site access and off-site works of highway improvement [namely, provision of a 2m wide footpath on the northern side of Bourne Road along the entire site frontage and provision of two new bus shelters on Fleetwood Road North at the existing bus stops near "The Iron Horse" public house] have been carried out, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall be carried out in accordance with any alternative approved timetable for implementation.

Reason: In order to 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).

18. Prior to the commencement of development save site soil strip and site preparation, a drainage scheme 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.

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

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 in that specific area 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.

19. Prior to the commencement of development save site soil strip and site preparation details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

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

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

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

20. The scheme of noise insulation measures set out in the supporting Noise Assessment submitted with the application [report by Echo Acoustics dated 21st October 2020] shall be implemented for those plots identified on Figures 9 and 10 as requiring solid fencing or up rated glazing prior to first occupation of the respective dwellings. The approved noise insulation measures shall thereafter be retained.

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. No dwelling shall be occupied until the electric vehicle recharging points (as set out on approved plan P05 - Bourne Road - Car Charging Plan - Rev D) 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).

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

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

(b) no areas of soft landscaping to the front of properties shall be removed to make provision for additional car-parking, without express planning permission from the local planning authority.

Reason: To safeguard the appearance of open plan development and junction highway visibility in accordance with Policies CDMP3 and CDMP6 of the Adopted Wyre Borough Local Plan.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the dwelling(s) shall not be altered or extended, nor shall any building, structure or enclosure be erected within the curtilage of the dwelling(s) without planning permission.

Reason: To ensure that the Local Planning Authority have control over any future development of the dwelling(s) in the interests of preserving the character and amenity of the area, the residential amenity of occupants / neighbours and to ensure that appropriate remediation is incorporated as required in light of the historical use of the site in accordance with Policies CDMP1 and CDMP3 of the Wyre Local Plan (2011-31).

24. The development hereby approved shall be carried out in full accordance with the supporting adaptable dwellings statement (dated 7/12/20) and the 51 house types 2B4P(68) shall be retained and maintained at all times thereafter as adaptable for older people and people with restricted mobility.

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.

25. a) Prior to the commencement of development, further investigation and risk assessment of the development site shall be undertaken in accordance with the proposals detailed in the submitted Remediation Strategy - Reference 345.05.20.RS (dated 21st April 2020), and the subsequent RPS Consultation Response - Reference JER8741 (dated 3rd July 2020), allowing for a revised Remediation Scheme to be submitted by the applicant, and approved in writing by the Local Planning Authority. The Remediation Scheme shall include all works to be undertaken; proposed remediation objectives and remediation criteria; a timetable of works; site management procedures; and, detail of any necessary long term maintenance and monitoring programme. The Scheme must ensure that the site will not qualify as 'contaminated land' under Part2A of the Environmental Protection Act 1990, or any subsequent version, in relation to the intended use of the land after remediation. Any changes to the agreed Scheme shall require the express consent of the Local Planning Authority.

b) Prior to the first occupation of any dwelling, all work as identified in a) above, shall be undertaken and completed in strict accordance with the approved Remediation Scheme, and a Validation Report submitted by the applicant, and approved in writing by the Local Planning Authority, confirming strict compliance with all aspects of the agreed remediation scheme. Where relevant the Validation Report shall also include a long term monitoring and maintenance plan, which shall be implemented as approved, with all monitoring reported to the Local Planning Authority at agreed intervals. Any changes to the agreed plan shall require the express consent of the Local Planning Authority.

Should any significant unexpected contamination not previously identified, be discovered during the works detailed above in a) and b), all works should cease, and the Local Planning Authority should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and revised Remediation Scheme shall be submitted by the applicant and agreed in writing by the Local Planning Authority.

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).

26. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated April 2020 (ref. 30431/SRG and addendum letter (ref: 30431/SRG; dated 1 December 2020), prepared by Ironside Farrar Limited and the following mitigation measures detailed within the FRA:

- Finished floor levels shall be set no lower than 6.6 metres above Ordnance Datum (mAOD), as stated in the addendum letter (ref:30431/SRG; dated 1 December 2020).
- Implementation of all flood resilience measures, as stated on page 13 of the FRA and in the addendum letter.

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.

27. No development above ground level shall be commenced until a phasing programme for the whole of the application site to include the approved dwellings, green infrastructure, emergency access / pedestrian link to Bourne Road and pedestrian link on the northern site boundary (as shown on Plan Bourne Road P01 Rev G) has been submitted to and approved in writing by the Local Planning Authority. The 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. The pedestrian links shall be constructed up to the site boundary and shall thereafter be maintained and remain open and unobstructed at all times.

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

28. Prior to the first occupation of any of the dwellings hereby approved, a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. 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 hereby approved for a period of not less than five years from the date of full occupancy of the development.

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.

29. Prior to the first occupation of any of the apartments the cycle and bin stores (as shown on Plan Drawing Number Bourne Road - P01 Rev G and P22 - Bin & Cycle Stores) shall be fully constructed for the apartments to which they relate and shall thereafter be retained and maintained at all times.

Reason: In the interests of the appearance of the site and locality, in accordance with policy CDMP3 of the Wyre Local Plan (2011-31). 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.

30. No dwelling hereby approved shall be first occupied until the parking / turning area(s) shown on the approved plan (Bourne Road P01 - Rev G) as relating to that dwelling has been laid out, surfaced and drained. The parking / turning area(s) shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles without express planning consent from the local planning authority first being obtained.

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

Notes: -

1. The applicant should be aware that the decision is subject to a separate legal agreement.
2. Prior to the commencement of development, a risk assessment and method statement (RAMS) in respect of all works to be undertaken within 10m of the adjacent railway shall be submitted to and agreed in writing with Network Rail to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. Network Rail Asset Protection should be contacted by email at AssetProtectionLNWNNorth@networkrail.co.uk to discuss the RAMS requirements in more detail.

A Party Wall notification (under the Party Wall Act of 1996) should be submitted to Network Rail's Asset Protection team for any works 3 metres or less from the Network Rail boundary (not the railway tracks) and structures. Embankments and cuttings are considered structures by Network Rail. Plans and sections showing the location and depth of the proposed excavations and foundations and the location of the proposed third party building or structure should be included with the notice.

3. 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.

4. Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

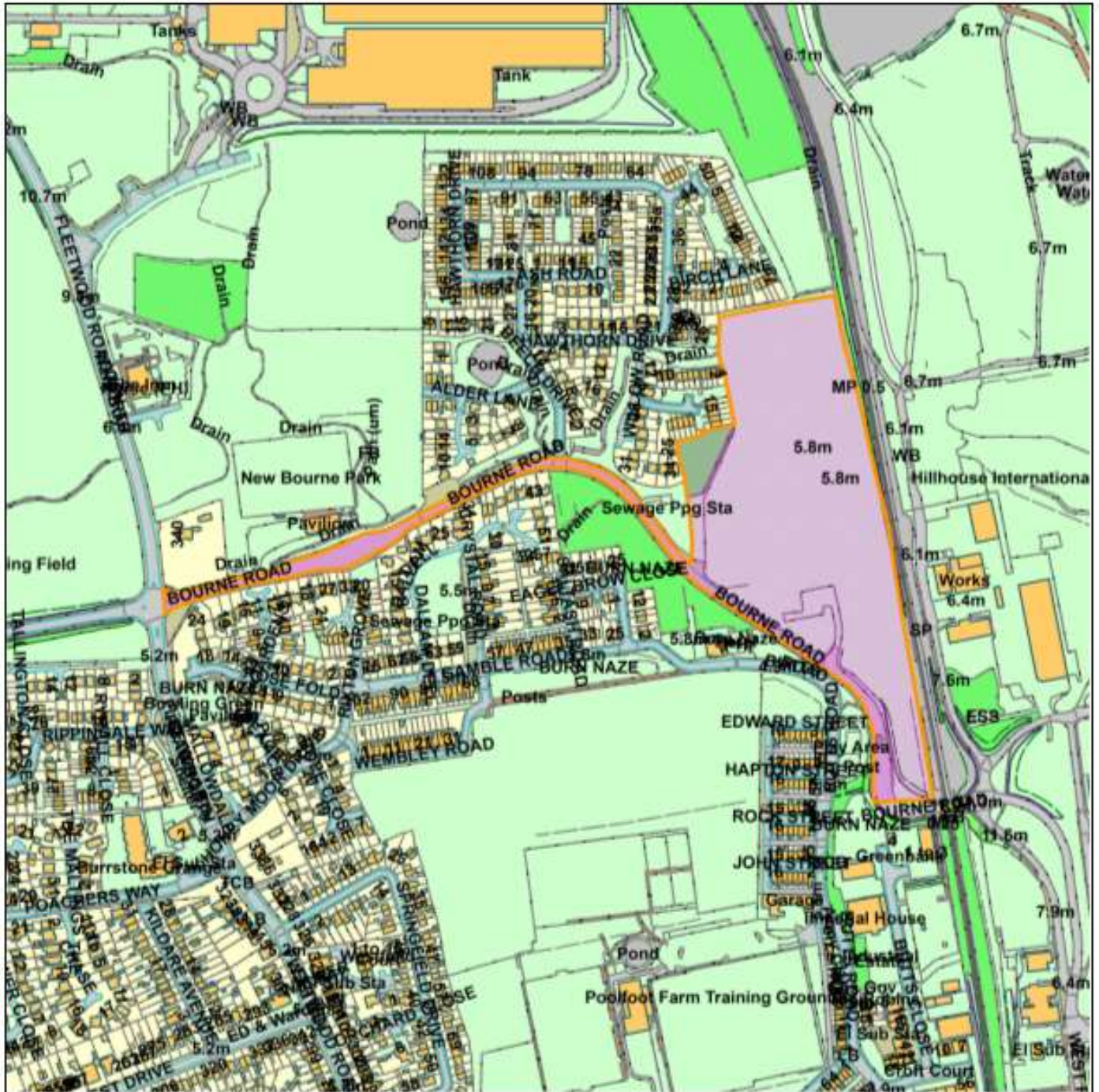
If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to
Email: plantprotection@cadentgas.com Tel: 0800 688 588

Planning committee

20/00405/LMAJ - Land at Bourne road Thornton Cleveleys



Scale: 1:5238

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 4
Date	14 December 2020
SLA Number	100018720

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Committee Report**Date: 06.01.2021****Item Number 05****Application Number 20/00882/FUL****Proposal Erection of four detached dwellings with access from Skippool Road (following demolition of existing buildings)****Location Prospect Farm Skippool Road Thornton Cleveleys Lancashire FY5 5LD****Applicant Mr Deol****Correspondence Address c/o Mr Harry Carter
The Big Shippon Clifton Fields Preston PR4 0XG United Kingdom****Recommendation Refuse****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Rob McKillop****1.0 INTRODUCTION**

1.1 This application is before Members of the Planning Committee for a decision at the request of Councillor David Henderson. A site visit is recommended to enable Members to understand the proposal beyond the submitted plans.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is located to the north of Amounderness Way (A585) accessed via a long, narrow driveway leading from the west side of Skippool Road. The site comprises a two storey farmhouse as well as a mix of brick, timber and portal framed buildings associated with the site's agricultural use. The buildings vary in height and size although are dilapidated in appearance. The site access serves other dwellings, namely Barton House and Aloha, situated adjacent to Skippool Road. There are open fields beyond to the north and west. There is a group of trees (19 poplars and 2 sycamores) along the southern boundary with Amounderness Way covered by a Tree Preservation Order (TPO). The site is within the Green Belt as designated in the adopted Local Plan.

3.0 THE PROPOSAL

3.1 The proposal is for the demolition of the existing agricultural buildings at the site and erection of four detached dwellings. Identical dwellings are proposed on Plots 1 and 2 occupying the southern half of the site, and Plots 3 and 4 to the north would also be of matching design. The proposed dwellings for Plots 1 and 2 would have 4 en-suite bedrooms at first floor with a guest bedroom at ground floor. They would each have a kitchen/living area with adjoining dining room at ground floor and an integral double garage. The dwellings on Plots 3 & 4 would have a basement

level with double garage, spa areas and plant room. The ground floor would two bedrooms, an office, an open plan kitchen/dining/snug area as well as a living room, play room and cinema room. At first floor there would be 5 en-suite bedrooms with an outside terraced area. The proposed designs also include large windows and glazing to the roof as well as green roofs and landscaping areas. Access would continue to be taken from Skippool Road.

3.2 The application is supported by the following documents as follows:

- Design & Access Statement
- Planning Statement
- Tree Survey
- Biodiversity Survey & Report
- Assessment on Potential impact on Great Crested Newts
- Noise Impact Assessment
- Drainage Plans

4.0 RELEVANT PLANNING HISTORY

4.1 04/01106/FUL: Conversion of agricultural buildings into 5 holiday units - Permitted.

4.2 15/00753/FUL: Erection of 9 dwellings with associated parking and landscaping (following demolition of existing agricultural buildings and farmhouse) - Permitted.

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 WLP31 are of most relevance:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP3 - Greenbelt
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk & Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility & Transport

5.2 OTHER MATERIAL CONSIDERATIONS

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 relevant to the determination of this application:

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 6 - Building a strong, competitive economy
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 12 - Achieving well-designed places
- Chapter 13 - Protecting Green Belt land
- Chapter 15 - Conserving and enhancing the natural environment

5.2.3 In accordance with the National Planning Practice Guidance (PPG) and NPPF §73, the council must be able to demonstrate a 5 year housing land supply position (with a 5% buffer) when dealing with applications and appeals. The latest available evidence on housing delivery is that set out in the council's APS submission for 2020 which demonstrates a deliverable housing land supply position of 5.9 years. The council's 5 years housing land supply position has recently been considered by an Inspector and even if the Inspector's conclusions were accepted in full there would be a housing land supply position of a minimum 5.2 years (including a 5% buffer). There is therefore full confidence that the council is able to demonstrate a deliverable 5 year housing land supply.

5.3 OTHER RELEVANT GUIDANCE / LEGISLATION

Conservation of Species and Habitats Regulations 2017
National Planning Practice Guidance (NPPG)
Supplementary Planning Guidance 4 - Housing Layouts

6.0 CONSULTATION RESPONSES

6.1 GREATER MANCHESTER ECOLOGY UNIT (GMEU) - No objections subject to conditions.

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) - No objections subject to conditions

6.3 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE) - No objections.

6.4 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE) - No objections, subject to noise mitigation measures being secured by condition.

6.5 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LAND CONTAMINATION) - No objections subject to conditions.

6.6 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREE OFFICER) – The Arboricultural information submitted is

appropriate and should be followed to ensure construction activities do not adversely impact on trees to be retained. There is already consent for tree reduction works to the poplar trees covered by the TPO. The Landscape management plan and planting plan is acceptable. Separate TPO consent is required for the phased return of the poplar trees.

7.0 REPRESENTATIONS

7.1 No public representations received.

8.0 CONTACT WITH APPLICANT/AGENT

8.1 The applicant was advised during pre-application advice that officers could not support the principle of this development given the Green Belt location. Additional/Revised documents have been submitted for consideration during the application process.

9.0 ISSUES

Principle of development and Policy compliance -

9.1 The site is within an area defined as Green Belt. Policy SP3(1) of the Wyre Local Plan (WLP31) reiterates national planning policy as set out in the NPPF and states that planning permission will not be granted for inappropriate development as defined in national policy, except in very special circumstances. Part 2 of policy SP3 sets out that where development is deemed appropriate, it should meet the requirements of other Core Development Management Policies and should seek to minimise the impact on the openness of the Green Belt. Part 3 of the policy states that the construction of new buildings is inappropriate development in the Green Belt, except for categories of development defined in national policy. Paragraph 145 (Part G) of the NPPF lists the exceptions which are not inappropriate in the Green Belt.

9.2 The NPPF (glossary) excludes land that was last occupied by agricultural buildings from its definition of previously developed land. The application site is occupied by buildings which have last been in use for agricultural purposes, and therefore the correct application of the NPPF is that the site represents a greenfield site for the purposes of assessing this application. New build residential development on greenfield sites is not listed an exception under Paragraph 145 of the NPPF.

9.3 The development of the site as proposed is therefore defined as being inappropriate and therefore, in order to be considered acceptable, very special circumstances must be shown.

9.4 The applicant's planning statement provides their case why the development would be acceptable despite the aforementioned policy conflict with WLP31 policy SP3 and the NPPF. Firstly, they have stated that the site could exploit permitted development rights for conversion of the agricultural buildings to residential dwellings. Whilst it is accepted that these works do not benefit from prior-approval consent, the applicant is suggesting the potential conversion works would be a realistic prospect in terms of providing a fall-back position. However, until and unless an application has been considered that confirms that prior approval is not required for the conversion of these buildings, this cannot be treated as a fall-back position, and the hypothetical circumstances put forward by the applicant would not carry weight in decision making. Furthermore, it is considered that the conversion / re-use of the buildings would represent a more sustainable scheme. In addition to this, a

comparison of existing buildings and proposed buildings has been submitted. The applicant has submitted calculations showing that the proposed dwellings would have a reduced volume and footprint than the existing farm buildings, and therefore has asserted the scheme would have a reduced impact. However, with the exception of two, the existing farm buildings are lower, several of which would be approximately half the height of the proposed dwellings. The result of this is that many of the existing buildings do not feature in views within the surrounding area and are screened by existing larger buildings. This gives the impression of a reduced amount of built development from views outside of the site itself. As such, the volume comparison is considered to give a distorted representation of the existing and proposed development in terms of likely impact on the Green Belt.

9.5 In respect of sustainability, the applicant has asserted that the development would represent an environmental improvement by removal of existing buildings and introduction of a high quality design that represents a sustainable form of development. In terms of sustainability credentials, the Council notes the scheme would include sustainable building features such as efficient construction materials and renewable energy. Additionally the site benefits from good links to nearby towns via walking, cycling and public transport. These aspects are accepted by the Council, and it is also accepted that the proposals are likely to help support local construction businesses. Whilst some social and economic benefits are present these are not considered to represent very special circumstances. The impact of the development on the openness of the Green Belt, and in particular, the urbanising effect on the character of a presently rural environment, would represent a form of environmental harm that would have a lasting effect. This harm is considered to outweigh any social or economic sustainability benefits.

9.6 The applicant's submitted Planning Statement refers to inconsistent pre-application advice from the Council and alleges a failure to be positive or proactive to address issues. The Council's pre-application process in this case involved a meeting and a follow-up written response. Concerns were raised in the meeting about the conflict with policy based on the impact on the openness of the Green Belt. Subsequent to the meeting the formal written response was issued, advising that the proposals would also conflict with policy given the most recent use of the buildings was agriculture and therefore should be considered a greenfield site.

9.7 It is accepted by officers that the previous planning permission (15/00753/FUL) was granted on the basis of the site being incorrectly identified as previously developed land. There were, however, other policy issues relevant at that time including the lack of a five year land supply. However, this previous permission has expired, and cannot be treated as a fall-back position and so it should carry no weight in determining this current application. The applicant has suggested that the Council should continue to incorrectly identify the site as previously developed land to maintain consistency with the previous application. It is, however, a legal requirement to take in to account all policies and material considerations relevant at the time a decision is made. To fail to do so could lead to a legal challenge to the decision. This was relayed to the applicant prior to the application submission. In terms of the assertion that officers have not been pro-active, advice in respect of flooding, drainage, landscaping, highway safety, general design principles and other matters was provided at pre-application stage despite the concerns raised on the Green Belt policy matter.

9.8 In respect of other matters raised in the applicant's planning statement, the site was previously included on the Council's brownfield register on the basis that it benefitted from an extant planning permission, however as that permission has

lapsed and the site is now confirmed as greenfield it does not feature on the latest brownfield register published in October 2020. It was included on the 2017 Strategic Housing Land Availability Assessment (SHLAA) again on the basis that it benefitted from an extant permission. However the SHLAA is a process to identify the land potentially available for housing, and does not allocate land for housing, nor does it represent confirmation that a site without permission is suitable for development.

9.9 Overall, the proposal would form inappropriate development in the Green Belt as it would not fall within any of the exceptions listed under Paragraph 143 of the NPPF and would in a harmful impact on the openness of the Green Belt which is in conflict with local and national policies. Very special circumstances have not been demonstrated to justify allowing the development. Other material considerations are listed below.

Visual Impact / Design

9.10 Policy CDMP3 of the WLP31 sets out that, amongst other things, development must be designed to respect or enhance the character of the area. Good design is also a key aspect of sustainable development as set out in Chapter 12 of the NPPF.

9.11 The proposed dwellings are of a large scale. Whilst this is not unacceptable in itself, it results in a larger mass of development, and would have increased visibility from vantage points within the surrounding area. The existing site has expanded organically as the farm grew resulting in a mixture of buildings with varying heights. This creates a softer view that is more commensurate with a rural setting, however the proposed development would result in a more uniform arrangement and a built form that would be instantly identifiable as residential development in surrounding views. The proposed development envelope would project further to the north west of the site and the side elevation of Plot 4 would be visible from Skippool Road to the east. Whilst the existing two storey dwelling is visible from this direction, it is set against a backdrop of agricultural buildings, which are generally lower in height than the proposed dwellings and allow open gaps in views of the farmstead. The proposed dwellings given the uniform layout, would create a larger "block" of development that is more consistent in height and form with reduced gaps through the site. This would erode the sense of openness, and would introduce a more urban character to the area. Furthermore, the proposals incorporate new tree and hedge planting, however the proposed screening would have a linear arrangement reflecting the straight lines around the proposed boundaries of the dwellings. This rigid arrangement would not have an organic character and would still present a "stark" feature in views that would be unsympathetic to the present open/rural area. It is also noted that the extent of landscaping proposed appears to be an attempt to mitigate against the impacts of the large scale dwellings proposed.

9.12 In terms of the appearance of the proposed dwellings, these would be of a contemporary design with good quality materials proposed. This is considered to be an acceptable approach and the contemporary design and architectural features would result in a visually attractive and interesting scheme. However, as noted above, the large scale and uniform arrangement makes the development more visually prominent from outside the site which is considered harmful to the openness of the Green Belt.

9.13 In conclusion, the proposed dwellings would conflict with Policy CDMP3 of the Local Plan and the design guidance set out in the NPPF.

Impact on the Residential Amenity -

9.14 The nearest existing residential neighbours are a significant distance away from the proposed development. Although they would share the same access, given this existing driveway has been used to access the existing farm, it is considered the proposed residential use would not result in any significant increase in disturbance or vehicle movements.

9.15 Whilst the proposed dwellings include some balconies, they would not have a direct outlook towards other plots and the scheme would provide an acceptable level of amenity for future occupiers, with sufficient private amenity areas proposed. Given the site's proximity to the A585, noise mitigation measures have been included within the application details. The Council's Environmental Health Officer has confirmed that, subject to the mitigation measures being implemented, this would result in an acceptable noise impact for future occupiers. Overall, subject to conditions the application would have an acceptable impact on residential amenity and would accord with Policies CDMP1 and CDMP3 of the WLP31, SPG4 (Housing Layouts) and the NPPF.

Impact on Highway / Parking

9.16 Access to the site would be via an existing access and driveway leading from the west side of Skippool Road to the north of the roundabout. This currently provides access to the existing farmstead and the two dwellings to the east of the site adjacent to Skippool Road. Given this access is unrestricted, this is currently potential for it to be used by larger agricultural vehicles. There is also an existing access to the southern boundary on to Amounderness Way (A585) which would also allow for use by agricultural vehicles. Given the nature of Amounderness Way, it would be undesirable for this access to be used in the interests of highway safety. The removal of the farm buildings is likely to result in a reduced use of this access and the proposed development would be served via the east access drive only. Furthermore, there would be sufficient space for vehicle parking/turning within the site confines. On this basis, the application is deemed not to result in any additional impacts in terms of highway safety. LCC Highways have reviewed the application and raise no objections to the proposal, subject to conditions in respect of access details, hard surfacing areas and wheel washing during construction. Subject to appropriately worded conditions, the application would have an acceptable impact on highway safety in accordance with Policy CDMP6 of the Local Plan (2011-31).

Flood Risk / Drainage

9.17 The site is within Flood Zone 1 (lowest risk) and so the flood risk sequential and exception tests are not required. The proposals indicate that surface water would discharge to an existing watercourse to the north of the site and that foul water would connect to the public sewer on Skippool Road, which the Council's Drainage Engineer raises no objection to. This could be secured by condition. On this basis, the application would not have an unacceptable impact on drainage and would not increase flooding on the site or local area.

Ecology

9.18 Protected Species surveys have been submitted in support of the application. It is noted that the bat survey is more than 5 years old while professional best practice recommends that surveys are no more than 18 months to 2 years old. In this case the 2015 survey found roosting bats in some of the buildings to be

demolished therefore GMEU requested an additional survey to be carried out. This found low numbers of bats of a relatively common species, the surveyors considered it to be very unlikely that the site supports an important roost and that the conditions on the site remain largely the same as the conditions during the 2015 survey. On this basis, GMEU would not object to permission being granted subject to a condition requiring an updated bat emergence survey to be undertaken between May-August prior to any development commencing including demolition works as well as the submission of a bat mitigation plan. Subject to these conditions, it is considered the application would have an acceptable impact on bats. In respect of great crested newts, GMEU has also advised that any risks are very low and no objections are raised subject to mitigation measures being made into a condition.

9.19 Overall, subject to suitably worded conditions, it is deemed that the proposed development would not result in any unacceptable impacts on protected species and their habitats and the application would accord with the Conservation of Species and Habitats Regulations 2017, the NPPF and Policy CDMP4 of the WLP31.

Trees / Landscaping

9.20 There is a group of protected trees to the south of the application site fronting Amounderness Way and part way along the return eastern boundary. These, together with the rest of the trees along the eastern boundary which aren't protected, would not be affected by the proposed development. The submitted landscaping plan shows that the existing trees along the southern and eastern boundaries would be retained and supplemented with additional tree and hedge planting to these boundaries and also woodland belt" strips along the eastern and western boundaries. Some new trees are proposed within the site between plots. Generally speaking the proposed planting would have a perpendicular form around the perimeter of the application site in an effort to screen the development, rather than provide a more organic landscaping scheme. However, it is considered that there would be no adverse impact on trees at the site and despite the relatively rigid layout, there are no concerns about the landscaping proposed.

Contamination

9.21 A condition would be added to any permission granted to require appropriate site investigation and remediation strategy if required. On this basis, the development would have an acceptable impact in terms of land contamination.

Other Issues

9.22 There would be room for bin storage within the site, however the collection details are unclear given the unadopted nature of the access drive. A condition would be added to any permission granted to ensure details are provided for approval prior to development.

9.23 Policy SP2 of the WLP31 requires development proposals to make an appropriate response to climate change. The Design and Access Statement outlines that the dwellings would be designed as zero carbon homes to include high levels of insulation, solar energy and photovoltaic panels, green roofs, efficient non fossil fuel heating systems and ventilation, thermal massing properties and rainwater harvesting. New tree planting is also proposed. Furthermore policy CDMP6 of the WLP31 requires the dwellings to be served by electric vehicle recharging points. Overall the development would satisfy policy SP2 of the WLP31. Whilst achieving

zero carbon homes should be commended, it carries very little weight in the planning balance in this case when the principle is not supported.

10.0 CONCLUSION

10.1 The application site is located within Green Belt area as designated in the WLP31 where the construction of new buildings on greenfield sites is regarded as inappropriate unless very special circumstances exist. It is considered that the proposal does not demonstrate that there are any very special circumstances which would outweigh the harm to the Green Belt, by reason of the inappropriate development and reduction in the openness of the Green Belt. The application would also have an unacceptable visual impact as the scale and massing of development would detract from the open and rural character of the Green Belt. As such the development would be contrary to Policies SP3 and CDMP3 of the WLP31 and Paragraphs 143 and 145 of the NPPF. It is therefore recommended that the application is refused.

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 Refuse planning permission

Recommendation: Refuse

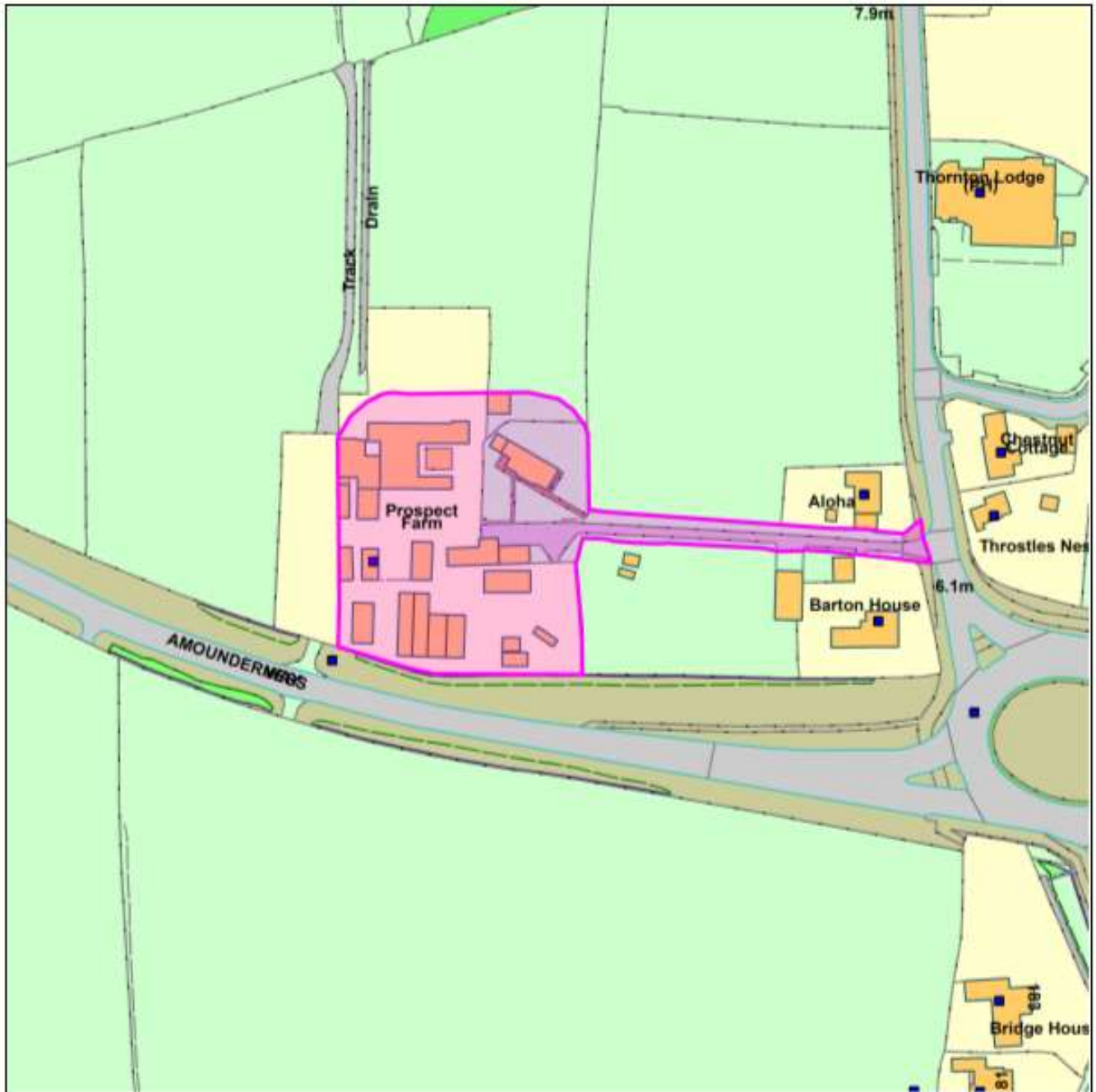
1. The application site is located within Green Belt area as designated in the Wyre Borough Council Local Plan where the construction of new buildings for residential purposes on greenfield sites is regarded as inappropriate unless very special circumstances exist. It has not been demonstrated that there are any very special circumstances which would outweigh the harm to the Green Belt, by reason of the inappropriate development and failure to preserve the openness of the Green Belt. The application would be contrary to Policy SP3 of the Wyre Local Plan and Paragraphs 143 and 145 of the NPPF.

2. The existing buildings are characteristic of agricultural development in rural areas. The proposed development by reason of the scale and uniform layout would introduce a more prominent block of development in this area. The height, form and arrangement would result in fewer gaps and a reduction in views through the site. This would erode the sense of openness of the area of Green Belt and would introduce a more urban character to the area. The rigid and linear nature or landscaping proposed along boundaries would also appear less organic and starker in views within the surrounding area and is an attempt to screen an inappropriate form of development. Overall, the proposals would result in visual and environmental harm by diminishing the openness of this area of Green Belt. The proposal is contrary to the provisions of Policies SP3 and CDMP3 of the Wyre Local Plan and guidance within the NPPF.

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Planning Committee

20/00882/FUL - Prospect Farm Skippool Road Thornton



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Organisation	Wyre Council
Department	Planning Department
Comments	Item 5
Date	22 December 2020
Number	100018720

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