



Planning Committee Agenda

Wyre Borough Council
Date of Publication: 26 March 2021
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Planning Committee meeting on Wednesday, 7 April 2021 at 2.00 pm in the Members Lounge and via WebEx.

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

1. Apologies for absence

2. Declarations of interest

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

3. Confirmation of minutes

To confirm as a correct record the minutes of the Planning Committee meeting held on 3 March 2021 (already circulated by email).

4. Appeals

(Pages 3 - 4)

The Schedule of Appeals lodged and decided between 14 February 2021 – 15 March 2021, is attached.

5. Planning applications

Background Papers:

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

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

7. The forms, plans, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports
8. Any additional information specifically referred to in each report.

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

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

- (a) **Application A - Land South Of Prospect Farm, West Of A6, Garstang (20/00212/FULMAJ)** (Pages 5 - 32)
Erection of 70 dwelling houses and associated infrastructure with new access off A6 Preston Lancaster New Road.
- (b) **Application B - Land Off Stricklands Lane, Stalmine, FY6 0LL (20/01175/FULMAJ)** (Pages 33 - 82)
Hybrid planning application for two 80 bed care homes with landscaping and associated works (full application), and up to 50 dwellings with access (outline application).

6. Tree Preservation Order No12 of 2020 (Pages 83 - 108)

The Corporate Director Environment, Mark Billington, has submitted a report regarding an objection to the making of Wyre Council Tree Preservation Order No12 of 2020 - land at Blackpool Road, Carleton, FY6 7QA.

APPEALS LODGED AND DECIDED

Appeals Lodged between – 14th February – 15th March 2021

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
19/00567/OUTMAJ	Land Adjacent To Building 18 Higham Side Road Preston Inskip PR4 0TL	Outline application for the erection of new industrial units (Use Classes B1(c), B2 and B8) with access and layout applied for (all other matters reserved) (re-submission of 18/00593/OULMAJ)	Delegated	Hearing	15 th February 2021
19/00875/FULMAJ	AGC Chemicals Europe Ltd Hillhouse International Works Fleetwood Road North Thornton Cleveleys Lancashire FY5 4QD	Erection of a two storey lubricants building (B2), internal roads and hardstanding	Delegated	Hearing	1 st March 2021

Appeals Decided between – 14th February – 15th March 2021

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
No decisions					

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Committee Report

Date: 07.04.2021

Item Number 01

Application Number 20/00212/FULMAJ

Proposal Erection of 70 dwelling houses and associated infrastructure with new access off A6 Preston Lancaster New Road

Location Land South Of Prospect Farm West Of A6 Garstang

Applicant Rowland Homes

Correspondence Address c/o De Pol Associates Ltd
Miss Jen Beardsall Farington House Stanifield Business Park
Stanifield Lane Leyland Preston PR25 4UA

Recommendation Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Rob McKillop

Site Notice Date: 16.04.2020

Press Notice Date: 25.03.2020

1.0 INTRODUCTION, SITE DESCRIPTION AND LOCATION

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. Due to the current national lockdown restrictions in place an organised site visit will not take place however site photographs will be displayed in the meeting to enable Members to understand the proposal beyond the plans submitted.

1.2 The application site is on the western side of the A6 (Lancaster to Preston Road) opposite the junction with Kepple Lane. The site is open agricultural land measuring 3.59 hectares in area. Bradshaws Farm Shop lies to the northern boundary. The application site forms part of a larger field extending to the west and there is no present boundary feature between the application site and the remainder of the field. Open agricultural fields also lie to the south of the site. A hedgerow marks the eastern boundary of the site along the footpath to the A6 and there are some residential dwellings along the eastern side of the A6.

1.3 The site is allocated for residential development (70 dwellings) under Policy SA1/15 of the Wyre Local Plan (2011-31). Policy SA1/15 states that the site should be brought forward in line with a masterplan covering the whole site area. The masterplan must be agreed by the local planning authority prior to the granting of

planning permission. Additionally, other Key Development Consideration (KDCs) are included in the policy to direct development of this site. The majority of the site falls within the settlement boundary of Garstang along with neighbouring land to the north and east. The western part of the site (where the green infrastructure is proposed) together with land to the west and south is within the designated countryside.

2.0 THE PROPOSAL

2.1 This application seeks full planning permission for the erection of 70 dwellings. A new access on to the A6 would be positioned centrally along the eastern boundary with dwellings generally arranged in four blocks as well as along the northern boundary. Public open space and an attenuation swale are proposed to the western side of the site. 30% of the dwellings will be affordable housing with 9 units proposed for affordable rent and 12 units proposed for intermediate housing.

2.2 The 70 dwellings comprise the following housing mix:

- 9 x 2 bedroom houses
- 40 x 3 bedroom houses
- 19 x 4 bedroom houses
- 2 x 5 bedroom houses

2.3 The following documents have been submitted in support of the application:

- Masterplan
- Tree Survey
- Transport Statement
- Phase 1 Geo-Environmental Report
- Market Demand Report
- Ecological Appraisal
- Planning Statement
- Topographical Surveys
- Noise Assessment

3.0 RELEVANT PLANNING HISTORY

None.

4.0 PLANNING POLICY

4.1 ADOPTED WYRE BOROUGH LOCAL PLAN

4.1.1 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.

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

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP4 - Countryside
- SP7 - Infrastructure Provision and Developer Contributions

- SP8 - Health and Wellbeing
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk & Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility & Transport
- HP1 – Housing Supply
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Developments
- SA1/15 - Land South of Prospect Farm (site allocation)

4.2 OTHER MATERIAL CONSIDERATIONS

4.2.1 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.

4.2.2 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 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment

4.2.3 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.

4.3 OTHER MATERIAL CONSIDERATIONS

WYRE SUPPLEMENTARY PLANNING GUIDANCE

4.3.1 The following is 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
- Supplementary Planning Guidance Note 9: Designing Out Crime
- Guidance for Applicants - Green Infrastructure in New Residential Developments (Policy HP9) (October 2020)

MASTERPLAN

4.3.2 Land South of Prospect Farm, West of the A6, Garstang – The document has been approved by Planning Policy Working Group on 4th March 2021 with a formal decision by Management Board expected 1st April. The approved document will be a significant material planning consideration to this application.

OTHER GUIDANCE / LEGISLATION

4.3.3 THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS (AMENDMENT) (EU Exit) 2019

4.3.4 THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

4.3.5 Building for Life 12 (BfL12): Third edition - January 2015

4.3.6 National Planning Practice Guidance (NPPG)

5.0 CONSULTATION RESPONSES

5.1 GARSTANG TOWN COUNCIL has raised the following objections (summarised):

- Detrimental impact on highway safety, traffic and pedestrians crossing the A6;
- Development impacting on flooding downstream and independent investigation should be undertaken;
- Lack of public transport access, including buses;
- The application has not been considered alongside other applications and the cumulative impacts are a concern;
- Previous concerns have been raised in respect of character, impact on education and medical services and retention of trees.

5.2 KIRKLAND PARISH COUNCIL has raised the following objections (summarised):

- Wyre Council has met its housing quota and development is unnecessary;
- The development would cause flooding impacts on Churchtown which has previously suffered flooding problems;
- The FRA refers to the impact on the site itself rather than impacts elsewhere which need to be taken into account;
- The FRA gives advisory rather than positive solutions and doesn't not mention other already using Ainspool for drainage;
- The A6 is a main arterial route and the additional junction would create more traffic increase the risk of danger to highway users;
- The location is isolated and unsafe for walking, cycling or mobility crossing of the A6 and does not encourage sustainable travel;

- The lack of an adequately positioned crossing/refuge will result in danger to pedestrians;
- Improvements, not just to the site frontage, but other kerbs/footways would be necessary;
- Lancashire County Council is already aware of issues at nearby junctions (Moss Lane/Longmoor Lane) and further junctions will only make the A6 stretch more unsafe;
- Any s106 money collected should go towards improvement of the Avenue junction with the A6.

5.3 GREATER MANCHESTER ECOLOGY UNIT (GMEU) - no objections subject to conditions.

5.4 LANCASHIRE COUNTY COUNCIL ARCHAEOLOGY - no objections.

5.5 LANCASHIRE COUNTY COUNCIL EDUCATION AUTHORITY - a financial contribution of £46,123.50 is sought towards secondary school places which are required to mitigate against the impacts of the application on local school places.

5.6 LANCASHIRE COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY - no response received.

5.7 LANCASHIRE COUNTY COUNCIL HIGHWAYS - no objections on the basis that the development would not have a significant impact on highway safety. This is subject to mitigation being provided by the developer in the form of conditions and improvement works to the existing highway.

5.8 LANCASHIRE FIRE & RESCUE - reference to current building regulation requirements.

5.9 NHS FYLDE & WYRE CLINICAL COMMISSIONING GROUP (CCG) has confirmed that it is seeking mitigation in the form of a £23,772.00 contribution to be put towards refurbishment and/or reconfiguration at Garstang medical centre.

5.10 UNITED UTILITIES has no objections subject to conditions.

5.11 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE) has no objections.

5.12 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY CONSIDERATIONS)) has no objections subject to conditions.

5.13 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION) - no objections subject to conditions.

5.14 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREE AND WOODLAND OFFICER) - the northern hedgerow could be retained within the scheme and details of tree protection and replacement of dead, dying or diseased stock have not been provided. All other elements, including landscape proposals, are suitable.

5.15 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (PUBLIC OPEN SPACES/GREEN INFRASTRUCTURE) has no objections.

5.16 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (WASTE MANAGEMENT) has no objections subject to appropriate bin presentation points or communal bin stores being provided for certain plots.

6.0 REPRESENTATIONS

6.1 Churchtown Flood Action Group and St Michaels Flood Action Group raised the following points of objection (summarised):

- The FRA overlooks the risk of off-site flooding which is required by the NPPF;
- Increased risk of downstream flooding should be a significant material consideration given the extensive history of flooding in St Michaels and Churchtown;
- The use of SUDS will not be effective as greenfield run-off calculation assume lower rates that are relevant to this site;
- High water levels in the Wyre cause Ainspool to cease to operate as an effective drainage channel because it has a non-return valve;
- The FRA does not consider cumulative impact of other development (app 20/00340/RELMAJ at Nateby Crossing) which will exacerbate problems downstream;
- The application should not be determined before thorough and independent investigation by expert hydrologists on what means should be implemented to ensure that downstream residents and properties are not further adversely affected by reason of the proposed development.

6.2 Five objecting representations have been received from members of the public with comments summarised as follows:

- Development will increase rainwater run-off causing problems for local residents at risk of flooding;
- The cumulative impact of development in Garstang will result in more flooding;
- Loss of green belt and farming land should be avoided and land should be left for agriculture or wildlife habitat;
- Further infrastructure is required to support population increase - schools and doctors are oversubscribed;
- The site is in an area where there are existing accidents at road junctions and the A6 is difficult to cross this location, not pedestrian friendly and therefore is poorly linked to Garstang;
- There is no mention of the primary school on Kepple Lane which is already busy at school time with traffic and no mention of other development on Kepple Lane;
- -There are no direct links to public transport as buses do not pass the development and there is no railway station in Garstang;
- The submitted Transport Report incorrectly states there have only been a couple of minor accidents near the application site, however in actuality this figure should be higher accounting for unrecorded accidents and near misses;
- There is no need for further housing in Garstang given the large number of recent developments;

The A6 is already busy and more development will result in further congestion, including construction traffic; which leads to unnecessary noise and pollution;

A new post box should be supplied to prevent people driving to post letters;
Why were 75 units previously proposed and the figure now 70?;

- Provision for a children's play area should be provided;
- The site drains into Ainspool River which flood Churchtown and cannot take more water at times of high rainfall and pumps were deployed recently to prevent resident's being flooded - development will contribute further to these problems.

6.3 One neutral representation has been received from a member of the public with comments summarised as follows:

- Consideration should be given to reducing the speed limit to 30mph near to the site given the increased vehicle movements onto a 50mph road and associated problems for drivers and pedestrians.

7.0 CONTACT WITH APPLICANT/AGENT

7.1 Communication has taken place with the applicant's agent during the application via email, phone calls and meetings to overcome concerns relating to layout, highways safety, public open space and other matters. Further to these discussions, additional and revised plans/information has been submitted. This information has subsequently been reviewed by the Local Planning Authority and statutory consultees in order to address concerns.

8.0 ISSUES

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

- Principle of Development
- Infrastructure Requirements
- Visual impacts, Design and Housing Mix
- Impact on Residential Amenity
- Impact on Highway Safety, Access and Highway network
- Flood Risk and Drainage
- Ecological Matters
- Trees and Landscaping

Principle of development

8.2 In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of this application is the Development Plan which, in this instance, includes the adopted Wyre Local Plan (WLP31).

8.3 The majority of the application site is allocated for residential development (70 dwellings) under Policy SA1/15 of WLP31 and falls within the settlement boundary of Garstang as defined in the WLP31 Policies Map. Policy SP1 of WLP31 directs new development to within settlement boundaries and states 'development within settlement boundaries will be granted planning permission where it complies with the other policies of this Local Plan'. Policy SA1/15 sets out a number of Key Development Considerations (KDC's), or policy requirements, for the whole allocation. KDC1 sets out that the land should be brought forward in line with a masterplan covering the whole allocation prior to granting planning permission on

any part of it. A masterplan setting out development principles for the site was recently consulted on as part of this planning application, agreed by Planning Policy Working Group and expected to be formally approved by the Council in time for the April Planning Committee. On this basis KDC1 has been satisfied. Other KDC requirements are considered later in this report.

8.4 The western part of the application site also includes (where the green infrastructure and attenuation swale is proposed) designated countryside land in the WLP31. 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 to enable delivery of the SA1/15 housing capacity figure (further details below).

8.5 The site is Grade 3 agricultural land which is classed as good to moderate quality and therefore the proposal would not lead to the loss of high value agricultural land. In any event the loss of agricultural land for the housing allocation portion of the site was considered and accepted as part of the Emerging Local Plan.

Infrastructure Requirements

8.6 Concerns were raised by local residents in respect of the potential impact on local schools, services and infrastructure. Policy SP7 of the WLP31 seeks to ensure the impacts of the development on local infrastructure are suitably mitigated against. In this case mitigation is required in the form of affordable housing, green infrastructure, healthcare, education and highways, which are set out in more detail below.

8.7 Policy HP3 of the WLP31 sets out that developments of 10 or more dwellings on greenfield sites in Garstang should include a provision of 30% on site affordable housing. The site comprises undeveloped greenfield land, therefore a 30% affordable housing contribution is sought. The application details show that 21 affordable dwellings are proposed on the site (comprising 12 intermediate and 9 affordable rent). These are considered appropriately designed and suitably located within the site to achieve a sustainable development. The Council's Affordable Housing Officer has confirmed that this provision would be acceptable in accordance with the requirements of Policy HP3. This provision would be secured via a suitably worded Section 106 Agreement.

8.8 KDC2 of Policy SA1/15 states that the development should be supported by a landscape and green infrastructure framework incorporating structured tree planting, on-site open space, formal and informal play and pedestrian and cycle connectivity within and, where possible, outside the site. Policy HP9 requires development which results in a net gain of 11 units to make appropriate provision of green infrastructure on site.

8.9 The layout plan shows open space in a linear arrangement along the western boundary, with a smaller provision along the eastern boundary to the A6. Based on the proposed housing mix, the required amount of green infrastructure (GI) for the entire site would be 0.685ha. A GI layout plan has been submitted which

shows 0.79ha of GI is provided on site. This does not include the proposed attenuation swale, however some narrow grassed strips are included in that suggested total. It is considered reasonable to discount the narrow areas adjacent to the front boundary from the calculation given their limited functionality for public use, however the remaining on-site GI provision would be approximately 0.7ha overall which achieves the required amount.

8.10 As previously acknowledged, the open space and attenuation swale along the western boundary would be outside the extent of the housing allocation in designated countryside. There is no physical boundary between the edge of the allocation and this additional land required for the open space, so no obvious encroachment further into the countryside. This layout would enable 70 units to come forward on the allocation which would enable delivery of the full housing allocation capacity figure.

8.11 The typologies comprise natural and semi-natural grassland and informal amenity areas which are considered to be appropriate in this scenario. In respect of play area provision, the site is within a short walking distance of the existing park on Kepple Lane which benefits from up to date play area facilities. It is considered that these existing facilities are in good condition and not presently in need of upgrading. As such, this facility would be available for residents of the proposed development. Whilst it is accepted that the site is on the opposite side of the A6, new traffic crossings and off-site highway works are proposed to improve pedestrian safety along the A6 in the vicinity of the site. Furthermore a proposed footpath link allows a pedestrian connection at the northern part of the site to the A6. It is also of note that this informal typology would enable new tree planting on the western part of the site, which would positively contribute to the natural flood management efforts in the wider River Wyre catchment. As such, it is considered that the provision of an on-site play area is not required in this instance. Overall, the application would accord with Policy HP9 and would not conflict with the aims of KDC2 as set out in Policy SA1/15.

8.12 NHS Fylde & Wyre Clinical Commissioning Group (CCG) has been consulted on the application and advise that the development would result in an estimated 207 additional residents. To mitigate against the population increase and demand for additional infrastructure and services, the CCG are seeking mitigation in the form of a £23,772.00 contribution towards refurbishment and/or reconfiguration at Garstang medical centre. This contribution would be secured via a suitably worded Section 106 Agreement.

8.13 Lancashire County Council (LCC) Education have been consulted on the application. In their latest response, LCC has confirmed that no financial contribution will be sought towards primary school places based on the projected demand. However LCC are seeking a contribution of £46,123.50 towards secondary school places to mitigate against the impact of development on projected secondary school places. Officers have queried this response, and the assumptions around committed developments in the local area. Any change in position will be reported on the update sheet, otherwise this contribution would be secured via a suitably worded Section 106 Agreement.

8.14 In respect of the impact on the A6 and wider road network, Lancashire County Council (LCC) Highways have suggested a contribution of £105,000 for public transport services and infrastructure. Additionally, a contribution of £210,000 is also requested towards the A6 Barton to Garstang Sustainable Transport Strategy to mitigate against the direct impact of this proposed development on the strategy and highway safety along the A6. This is considered in further detail in the highways

section below, but the £210,000 contribution towards the A6 Transport Strategy would be secured via a suitably worded Section 106 Agreement.

Design / Visual Impact / Housing Mix

8.15 Policy CDMP3 and Section 12 of the NPPF seek to ensure high quality design including layouts. Consideration has also been given to Building for Life 12 (BfL12) which local authorities should use as an assessment framework to help ensure the design and layout aspirations contained within the NPPF are achieved. Whilst a BfL12 assessment has not been submitted in support of the application, the relevant aspects have been considered to ensure the scheme takes account of them. Consideration has been given to KDC3 of SA1/15 which requires the development to provide an organic extension to the town, paying particular attention to boundary treatments. Consideration has also been given to the masterplan set to be formally approved, which considers various aspects including layout, landscaping and connectivity which are important aspects of well-designed development.

8.16 Following officer concerns being raised in respect of the original scheme, the applicant has submitted amended plans to reduce the number of units (from 75 to 70) and make improvements to the layout and character of the scheme, including changes to road layout and house types. In terms of the revised layout in front of Committee, a main access road runs east to west across the site leading from the A6, with an intersecting road crossing this from north to south. Four main blocks of dwellings are proposed with a row of dwellings also along the northern boundary. The blocks would create 'perimeter blocks' with back gardens opposite each other and dwellings fronting towards the roads. Dwellings have off street parking spaces either to the front of side, and some plots have detached garages. A landscaped area is proposed along the eastern boundary with the A6 with a larger area of open space to the west of the site. In terms of improvements during the application, an attempt has been made to straighten building lines of properties to ensure more attractive and open views along streets. Better consideration has also been given to house types on corner plots to ensure suitable elevation details are provided to each aspect. Continuous runs of parking spaces have been reduced and additional landscaping has been proposed. Some integral garages are still proposed to the front of properties along the western boundary which is considered undesirable however attempts have been made to address concerns about resultant poor natural surveillance onto the open space with amendments to elevation treatments. Retention of hedgerows to the eastern (save the site access) and southern boundary, together with new hedgerow along the western boundary, is also considered to be beneficial in terms of maintaining the existing character of the area and helping to provide a softer development edge with the adjacent countryside. The parking provision meets the requirements set out in the Local Plan and there would generally be adequate definition between public and private spaces, and plots benefit from amenity and storage spaces.

8.17 The proposed dwellings would be two-storey together with six bungalows proposed (Ramsey house type) along the northern boundary. House types would include hipped and gable roofs. Proposed materials are red brick (three types) and a mixture of grey and red roof tiles (all grey along the site frontage). In terms of scale and design it is accepted there is a mix of properties along this part of the A6 and there is no overriding character. Therefore, whilst the proposed development would, generally speaking, not reflect the appearance of existing semi-detached properties with hipped roofs that are prevalent, it is accepted that there are other designs and detached properties in the wider area. As such, the appearance of the proposed development would not be at odds with existing dwellings in the vicinity.

Notwithstanding the palette of materials submitted, a condition would be added to any permission granted to require the submission of these details, as the three red brick types proposed are very similar in appearance and it is considered that better variety would help break up the blocks.

8.18 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 70 units proposed, 13% would be 2 beds, 57% 3 bed and 30% 4+ 5 bed. The mix proposed is not in accordance with the SHMA as it comprises a higher proportion of larger units compared to the smaller 1 and 2 bed units. The applicant has submitted a market demand report and additional statement which suggests a local demand for larger properties in Garstang. However officers consider this should be given limited weight given its scope and content. A further increase of smaller properties would likely increase the density of development which would be unlikely to be visually acceptable in this edge of settlement location. It is acknowledged that in addition to the bedroom mix, the development is providing a wide choice of house types (detached, semi-detached, terraced and bungalows) and floorspace sizes to appeal to different households and the application is therefore considered to contribute towards meeting the need for smaller properties in the area as well. On balance, the proposed housing mix is considered to be justified. Policy HP2 also requires 20% of the dwellings to be suitable or adaptable for people with restricted mobility. It is noted that six bungalows are proposed which could contribute to this requirement. A condition would be added to any permission granted to ensure the application meets the adaptability target of 20% of all units.

8.19 Overall, subject to conditions the housing provision element would result in an acceptable impact on the character of the area. The application is deemed to accord with WLP31 policies CDMP3 and KDC3 of SA1/5 and would align with the development principles set out within the masterplan set to be formally approved.

8.20 In respect of the visual impact of the green infrastructure (GI) and attenuation swale provision, policy SP4 requires development in the countryside to not adversely impact on its open and rural character. It is acknowledged that this part of the proposal would remove part of the existing agricultural field and instead provide an area of GI containing existing grassland, SUDS attenuation basin with seed mix, wildflower planting around the edge OF this basin, some new tree and shrub planting and a new boundary hedgerow along the western edge of the site separating it from the remainder of the agricultural field. The only built structure in the GI would be a pumping station tight up to the existing development on the northern boundary. Therefore 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 this element of the proposal would not result in harm to the character and appearance of the wider countryside.

Impact on residential amenity

8.21 Five objections and one neutral comment has been received from members of the public. The site lies to the south of an agricultural business and commercial enterprise although there are some residential properties on the opposite side of the A6. Given the layout and intervening distance, there would not be any significant harmful impact in terms of overbearing, overshadowing or overlooking of nearby

neighbours. Following amendments to the scheme, the layout would meet the separation distances, including front to front, rear to rear and rear to side, as set out within the Council's Design Guide SPG4. All plots would benefit from an adequately sized rear garden and it is also noted that some plots benefit from additional amenity space to the front and side of properties in the proposed layout. Although some plots would have a detached garage adjacent to a neighbouring rear garden, this is considered unlikely to result in any significant noise impacts between adjoining plots.

8.22 The Council's Environmental Health Team has confirmed that the revised Noise Survey satisfactorily demonstrates that specified noise levels will be achieved and the conclusions of the acoustic assessment are accepted. On this basis, and subject to suitably worded conditions, the development would not result in any unacceptable impacts in respect of noise to future occupiers or existing sensitive receptors nearby. A condition would also be added to any permission granted for a Construction Environmental Management Plan to reduce the impacts of noise and disruption during construction.

Highway Safety and Impact on the Highway Network

8.23 Objections have been received from local residents and Garstang Town Council and Kirkland Parish Council in respect of highway safety. LCC Highways have reviewed the application details and have confirmed that sight lines for the new access on to the A6 are acceptable for the size and scale of development. The sight lines are achievable over the adopted highway thus ensuring their retention. The access geometry would also meet current design standards. LCC Highways have confirmed that the relocated traffic island to the north of the site is now accepted as the best location to serve the site without affecting existing properties.

8.24 In respect of the impact on the A6 and wider road network, LCC Highways acknowledge the site could impact on the accident rate in the vicinity unless safe and direct sustainable transport links are provided. It is noted that there are no public transport services along the A6 fronting the site, and LCC Highways have suggested a Section 106 contribution of £105,000 be provided for public transport services and infrastructure. Additionally, a Section 106 contribution of £210,000 is also requested towards the A6 Barton to Garstang Sustainable Transport Strategy to mitigate against the direct impact of this proposed development on the strategy and highway safety along the A6. KDC7 of SA1/15 requires the site to make a contribution towards primary sustainable transport which includes the improvement of specified junctions in the area and contributions towards the A6 Barton to Garstang Sustainable Transport Strategy. LCC Highways have previously confirmed primary sustainable transport does not include improvements to bus services. Therefore when this site was allocated, LCC Highways did not identify monies towards bus service improvements as a policy requirement to deliver the housing allocation. Neither have they been able to identify a change in circumstances since the Local Plan was adopted to justify asking for this as part of the application. On this basis Members are advised that the £105,000 request by LCC for bus service improvements would not meet the test as being reasonably necessary to make the development acceptable and officers do not support this request. The £210,000 being requested towards the A6 Barton to Garstang Transport Strategy is supported by policy and therefore these monies, which the developer is agreeable to, are to be secured via section 106 agreement.

8.25 In terms of the internal layout, LCC Highways have confirmed that the internal layout and car parking confirms to current guidelines (Manual for Streets; Creating Civilised Streets; the National Planning Policy Framework; the Joint

Lancashire Structure Plan and WLP31, and the highway layout would also be acceptable for adoption under section 38 of the highways act.

8.26 LCC Highways have requested mitigation in the form of conditions and off-site highway works. In respect of off-site highway improvements, LCC have indicated that a 2m wide footpath is required along the full site frontage, in combination with the relocation of the pedestrian refuge to facilitate crossing across the A6 and a new right-turn lane to serve the new site access and Kepple Lane. Furthermore, an assessment of any required changes to street lighting and new pedestrian crossing points on the A6 to link the site to Kepple Lane are also requested. This is in addition to works within the site relating to tactile paving and street lighting. These off-site highway improvements will need to be constructed under a section 278 agreement. A condition would be required requiring these works to be completed prior to occupation of any dwelling, and other conditions would be added to ensure the development would have an acceptable impact in line with the comments from LCC Highways.

8.27 Overall, the application is not considered to result in an unacceptable impact on highways safety, would improve pedestrian/cycle access to Garstang Town Centre and would contribute towards the necessary highways and sustainable travel improvements along the A6. It would therefore accord with WLP31 Policies CDMP6 and SA1/15 (KDC6, KDC7) and the NPPF.

Flood Risk and Drainage –

8.28 Concerns in respect of flooding and impact on Ainspool have been received from members of the public and Kirkland Parish Council, Garstang Town Council and St Michaels and Churchtown Flood Action Groups. The site falls within Flood Zone 1 which is the lowest risk of flooding and is allocated for residential development under Policy SA1/15 of the Local Plan. As such, flood risk sequential test and exceptions test are not required.

8.29 The site naturally drains to Ainspool watercourse via overland run-off. KDC4 of SA1/15 requires residual surface water of this development to drain into the River Wyre via Ainspool. The Drainage Engineer's initial response highlights that the discharge from Ainspool is tidally restricted and there have been a number of recent flooding incidents both downstream and upstream of the proposed site due to the watercourse surcharging. The Applicant was asked to make allowance for this in the drainage plans to ensure that the site does not flood during periods of heavy rainfall when the outfall may not be free flowing. Revised information / drainage layout plans were submitted and the Drainage Engineer raises no objection. The development is designed to mimic existing surface water run off rates from the site and continue to discharge to Ainspool. On this basis, the application has been designed so it would not exacerbate any current flooding issues. A condition would be added to any permission granted to ensure the development is carried out in accordance with the submitted flood risk assessment and drainage layout plans, which are deemed to be acceptable. United Utilities has not raised any objections to the development, subject to conditions in relation to foul and surface water drainage arrangements and maintenance details being secured by condition. On this basis, the application is considered to have an acceptable impact in terms of flooding and drainage in accordance with Chapter 14 of NPPF, the National Planning Policy Guidance 'Flood Risk and Coastal Change, and Policy CDMP2 of WLP31.

8.30 An Environment Agency (EA) asset in the form of a borehole for monitoring groundwater level or quality exists towards the north-eastern boundary of the site.

The EA have been contacted, who confirm that this appears to have been decommissioned and is now a small patch of grass and is due to be listed on their surplus land register and disposed of. Based on the plans submitted with the planning application, EA consider that this avoids this asset / their land ownership. KDC8 of SA1/15 is therefore satisfied.

Ecology

8.31 GMEU provided an initial response requiring further surveys to determine whether the site is functionally linked to the Morecambe Bay & Duddon Estuary SPA and nearby sites of Special Scientific Interest (SSSI). The applicant has submitted further information to confirm that the site lies outside land mapped as functionally linked to the SSSI and is not likely to support or impact on species associated with the SSSI. GMEU have subsequently provided a further response which confirms there are no objections to the proposed development. In terms of localised impacts the site does not have any nature conservation designations. Ecological impacts have been assessed in terms of the greenfield nature of the site and the presence of boundary trees and hedgerows. GMEU are satisfied with the conclusions of this assessment. On this basis and, subject to suitably worded conditions, the application is deemed to have an acceptable impact on ecology and satisfies WLP31 policy CDMP4 and KDC5 of SA1/15.

Trees/Landscaping

8.32 Policy CDMP4 Local Plan sets out that development will be expected to incorporate existing trees and hedgerows into the design and layout of the scheme where possible unless their loss is essential to allow the development to go ahead and is supported by evidence in a tree or hedgerow survey. KDC3 of SA1/15 also considers the importance of boundary treatments towards ensuring the development provides a rural transition with the wider countryside.

8.33 In respect of trees, there are three existing trees along the site frontage to be removed, with the southernmost one identified as having structural defect and the other two positioned at the site access or in the sightline. These would be replaced with new tree planting along this frontage. The Council's Tree Officer raises no concern with this, although has commented that a large section of the northern boundary hedgerow is proposed to be removed and replaced with boundary fencing, and that its loss should be reconsidered given its landscape and habitat value. However it is understood this removal is required to facilitate some of the dwelling footprints, and to provide a boundary fence with noise attenuation properties to mitigate noise from the adjacent commercial premises and with lower maintenance from a management point of view for the affordable dwellings. Visually this boundary backs onto existing development and so it is the least sensitive boundary. Importantly, new landscaping is proposed to mitigate this loss, with some additional hedges to be planted in the north western corner of the site and along the western boundary, and a landscaping buffer and corridor to be provided along the site frontage and along the main central access road running east to west through the site. Along the southern boundary, the existing hedgerow is to be retained and made good, and the majority of the eastern boundary hedge would be retained save for the site access and pedestrian footpath link to the north. Overall, the landscaping proposals would be acceptable. Subject to suitably worded conditions, it is deemed that the loss of trees and hedgerows is justified and appropriately mitigated for. On this basis the application would accord with WLP31 policies CDMP4 and SA1/15 KDC2/KDC3.

Other Issues

8.34 Wyre Council's Waste & Recycling Team has no objections subject to appropriate bin presentation points or communal bin stores being provided for certain plots. A condition would be added to any permission granted to ensure suitable details are agreed prior to occupation of any dwelling.

8.35 The Council's Environmental Health Team require further assessment of the risk of potential on site contamination and consideration of gas protection measures. Subject to suitably worded conditions it is considered the proposal would be acceptable in terms of ground conditions and would comply with the provisions of the NPPF.

8.36 There are no public rights of way within the site or immediate vicinity that would be affected.

8.37 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. This development would provide biodiversity and green infrastructure enhancement, sustainable drainage solutions and a condition would secure the provision of Electric vehicle charging points.

8.38 Lancashire County Council Archaeology has confirmed that the archaeological potential of the site is considered to be low-nil and as such no investigation is sought.

9.0 CONCLUSION

9.1 The application site is allocated for residential development in the Local Plan and also includes a section of designated countryside. The development proposed is considered to be in accordance with the approved Masterplan for the allocation. The proposed layout involves the residential component within the site allocation boundary and the green infrastructure and SUDS feature on land to the west within the defined countryside. They would be viewed and delivered as part of one development. This approach is justified in this instance to enable the delivery of 70 units i.e. the housing capacity figure in the allocation. The associated visual impacts of providing this green infrastructure have been assessed as acceptable. All other material impacts have been assessed and found to be acceptable and overall, subject to conditions and a legal agreement, the proposed development is considered to be acceptable.

10.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

11.0 RECOMMENDATION:

Grant full planning permission subject to conditions and a S106 legal agreement to secure on-site affordable housing (30%) and green infrastructure and financial

contributions towards the A6 Highway Strategy, health care and Education. That the Head of Planning Services be authorised to issue the decision following 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 02.03.2020 including the following plans/documents:

Plans:

- Planning Layout Drawing No.R104/1 Rev C;
- Planning Layout Coloured Drawing No.R104/1 Rev C;
- External Surfaces Layout Drawing R104/4 Rev B;
- Swept Path Analysis Drawing No.J32-4013-PS-003;
- Preliminary Site Access Drawing No.J32-4013-PS-001;
- Main Drainage Layout Drawing No.ROW05-101 REV S;
- Green Infrastructure Provision Drawing No.R104/1001 Rev B;

House Types

- Drg No.HT130-P-116 - Reynold Floor Plans;
- Drg No.HT130-P-117 - Reynold Elevations;
- Drg No.HT164-P-10 - Lowry Elevations;
- Drg No.HT164-P-9 - Lowry Floor Plans;
- Drg No.HT174-P-6 - Kingswood Floor Plans;
- Drg No.HT174-P-7 - Kingswood Elevations;
- Drg No.HT138/P/21 - Ashgate II House Type (Elevations - Art Stone Heads & Cills Aff);
- Drg No.HT146/P/117 - Belgrave House Type (with addition side windows);
- Drg No.HT181-182/P/1 Rev A - Bridewell-Bressingham Floor Plans;
- Drg No.HT181-182/P/2 Rev B - Bridewell-Bressingham Elevations;
- Drg No.HT182/P/1 Rev A - Bressingham House Type;
- Drg No.HT166-P-115 - Charleston House Type;
- Drg No.HT105-P-124 - Burlington House Type;
- Drg No.HT107-P-110 Rev C - Marlborough Floor Plans;
- Drg No.HT107-P-115 Rev A - Marlborough Elevations;
- Drg No.HT132-P-114 Rev B - Victoria House Type;
- Drg No.HT146-P-116 Rev B - Belgrave House Type;
- Drg No.HT167-P-4 Rev A - Brantwood II House Type;
- - Drg No.HT169-P-205 Rev A Aroncroft House Type
- Drg No.HT180-P-1 - Ramsey Bungalow;
- Drg No.P/SG/1 Rev B - Single Detached Garage.

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

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

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

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31). The information submitted with this application was considered to be insufficient in terms of brick variety.

4. No dwelling hereby approved shall be first occupied until the parking / turning area(s) shown on the approved plan (Planning Layout Drawing No.R104/1 Rev C) 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).

5. 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).

6. No dwelling shall be first occupied until the 2 metre wide footpath link shown on the approved site layout plan to the front of plot 55 connecting to the A6 has been constructed up to the 2 metre wide footpath running along the site frontage, in surface materials as shown on the approved External Surfaces Layout Drawing

R104/4 Rev B. The footpath link shall thereafter be maintained and remain open and unobstructed at all times.

Reasons: In the interests of highway safety and sustainability and in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

7. Prior to first occupation of any dwelling hereby approved, the site access and off-site works of highway improvement [namely, assessment and any required changes to street lighting and provision of tactile paving at the site access, a 2m wide footpath to the full frontage of the site along the A6, relocation of existing pedestrian refuse, right turn lanes to serve the new site access and Kepple Lane, assessment and any required changes to the street lighting as part of the off-site works and pedestrian crossing points on the A6 to link the new site access to Kepple Lane] shall be 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).

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

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

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

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

9. An electric vehicle recharging (EVCP) scheme shall be submitted for all dwellings with parking provision unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No dwelling shall be occupied until the electric vehicle recharging point has been provided for the dwelling to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

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

10. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the garages hereby approved shall be retained solely for the housing of a private motor vehicle, and at no time shall any works be undertaken that would prevent it from being used for that purpose without prior express planning permission from the Local Planning Authority.

Reason: To ensure that the on-site vehicle parking provision is maintained to avoid the standing of traffic on the adjoining highway to the detriment of the safety and free flow of traffic thereon and in the interest of the amenity of the street scene in accordance with Policies CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no fences, gates, walls, railings or other means of enclosure shall, at any time, be constructed/erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts on to a highway without prior express planning permission from the local planning authority.

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

12. 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.

13. 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).

14. 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).

15. 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

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).

16. No dwelling shall be first occupied until the drainage works have been completed in accordance with the approved details shown on Drawing No.101 Rev S (Main Drainage Layout Development Area). 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 and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

17. 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.

18. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Betts Hydro Ref HYD466 Dated January 2021 and the following mitigation measures detailed within Chapter 4.8 of the FRA:

1. Set finished floor levels (FFL) of residential dwellings to a minimum of 150mm above the existing ground levels;
2. Overland flows generated by the development to be carefully controlled and safe avenues directing overland flow way from any existing and proposed buildings to be provided.
3. Surface water run-off generated by the proposals to be managed effectively with the peak rates of run-off being restricted to the equivalent of the pre-development situation (with betterment where required);
4. The proposed onsite surface water drainage system to be sized to contain the 1 in 30yr return period event below ground with exceedance from storm events up to and including the 1 in 100yr return period storm event with a 40% allowance for climate change being contained onsite.

The mitigation measures shall be fully implemented prior to first occupation of any dwelling 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.

19. No dwelling shall be first occupied until the boundary treatments that relate to that dwelling have been completed in accordance with the following details:

- Drg No.R104/2 Rev B - Fencing Layout
- Drg No.SD-1 Rev A - 1.8m High Close Boarded Timber Fence
- Drg No.SD-104 - Typical Entrance Wall Detail
- Drg No.SD-177 - 1.2m Post
- Drg No.SD-21 - 900mm Post
- Drg No.SD-23 Rev B - 0.45m Knee Rail Fence Detail
- Drg No.SD-231 - 2.6m Acoustic Fence Detail
- Drg No.SD-46 Rev A - 1.8m High Screen Wall
- - Drg No.SD-66 2.4m High Screen Wall

The boundary treatments shall thereafter be maintained and retained.

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).

20. 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.

21. Prior to the commencement of development, including any demolition or tree works, an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan for the retained hedgerows 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), Heras protective fencing and details of any specialist demolition or construction methods if appropriate.

The measures contained within the approved Arboricultural Impact Assessment, Method Statement and 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 hedgerows" means a hedgerow 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. The details are required to be approved prior to commencement of development to ensure timely tree protection measures are in place.

22. The landscaping works shall be carried out in accordance with the following approved details prior to first occupation 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.

- Drg No.2280_08 Landscape Proposals
- Drg No.2280_09 Landscape Proposals
- Drg No.2280_10 Landscape Proposals
- Drg No.2280_11 Landscape Proposals
- Drg No.2280_12 Landscape Proposals
- Drg No.2280_13 Landscape Proposals
- External Surfaces Layout Drawing R104/4 Rev B

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. The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development.

23. Prior to commencement of the development hereby approved, details of the existing and proposed ground, slab and finished floor levels 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: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity and has a minimum risk of flooding in accordance with Policies CDMP2 and 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.

24. No part of the development shall be commenced until details of the refuse storage provision (including location, design and materials of construction) have been submitted to and approved in writing by the Local Planning Authority. The refuse storage area(s) shall be provided in accordance with the approved details prior to first occupation or first use of the development and shall thereafter be maintained and retained.

Reason: In the interests of the appearance of the site and locality and the residential amenity of occupants and neighbours, in accordance with Policies CDMP1 and CDMP3 of the Wyre Local Plan (2011-31). The details are required prior to the commencement of the development because they were not submitted with the application.

25. Prior to first occupation of plots 1-6, 17-18, 49-60 and 68-70 hereby approved, the noise mitigation, as stated in Section 5.1 and 5.2 of the Noise Impact Assessment Reference: 50-058-R1-6 (Dated January 2021), shall be implemented. The approved noise mitigation measures shall thereafter be retained and maintained.

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

26. The development hereby approved shall be implemented in full accordance with the Ecological Appraisal submitted with the planning application [Envirotech, 6014, V3, 16 January 2020] including all the mitigation measures set out in that report.

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.

27. (i) No dwelling hereby approved shall be occupied unless and until the 'public open space' as shown on the approved layout plan has been enclosed on the northern, southern and western boundaries in order to be separated from the wider agricultural land, and this area of public open space left with an open eastern boundary so that it is encompassed within the residential development;

(ii) No more than 19 dwellings hereby approved shall be occupied unless and until, all of the green infrastructure and associated operational development / works 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.

28. The use of the land hereby permitted shown as 'public open space' on the approved layout plan shall be for green infrastructure and drainage with 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.development.

29. Details of the appearance (size, materials and external colour finish) of the Electricity Substation and Pumping Station as shown on the approved Planning Layout Coloured Drawing No.R104/1 Rev C, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out and retained thereafter in accordance with the approved details .

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

30. 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 dwellings on Plots 11, 12, 13, 59 & 60 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 and the residential amenity of occupants / neighbours in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

31. Prior to the first occupation of any dwelling hereby approved, the windows specified below shall be:

i) obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and

ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

- First floor windows in side elevations of Charleston House Type;

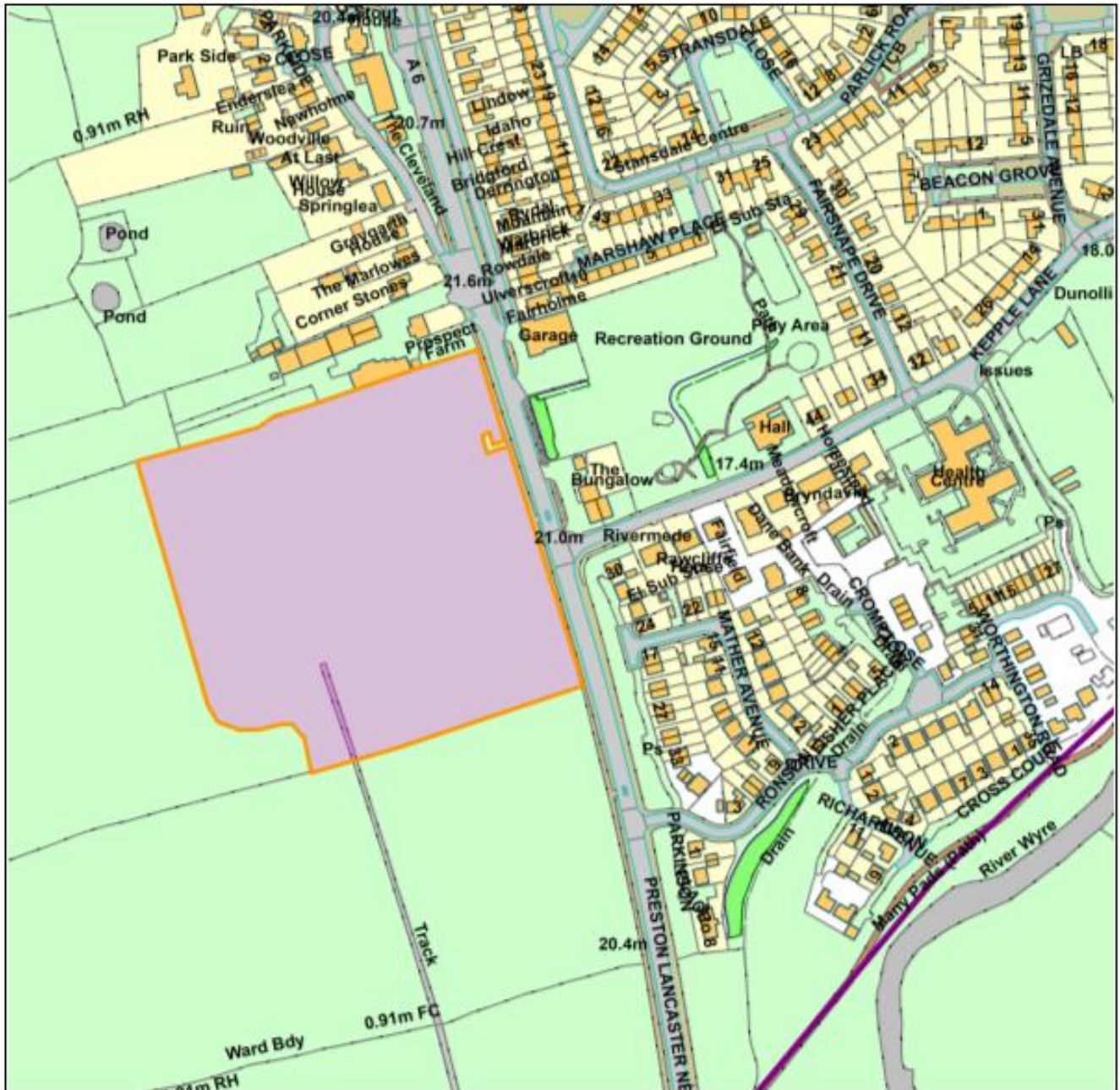
- First floor windows in side elevations of Victoria House Type;
- First floor window in south facing side elevation of Marlborough House Type;
- First floor windows in side elevations of Lowry House Type;
- First floor window in south facing side elevation of Plot 44;
- First floor window in north facing side elevation of Plot 35.

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

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

Planning Committee

20/00212/FULMAJ - Land south of Prospect Farm Garstang



Scale: 1:3273

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	22 March 2021
SLA Number	100018720

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Committee Report**Date: 07.04.2021****Item Number 02****Application Number 20/01175/FULMAJ****Proposal Hybrid planning application for two 80 bed care homes with landscaping and associated works (full application), and up to 50 dwellings with access (outline application)****Location Land Off Stricklands Lane Stalmine Lancashire FY6 0LL****Applicant Mr Furness****Correspondence Address c/o Mr Blair
57-59 Hoghton Street Southport PR9 0PG****Recommendation Permit****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Miss Lucy Embery****1.0 INTRODUCTION**

Site Notice Date: 08/12/2020

Press Notice Date: 23/12/2020

1.1 This application is before the Planning Committee for consideration at the request of Councillor Robinson. Also the development of this site, which forms part of an allocated site in the Wyre Local Plan, is of strategic importance, and part of the proposal includes a use which does not fall within the relevant allocation policy. Due to the current national lockdown restrictions in place an organised site visit will not take place however site photographs will be displayed in the meeting to enable Members to understand the proposal beyond the plans submitted.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is an existing field approximately 2.85 hectares in size and located on the western side of Stricklands Lane, Stalmine, and immediately adjacent to the main rural settlement of Stalmine. Immediately north of the site is a housing site that is under construction and which now forms part of the settlement. To the east are existing dwellings on the opposite side of Stricklands Lane also falling within the settlement boundary. There are also existing dwellings immediately along the southern boundary of the site. To the north west is land where outline planning permission has been approved for residential development for up to 65 dwellings.

2.2 The site is part of a wider site allocation for housing in the Adopted Wyre Borough Local Plan 2011-2031 (site SA1/7). The allocation is made up of three

parcels of land and these are referred to as Phases 1, 2 and 3 in this report. The application site is the southern parcel, referred to as Phase 3. The approved development under construction to the north is Phase 1, and land to the north-west with outline planning permission for 65 dwellings is Phase 2.

2.3 The site is located in Flood Zone 1. It is bound by hedging with intermittent tree planting on all sides, including the northern boundary with Phase 1. The site is generally rectangular in shape, and contains a pond in the north west corner, and telephone poles on the eastern and south eastern edge. In terms of levels there is a short incline at the eastern edge of the site meaning the site frontage is at a higher land level than the adjacent highway of Stricklands Lane. There is then a slight upwards gradient from east to west within the site.

3.0 THE PROPOSAL

3.1 This application is a hybrid application seeking full planning permission for the erection of two care homes and associated works, and also outline planning permission for up to 50 dwellings on the site with access applied for of Strickland's Lane (all other matters reserved).

3.2 The care homes would be to the eastern part of the site adjacent to Stricklands Lane and accessed directly off Stricklands Lane. The access would be centrally located between the care homes leading into a central courtyard area with the care homes forming a U-shaped built form around this courtyard. Pedestrian access would be alongside the vehicular access route and then via paving adjacent to each of the buildings leading to their entrances.

3.3 The two care homes would provide for one overall care facility. The proposed care homes are each designed with one main block, with smaller attached sections behind. The main blocks would be two and a half storeys, and the attached wings would be two storeys.

3.4 The submission labels the homes Care Home A and Care Home B. Care Home A would contain 80 no. bedrooms with 38 at ground floor and 42 at first floor. Care Home B would also contain 80 bedrooms with 39 at ground floor and 41 at first floor. The ground floor of both Care Homes would also contain a reception area with lobby, bistro and kitchenette, an office and a salon. Both the ground and first floor accommodation in each care home would also contain lounges; assisted bathrooms; nurses stations with clinics; individual WC's; a games room; a cinema room; dining space; and staff rooms. The second floor level within the main wings of both Care Homes would contain staff facilities. The plant room would also be on this level. Roof lights would provide light to the second floor rooms in both care homes.

3.5 The materials proposed for the care homes are red brick, render and panelling to the walls, and anthracite grey roof tiles. The render to the walls would be on the front projecting gable features.

3.6 Parking is proposed within a courtyard to the front of the care homes, with 32no. car parking spaces (16no. outside each care home), of which four spaces would have electric vehicle charging point facilities, and six would be mobility spaces. Two motorcycle parking spaces are also proposed (one outside each care home), and two cycle racks (one outside each care home).

3.7 The scheme also seeks outline permission with access applied for (all other matters reserved) for up to 50no. dwellings which would be to the rear of the care

homes to the centre and western part of the site. Access to the dwellings would be to the north of the proposed care homes off Stricklands Lane.

4.0 RELEVANT PLANNING HISTORY

4.1 There is no planning history on the site itself, however there is relevant planning history for Phases 1 and 2 of the site allocation as follows:

PHASE 1 - Adjacent land to the north:

- 17/00995/FULMAJ - Erection of nine dwellings (plots 43-47, 62, 72- 74) as an amendment/plot substitution to plots 43, 45, 60-61 and part of the public open space approved under permissions 14/00226/OUTMAJ and 17/00026/REMMAJ resulting in a net gain of five dwellings. Application permitted.
- 17/00026/REMMAJ - Reserved matters application (appearance, landscaping, layout and scale) for residential development following outline approval 14/00226/OUTMAJ. Application permitted.
- 14/00226/OUTMAJ - Outline application for erection of up to 77 dwellings, associated parking and footpath link for Stalmine Primary School. Application permitted.

PHASE 2 - Adjacent land to the north west:

- 20/00773/FULMAJ - Erection of 84 dwellings with associated parking, landscaping and all other associated works. Pending consideration.
- 18/00899/OUTMAJ - Outline application for the erection of up to 65 dwellings with new access applied for off Carr End Lane (all other matters reserved) (re-submission of 18/00075/OUTMAJ). Application recommended for approval subject to Section 106 Agreement. Resolution to grant permission subject to s106.
- 18/00075/OUTMAJ - Outline application for the erection of up to 65 dwellings with link to adjacent land to east and new access applied for off Carr End Lane (all other matters reserved). Appeal allowed.

OTHER RELEVANT PLANNING HISTORY:

Adjacent land to the south at Kilmory:

- 15/00874/OUT - Outline application for the erection of 3 dwellings with all matters reserved. Application permitted.
- 17/00939/REM - Reserved matters application for the erection of three dwellings (following outline application 15/00874/OUT). Application permitted.
- 17/00939/NONMAT- Non-material amendment to application 17/00939/REM to allow for repositioning of house plots and move private roadway from existing hedge to allow greater protection to root system. Accepted.

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
- SP7 - Infrastructure Provision and Developer Contributions
- SP8 - Health and Wellbeing
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility and Transport
- HP1 - Housing Land Supply
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Developments
- SA1/7 - South Stalmine allocation

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 (and The Presumption in favour of Sustainable Development)
- Section 4: Decision-making, paragraphs 47-50, and 54-55
- Section 6: Building a Strong, Competitive Economy
- 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.

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

- SPG 2: Trees and Development
- SPG 4: Spacing Guidance for New Housing Layouts
- SPG 9: Designing Out Crime

5.4 NATIONAL PLANNING POLICY GUIDANCE (NPPG):

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

- Air Quality
- Climate Change
- Design
- Flood risk and coastal change
- Healthy and Safe Communities
- Housing for older and disabled people
- Housing supply and delivery
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning Obligations
- Travel plans, transport assessments and statements
- Use of planning conditions
- Waste
- Water supply, wastewater and water quality

5.5 THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS (AMENDMENT) (EU Exit) 2019

5.6 THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

6.0 CONSULTATION RESPONSES

6.1 STALMINE PARISH COUNCIL - Strongly objects to this application on the following grounds:

- Lack of consultation (presumed from the developer)
- Location unsuitable for a care home due to the distance from GP surgeries and nearest hospital. Response times for ambulances compounded by volume of traffic and heavy rainfall and road accidents
- No evidence of need for two care homes - the immediate area is already served by six care homes, not all are at capacity. Even with an increasingly elderly population locally requiring care, the homes would be reliant on residents from out of the area
- The creation of two large homes without the infrastructure in place would result in an inferior level of service for occupants; and would increase pressure on already overstretched facilities

- Contrary to policy - SA1/7 does not make provision for commercial properties and nor is there a masterplan in place
- The height and scale of these care homes would be overbearing on the adjacent properties, particularly with the land level differences
- 50 houses are not needed and would exceed the number of dwellings earmarked for this area
- Concern about access arrangements as the entrance and exit to both the care homes and the houses would be directly on to the already busy A588. Traffic travelling north comes at speed round what would be a blind bend for those exiting the care homes. The road also retains water at times of heavy rainfall, increasing the risk of skidding
- The number of projected journeys from both developments will significantly affect usage of the A588. Vehicle usage within Stalmine is already high, increasing risks on an already dangerous road. Accessing the site via public transport and walking is unlikely
- Insufficient parking for the care homes. There is a danger that people will try to park on the roadside resulting in highway safety concerns.
- Concerned by the approach to surface drainage. The main drainage systems are at capacity and cannot cope at times of heavy rainfall with heavy flooding in surrounding areas. The Wyre drainage consultee states the current surface water networks on Stricklands Lane and Carr End Lane are at capacity, and minuted comments at the 'Making Space for Water' meeting in August 2020 recommend the installation of a new surface water drainage system to discharge into the watercourse south of Stalmine
- Foul water to discharge into the public sewer network within Stricklands Lane, but this is at capacity with sewerage at times backing up through toilets into private housing.
- There is concern as to how much expansion schools can take on and at what point a new school is required and where this would be sited
- There are limited recreational and leisure facilities within Stalmine

6.2 HIGHWAYS ENGLAND - No objections. This application would not be expected to result in a severe impact upon traffic or detriment to safety at the nearest A585 trunk road junction at Shard Road.

6.3 LANCASHIRE COUNTY COUNCIL (LCC) as LOCAL HIGHWAY AUTHORITY:

6.3.1 FIRST RESPONSE: No objections and of the opinion this development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

LCC's estimate trip rates to be:

- 714 two-way vehicular movements between 7am to 9pm
- 44 two-way vehicular movements between 8am to 9am (morning peak period)
- 66 two-way vehicular movements between 5pm to 6pm (evening peak period)

LCC of the opinion these trip rates will not have a severe impact on highway capacity or congestion in the immediate vicinity of the site.

The highway network fronting the site is considered to have a good accident record and indicates there are no underlying issues which the proposed development would

exacerbate, providing a safe access can be provided at both site accesses. LCC are satisfied the shown sight lines from the care home site are achievable and acceptable for this size and scale of development. Also of the opinion the shown sight lines for the 50 dwellings (2.4 x 43m) are appropriate for the classified road speed of 30mph and achievable albeit this will require some planting (hedgerows) to be permanently cut back. This should be demonstrated on a plan.

LCC of the opinion that the existing footpaths leading to the site are suitable for this location and no improvements are required. The following improvements are required to public transport facilities in the form of s278 works:

- The existing south bound bus stop, at Back Lane, to be upgraded
- Provision of a new bus stop and shelter fronting the care home site. This shelter to be located within the grass verge fronting the site, to ensure pedestrians can pass the shelter and the shelter is not within the sight lines of the new access.

LCC are not seeking any section 106 contributions. Monies have been secured through recently approved developments impacting on the bus services passing the site as such Highways are not requesting any further contribution toward these services. A number of conditions suggested.

6.3.2 SECOND RESPONSE (received following submission of further plans):

The sightlines shown for both of the proposed accesses are acceptable based on the Guidelines in the Manual for Streets and observations on site. (The remainder of this highways response is as First Response above).

6.4 GREATER MANCHESTER ECOLOGY UNIT (GMEU): The site is not designated for its special nature conservation interest but it is within 2km of the Morecambe Bay / Duddon Estuary Special Protection Area (SPA). A separate Assessment has been undertaken of the potential effects of the planned scheme on the SPA. This Assessment has concluded that, providing certain mitigation measures are adopted, the planned scheme will not have a harmful effect on the designated site. The measures recommended for mitigating effects on designated sites should be required in addition to measures recommended for mitigating effects on the site habitat features i.e. pond, hedgerows and trees, which have some potential to support protected and priority species, including small numbers of foraging bats and nesting birds.

6.5 NATURAL ENGLAND:

6.5.1 FIRST RESPONSE: Has reviewed the Shadow HRA produced by the applicant but not enough information to rule out the likelihood of significant effects on nearby Special Protection Areas (SPAs) which are classified for rare and vulnerable birds. Supporting habitats (functionally linked land/habitat) may be used by SPA populations for some or all of the time. The potential for offsite impacts needs to be considered for the surrounding fields on European sites. The same concerns relate to potential impacts upon the Wyre Estuary SSSI and Lune Estuary SSSI.

6.5.2 SECOND RESPONSE: Following receipt of further information has no objection subject to the following mitigation being secured by condition:

- Implementation of a Construction Environmental Management Plan

- Provision of Homeowners Information Pack explaining the sensitivities of the nearby designated site and including a 'responsible user code'.

6.6 THE WILDLIFE TRUST: If planning permission is granted, request a number of planning conditions be attached to cover the recommendations of GMEU and the Environmental Statement. Would also like to see a measurable 10% Biodiversity Net Gain delivered and sustained as will be required by law later this year when the Environment Bill is finally passed.

6.7 UNITED UTILITIES: Confirms the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted it is requested a condition be attached requiring the development to be carried out in accordance with the submitted Flood Risk Assessment and with separate systems of foul and surface water.

6.8 NHS FYLDE AND WYRE CLINICAL COMMISSIONING GROUP (CCG): This proposal will generate approximately 344 new patient registrations. The proposed development falls within the catchment area of Over Wyre Medical Centre. This need, with other new developments in the area, can only be met through an extension and reconfiguration of the existing premises in order to ensure sustainable general practice. A financial contribution of £39,505 is required towards the provision of this infrastructure.

6.9 LANCASHIRE COUNTY COUNCIL (LCC) as EDUCATION AUTHORITY (LEA): In respect of the 50 dwellings, a current estimate of contribution requirements would be £377,962.44 towards 19no. primary school places and £184,494.00 towards 8 no. secondary school places. Final calculation to be determined at reserved matters stage.

6.10 WBC HEAD OF PARKS AND OPEN SPACES MANAGER (TREES):

6.10.1 FIRST RESPONSE: The site has previously been walked to view trees and hedgerows, and the quality assessments of the trees and hedgerows given in the Arboricultural Impact Assessment (AIA) are agreed with, and the Tree Protection Plan (TPP) provided is suitable to be used in regard to the full application element. As the dwellings element is outline the TPP is sufficient but may require reviewing as layout design regarding this part of the application is required to become more refined.

Looking at the Landscape Plan provided for the full application element the various sort landscaping elements, species, positioning, schedule and specifications are appropriate. It is noted that the roadside managed hedgerow would require removal, the plan being to replace it with a new native hedgerow of similar length. Countryside hedgerows are priority habitats and in some cases classed as Important Hedgerows (1997 Hedgerows Regs). In the case of this roadside hedgerow, it has been clarified that it is a priority habitat. However, access into the site and its visibility splays would require removal and replacement of this hedgerow. This is sadly unavoidable if permission is granted. There are also likely to be some sectional losses of hedgerow in the portion of the site, which is outline. Therefore future associated Landscape Plan must incorporate equal or more new native hedgerow on site considerate of the need for enhanced wildlife opportunities and connectivity.

6.10.2 SECOND RESPONSE: Further plan (Hedgerow Removal and Replacement Plan) does not change original comments. In relation to the outline proposal there

would be preference for retention and bolstering of hedgerows, rather than removal and replacement.

6.11 WBC's HEAD OF ENGINEERING (DRAINAGE): No objection in principle. Conditions should be attached requiring the development to be carried out in accordance with the Flood Risk Assessment (section 5.6.10) with surface water discharge restricted to Qbar (19.0 l/s), and requiring full surface water drainage plans (including on-site attenuation) to be submitted for approval.

6.12 WBC HEAD OF ENVIRONMENTAL HEALTH (CONTAMINATION): The submitted Phase 1 desk study is acceptable, however the Council's standard conditions should be attached requiring a site investigation, and remediation and verification if required, and also a watching brief.

6.13 WBC HEAD OF ENVIRONMENTAL HEALTH (AMENITY): The proposed development is situated in relatively close proximity to existing sensitive residential receptors and surrounded by the new proposed housing development and to the A588, being a busy through road. No objection subject to a number of mitigation conditions with respect of noise and lighting.

6.14 WBC HEAD OF WASTE MANAGEMENT: Waste collections will not be an issue from the complex.

6.15 LANCASHIRE FIRE AND RESCUE: Recommends that the development should meet all the requirements of Building Regulations in relation to access and water provision.

6.16 NATS: No safeguarding objections to the proposal.

6.17 BLACKPOOL TEACHING HOSPITALS NHS FOUNDATION TRUST: Requests a contribution from this development of £88,113.00.

6.18 LEAD LOCAL FLOOD AUTHORITY (LLFA): No consultation response has been received.

6.19 BT OPENREACH: No consultations response has been received.

7.0 REPRESENTATIONS

7.1 A letter of objection has been received from Stalmine with Staynall Residents Association. The objections raised can be summarised as follows:

- Unsatisfactory proposals for surface and foul water drainage from the site - There are historic surface water issues in the area; current surface water networks on Stricklands Lane and Carr End Lane are at capacity; the preference is for surface water from this site discharge to the south to the existing watercourse network south of the village; the Association would object to discharge to the surface water system on Stricklands Lane or any discharges greater than Qbar; there are minutes from the Council's Drainage Engineer that the current network is at capacity and recommended a new surface water drainage system be put in discharging under the road to the main watercourse south of Stalmine; the developers foul sewerage proposal to make a new connection with the sewer at the top of Malvern Avenue is unrealistic: adding the sewage from this development would exacerbate an already poor situation

- The applicants Environmental assessment report is inadequate regards petrol stations.
- Detrimental effect on local education services - There are queries about whether there will be expansion available for schools and if not whether there is sufficient land on the site for a new primary school.
- Concern about road safety, parking, and inconsistent travel plan provided by the applicant - Traffic will use the A588 and this is the fourth most dangerous road in the country: there is high car dependence; local bus services are poor; the applicants consultants traffic counts in the Transport Statement provided by their consultants are suspect; the size of car park for the care home is inadequate.
- A monopoly of care homes which are not needed in the local area.
- Concern about quality of care and that the care home providers are out for profit.
- The care homes would result in a migration of workers from other jobs in the local area, which could impact on local businesses.
- Concern about impact on the local medical centre
- Lack of consultation with the local community

7.2 Twenty-one letters of objection have been received from nineteen separate objectors. The issues raised can be summarised as follows:

Traffic:

- Traffic disruption during and after construction
- Existing roads are insufficient/ inadequate
- The area already suffers with traffic and access issues
- Building of houses without adequate thought to the infrastructure
- Additional traffic to and from the site will cause infrastructure and traffic problems especially over shard bridge and the traffic lights.
- Highway safety concerns as there are many access roads and driveways onto Stricklands Lane.
- The main road is an accident black spot due to blind corners, standing traffic, parked vehicles, and volume of motorcyclists.
- The proposed access road is at the apex of a blind bend and will cause problems with existing traffic and access.
- The access will impinge on driveways opposite.
- Highway will be unsafe due to surface run-off and water sitting on the highway.
- The proposal will put children walking to school in danger.
- LCC Highways Traffic survey has been done at 11am, and should have been done at peak time.

Parking:

- Insufficient parking proposed for 40 full time and 30 part time staff, residents, and visitors.
- Flood risk and drainage:
- There are existing flooding and surface water issues documented such as on Back Lane that are not mentioned or included in any drainage proposal solution.
- Drainage issues will increase flooding and water ingress into nearby properties.
- Serious concern about waste water. The existing situation is bad with current sewer outdated and overloaded, overflowing onto the roads backup waste pipes into several homes.

- No further development should be allowed until sewer capacity is increased.
- Surface water is a major concern.
- Lack of investment in, and insufficient infrastructure, to deal with surface water run-off.
- Run-off into the culvert (under Stricklands Lane) is certain given the development is raised and car parking and access is proposed.
- Recent development has caused significant run-off into the culvert under Stricklands Lane.

Planning Policy and Location:

- Local Plan Policy SA1/7 is for 180 houses in total within the area that includes this proposal. The scheme goes way over the allotted construction work outlined in the Plan.
- The already approved developments should meet the required housing allocation
- The site is the least desirable in Policy SA1/7 and the furthest from the village of Stalmine.
- The proposed care homes are contrary to the Local Plan which does not include commercial use.
- There is no masterplan. This is the third parcel in the allocation to have no masterplan.
- Lack of holistic planning
- Additional services are to be delivered through a masterplan.
- The proposed housing development is not linked to any other part of the village other than the main access road, therefore contrary to the requirement in the local plan (as not an organic extension).
- A green infrastructure framework is required, and the proposed care home and housing development is high-density, fully enclosed, commercial development, contrary to the current aesthetic of the area and requirements of the local plan.

Need for the development:

- There is no need for a further 50no. homes.
- There are unsold houses in the area.
- There is no need for the care homes.

Impact on population:

- The proposal will increase the population of Stalmine by 20%
- Facilities and amenities:
- There are insufficient amenities and infrastructure to accommodate the development.
- There will be impact from number of new residents on the village school and the medical centre which are already at capacity
- The care homes will be detrimental to health provision particularly with existing GP's being cutting back with the closure of Hambleton surgery.

Amenity:

- The proposed care homes are too high at 2 ½ storeys. It should be reduced in height a storey
- The care homes would affect light gain to existing properties

- The care homes close to the road will be intrusive to, result in loss of privacy, and be imposing upon, existing properties opposite.
- Outlook from existing houses to the care homes would be unpleasant at the height proposed and totally different to looking towards a residential development
- Increase in light pollution and concern lights will be on 24/7 at the care homes
- Concerns about noise from the use of care homes, and amount of deliveries and traffic associated with the care homes
- Concern about existing road noise and vibration and that this development could make this worse.
- The location of the bin stores by the road will present an odour risk to residents opposite.

Use, character and appearance:

- The proposal will destroy the character and amenity of Stalmine
- The proposed care homes are too large
- The type of accommodation (care homes) is unsuitable for the area
- Development was expected to be residential on the site.
- Over development on fields in the village
- The buildings are not in-keeping with the village and rural setting
- Development should be on a brownfield site.
- Commercial use should be limited

Ecology:

- The hedges on the east boundary should not be removed, would never be replaced like for like, and are important for the wildlife and the overall feeling of the environment in the vicinity.
- Impact on wildlife such as pheasants, deer, muntjac, owls, kestrels, rabbits, migrating ducks, birds and cows by the development of the field.
- Impact upon wildlife in the ponds such as fish, frogs and newts.

Agriculture:

- Impact on activities such as fishing and hay bailing by development of the field

Other matters raised which are not material planning considerations:

- Loss of view
- Loss of value and impact upon process of existing properties (both resident and business)
- Behaviour of residents of the care homes
- Damage to public and private property at other development sites
- Design of housing and parking on other development sites
- Assertions about the developers intentions
- Impact of the pandemic upon future uptake/use of care homes

7.3 A letter has also been received from County Councillor Shedwick stating that he agrees with all of the objections raised by Stalmine Parish Council, and Stalmine with Staynall Residents Association. His points include:

- The Making Space for Water Meeting 20th August 2020 Minutes that the current network was at capacity and it was recommended that a new surface water

drainage system be put in that discharges south of Stalmine under the road to the main watercourse.

- Considers the application cannot be determined until this new surface water system is designed and installed.
- States that in terms of SA1/7 the two sites already approved could total 161 dwellings out of a Local Plan capacity of 180 dwellings, with the balance being 19 dwellings. Queries how this application can be validated in respect of 50 Houses and two 80 Bed Care Homes.
- Questions why there is no land for a school in the layouts for this application, or pending application 20/00773/FULMAJ on Phase 2.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Various. Updates provided on progression of the application, request for street scene plans and land level sections, and agreement of suggested environmental health (amenity) and pre-commencement conditions

9.0 ISSUES

9.1 The main issues in this application are as follows:

BOTH FULL AND OUTLINE ASPECTS OF THE PROPOSAL

- Principle of development
- Location of the development and Sustainability
- Loss of agricultural land
- Impact upon the highway network, safety, access, and parking
- Flood risk and drainage
- Impact upon ecology/hedgerows/trees

SPECIFICALLY IN RELATION TO THE FULL PROPOSAL FOR CARE HOMES:

- Visual impact/design/impact on the street scene
- Impact upon residential amenity

SPECIFICALLY IN RELATION TO THE OUTLINE PROPOSAL FOR UP TO 50no. DWELLINGS:

- Infrastructure Provision
- Housing Mix and Adaptable Housing
- Visual impact and impact on the street scene
- Impact upon residential amenity

OTHER RELEVANT MATTERS

- Contamination
- Climate change
- Waste Management
- Telephone infrastructure
- Need for care homes and contribution towards housing land supply

Principle of development

9.2 The application site falls within the settlement boundary of Stalmine as defined in the Adopted Wyre Local Plan (WLP31). Policy SP1 of WLP31 directs new development to within settlement boundaries and states 'development within settlement boundaries will be granted planning permission where it complies with the

other policies of this Local Plan'. The application site is included within allocation policy SA1/7, and is one of three parcels of land forming this allocation, identified as Phase 3. The other two parcels have already been granted planning permission with Phase 1 under construction for 81 dwellings, and Phase 2 with outline permission for up to 65 dwellings.

9.3 The whole site allocation SA1/7 is for housing. The principle of developing the site for housing has been established by WLP31. The site allocation sets a site capacity of 180 dwellings. 146 dwellings within the allocation have planning permission to date. Whilst there is a pending application on phase 2 to increase the number of units from 65 to 83 this has not been determined and so the additional 18 units proposed are not treated as committed at this stage. This proposal seeks outline permission for up to 50no. dwellings, which would take the total number of committed dwellings to 196. Whilst this exceeds the site capacity figure for this allocation, the housing requirements in the WLP31 are a minimum figure, and therefore the site capacity for allocations are also treated as minimum figures which can be exceeded subject to all other Policy requirements being met. Therefore the housing proposal would not be contrary to the Policy HP1 or site allocation Policy SA1/7.

9.4 As the site allocation is for housing, the proposal for two care homes does not fall within the use specified for the allocation. Nonetheless it is considered that a use other than dwellings can be supported within the allocation provided it satisfies the overall development strategy outlined in policy SP1, would not prejudice the delivery of the allocation capacity of 180 dwellings, and that the proposed use is compatible with the allocation. As policy SP1 directs new development within settlement boundaries, and this scale of care facility is considered appropriate to the character of Stalmine, it is considered to satisfy the development strategy. The previous paragraph considers the delivery of the allocation housing capacity therefore it would not prejudice this. A care home use is a residential use and therefore compatible with housing, subject to appropriate scale, layout and design etc. which is discussed later in this report. Therefore whilst not strictly compliant with the site allocation Policy, the provision of a care facility in the allocation is considered to be acceptable in principle.

9.5 The proposal needs to comply with a number of Key Development Considerations (KDC's) in SA1/7 which are policy requirements. The first KDC is the requirement for a masterplan covering the whole allocation which should be approved prior to the Council granting planning permission for any part of it. The Appeal Decision allowing Phase 2 concluded as planning permission has already been granted on phase 1, it is not possible to comply with the wording of this part of the policy. This is the interpretation of a particular Inspector. In his reasoning the Inspector also considered that parcels 2 and 3 were severed from each other and so would be brought forward separately. The Inspector granted planning permission for phase 2 with no masterplan. In the particular circumstances of this site allocation, a masterplan on phase 3 is not required.

9.6 KDC7 of Policy SA1/7 states that land should be made available for a new primary school if required. The fact that land is not reserved for a school in either phase 2 or 3 has been queried in some of the responses received. As part of the Appeal for Phase 2 detailed discussions took place with LCC Education and it was confirmed that there is no longer a requirement for a new primary school in Stalmine, as LCC are comfortable that existing schools in the area can be extended to accommodate the level of planned development. Therefore the application does not conflict with KDC7 as there is no longer a school requirement. Financial

contributions towards education to mitigate the impact of the 50 dwellings are considered below in this report.

9.7 Policy SP7 requires developments to make appropriate contributions where new or improved infrastructure is required to meet the needs arising directly from a development or to mitigate any adverse impacts of a development on existing infrastructure. The Fylde and Wyre Clinical Commissioning Group (CCG) have a policy which includes a methodology on assessing need directly from a development. The Council therefore supports their request for a contribution from both developments of £39,505 towards the Over Wyre Medical Centre. Blackpool Teaching Hospitals Trust have also responded requesting a contribution towards Blackpool Victoria Hospital. However, unlike the CCG, the Trust have no Adopted Policy document in place that evidences a direct need arising from developments, and their request is not considered to be compliant with the CIL Regulations, and therefore Members are advised this request would not be in accordance with policy SP7 and should not be upheld.

Location of the development and sustainability

9.8 Policy SP2 of WLP31 sets out that new development should be sustainable and contribute to the continuation or creation of sustainable communities in terms of location and accessibility. Sustainability is also a material consideration requirement of the NPPF. As this application site is part of a housing allocation and is located immediately adjacent to existing housing to the north, it is considered to be well related to the existing settlement of Stalmine. The development would still be within reasonable distance of local and community services in Stalmine including a public house, post office, shop, church and village hall, as well as within walking distance of the existing school. Whilst parish council concerns about car reliance is acknowledged particularly in respect of the care homes, a new bus stop is to be provided directly outside the site and a Travel Plan for the business would be required identifying measures to encourage sustainable transport use by staff, visitors etc. LCC Highways raise no concern about the sustainability of either development.

Loss of agricultural land

9.9 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 defined as moderate quality and therefore the proposal would not lead to the loss of high value agricultural land. The proposal would not conflict with Paragraph 170 of the NPPF.

Impact upon the highway network, safety, access, and parking

9.10 Both Highways England and LCC Highways have been consulted and have considered the submitted transport and TRICS data. In summary Highways England have raised no objection and consider the proposal would not result in a severe impact upon traffic or detriment to safety at the nearest A585 trunk road junction at Shard Road, and LCC Highways concludes that whilst there would be some net increase in overall traffic from the care homes and dwellings this would not result in a severe residual cumulative impact on the capacity of the local highway network. LCC Highways also considers that the existing highway network fronting the site has a

good accident record and there are no underlying issues which the proposed development would exacerbate.

9.11 In terms of each of the proposed site accesses for both the care home and the dwellings off Stricklands Lane, LCC Highways originally responded querying the achievement of sightlines for the access to serve the dwellings. The applicant provided amended plans, and LCC Highways second response confirms the required sightlines can be achieved. LCC Highways consider that the proposed accesses for both the care homes and dwellings are acceptable in terms of design and safety, and that sufficient sightlines of 2.4 x 43m would be achievable in both directions onto Stricklands Lane, provided the hedge within the sightlines is cut back. The matter of ecology/hedgerows is considered below in this report. Suggested conditions requiring provision of the visibility splays, site accesses and off-site highway works (street lighting, tactile paving and bus stop) can be attached. Indeed all of the conditions suggested by LCC Highways can be attached, except for those requiring road surveys to be carried out, as these do not fall within the planning remit.

9.12 LCC Highways has considered sustainable links and transport, and are of the opinion that the existing footpaths leading to the site are suitable and no improvements are required. They do however state that improvements are required to public transport facilities through the provision of a new bus stop and shelter fronting the care home site, and upgrading of the south bound bus stop at Back Lane to ensure it is fully Equality Act Compliant. The applicant has confirmed that they would agree to provide these upgrades, and has shown these on plan.

9.13 LCC Highways also confirm no section 106 contributions are required as part of this development providing the recommended section 278 works are provided. Monies have already been secured through recently approved developments impacting on the bus services passing the site, and therefore no further contribution is required.

9.14 In terms of parking provision the care homes would provide 32no. parking spaces, which would include 6no. mobility spaces. Two motorcycle parking spaces are also proposed along with two cycle racks. LCC Highways have not commented specifically on parking but have overall raised no objections to the proposals. The Parish Council have raised concerns that the care homes may not have enough parking on site and that this could push vehicles to park on the highway.

9.15 Appendix B of WLP31 sets out maximum parking requirements for specific types of development. For care homes the parking requirement is 1 space per 5 residents. The proposed care homes would have 160 bedrooms in total, therefore 32 parking spaces would be required, which is being provided. The proposal therefore satisfies this. It also provides the right number of mobility spaces as set out in Appendix B as well as motorcycle and bicycle spaces. The outline application does not apply for layout at this stage and therefore there is no need to consider parking for that element of the proposal at this stage.

9.16 Policy CDMP6 requires proposals to provide electric vehicle charging points. The plans for the care homes show 4no. parking spaces with such provision which is considered sufficient. A condition will be required to ensure these charging points are provided and the details submitted. A condition will also be required on the outline application to ensure that these would be provided on this part of the site.

Flood risk and drainage

9.17 The site is located within Flood Zone 1 and therefore has the lowest probability of fluvial flooding. As the site exceeds 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted. There is no requirement for the applicant to satisfy the sequential or exceptions tests with regard to flood risk. The applicants submitted FRA states that surface water run-off for the whole site will discharge to the culverted Ordinary Watercourse network to the east of site via the existing onsite land drainage connection. Foul water discharge generated by the development is proposed to the public sewer network within Stricklands Lane.

9.18 The Parish Council, Residents Association, Councillor and individual objectors have raised concerns in relating to drainage, including existing drainage capacity, and the proposed drainage for the site.

9.19 The relevant drainage bodies have been consulted, as well as the Council's Drainage Engineer. No response has been received from the Lead Local Flood Authority (LLFA). United Utilities considers the submitted Flood Risk Assessment (FRA) to be acceptable and has suggested that the development be carried out in accordance with this statement. This FRA includes specific flood risk mitigation measures including restricting surface water discharge restricted to Q_{bar} (19.0 l/s), finished floor levels, consideration of overland flows, effective management of peak rates of run-off, and land drain ditches to be accommodated for in any drainage scheme.

9.20 The Council's Drainage Engineer has responded with no objection in principle but states that conditions should be attached to any permission requiring the development to be carried out in accordance with the Flood Risk Assessment (section 5.6.10) with surface water discharge restricted to Q_{bar} (19.0 l/s), and requiring full surface water drainage plans (including on-site attenuation) to be submitted for approval. Therefore whilst the proposals would drain to the east he has no objections to the proposal subject to these particular conditions. It is considered that should Members resolve to approve the application these conditions (FRA, Drainage details, and Drainage Management Details) are necessary to ensure the site is adequately drained, and such conditions should be attached to both the full and outline proposals.

9.21 Members are advised that the Council's Drainage Engineer has been contacted directly about the comments raised by the third parties about it previously being stated that drainage proposals should be to the south of Stalmine. It is hoped that clarification on this matter can be reported to Members in the Committee Update Sheet. Nonetheless, it is clear the Drainage Engineer considers drainage to the east to be acceptable.

Impact upon ecology/hedgerows/trees

9.22 The application site does not sit within an area of ecological designation. However it is within reasonable distance of nearby Special Protection Areas (SPAs), the Wyre Estuary SSSI and Lune Estuary SSSI, to warrant consideration of its impact upon these designated areas. The site is surrounded by hedgerows on all sides, and there are groups of trees within the southern hedgerow bounding the site, and within the hedgerow with the south east boundary, plus an individual tree in the south east corner of the site, and an individual tree within the hedgerow on the northern boundary. There is also an existing pond on the western side of the site within the area relating to the outline proposal.

9.23 The applicant submitted a Shadow Habitat Regulations Assessment (sHRA). Following comments from Natural England a Habitats Regulations Assessment (HRA) was carried out by GMEU on behalf of the Authority. Natural England were re-consulted on this and have raised no objections to the application subject to appropriate mitigation in the form of a Construction Environmental Management Plan and Homeowners Packs being secured by condition. The Wildlife Trust support these conditions. They also consider that conditions should be attached requiring a scheme to protect trees and hedges for the care home part of the proposal, preparation of a Habitat Management Plan in accordance with the submitted Ecology Survey, implementation of reasonable avoidance methods to protect bats, installation of bat and bird nest boxes, avoidance of disturbance to nesting birds, submission of a lighting scheme, and a landscape scheme to be submitted in respect of the outline part of the application. These conditions would be attached to any planning permission.

9.24 In terms of impact on hedgerows and trees, no existing trees would be removed to accommodate the full proposal for the care homes, and the plans submitted within the Arboricultural Report indicate no existing trees would be removed within the outline area of the proposals. The proposal would require the removal of sections of the hedgerow at the site frontage to accommodate the access to the care homes, and also the access to the housing proposal. This hedgerow fronting Stricklands Lane is considered to be a priority habitat. The applicant was asked to provide clarification of the length of the frontage hedgerow to be removed at the accesses, and what would be proposed as mitigation.

9.25 A plan has been received identifying the length of frontage hedgerow to be removed, and detailing where mitigation hedgerow planting would be provided. The frontage hedgerow would be removed and replaced with a new hedgerow planted slightly further into the site. Some section of hedgerow would be removed for the care home access and access to the dwellings, and where this is the case new hedgerow planting is proposed, with two lengths of hedgerow along either side of part of the internal access road to the care homes (greater in length than the section of hedgerow to be removed for the access point and of the same species). A new section of hedgerow would be provided in mitigation for the section removed for the access to the dwellings, alongside the north of the care home. Overall in total the mitigation hedging length proposed would exceed the length of hedgerow to be removed and replaced.

9.26 The Council's Tree Officer acknowledges the loss of sections of the priority habitat hedgerow is unavoidable if permission is granted as it would need to be removed to enable the accesses to be provided safely, but that the proposal is seeking to replace this with a new native hedgerow of similar length. The application site is an allocated site, and there is no other way to access this site other than off Stricklands Lane. Therefore whilst it is regrettable that the existing priority hedgerow would be removed as part of the proposal, it is considered necessary to enable safe and sufficient access to both development proposals. Mitigation hedgerow planting is proposed across the site frontage and alongside the proposed accesses at a slightly greater length than the hedgerow to be removed. Overall it is therefore considered the loss of hedgerow is justified and appropriately mitigated for.

9.27 There are also hedgerows around the other site boundaries. The plans show that the entire length of the hedgerow and trees along the southern boundary would remain. The first length of the hedgerow on the northern boundary alongside the new internal access road would remain. However two sections of hedgerow in the north

western corner and three sections along the western boundary (within the area of the outline proposal) are indicated to be removed. The Council's Tree Officer has expressed a preference for retention and bolstering of hedgerows, rather than removal and replacement. Nonetheless he does not raise any objections to what has been indicated but has stated that if this is the case any future Landscape Plan for the outline element of the proposal must incorporate equal or more new native hedgerow on site considerate of the need for enhanced wildlife opportunities and connectivity. The indicative plans for the outline element also shown that the existing pond would be altered on the western edge of the site. Whilst the outline element of the proposal is indicative it is considered that should Members approve this application a condition will need to be attached for the outline element of the scheme requiring a landscaping plan to include details of the pond, and adequate hedgerow mitigation should future landscape details remove all of part of these hedgerows.

SPECIFICALLY IN RELATION TO THE FULL PROPOSAL FOR CARE HOMES:

Visual impact/design/impact on the streetscene

9.28 The proposal would not result in a projection into the countryside area, or beyond the allocation for which the principle of built development on the site has been established. There is existing built development to the north of the site in the form of the newly built Wainhomes housing development (Phase 1), built form to the south, and also to the east across Stricklands Lane. The countryside area is to the west. The periphery of the site is currently surrounded by hedgerows. Existing dwellings constructed to the north are two storeys in height. Those properties to the east are a mixture of tall two storey, lower two storey, 1 ½ storey and single storey property with a variety of roof heights. Properties to the site are generally lower in height and there are occasional lower storey properties particularly to the south.

9.29 The proposed care homes would be each designed with one main block, with smaller attached sections behind. The main blocks fronting Stricklands Lane would be two and a half storeys with the second floor within the roof space and served by roof lights, and the attached wings behind would be two storeys (without roof space accommodation). The applicant has submitted floor plans, elevations and a site plan of the proposed care homes. These show that the care home would be at a slightly higher level than Stricklands Lane itself as is the current land level of the site above the road level. The applicant has provided longer street scene elevations of the care homes to show the height against the height of adjacent buildings, and land levels proposed for the siting of the care homes.

9.30 The care homes would be 10.m in height to the roof ridge, and set approximately 1.2m above the road level. The floor level would be similar to the dwellings that have been approved and constructed on the housing site to the north when viewed along Stricklands Lane. The height of the care homes would be 1.8m taller than these approved dwellings to the north. The full front elevation of Care Home A would face the main road, and a partial corner elevation of Care Home B would face the main road. The homes would be set back from Stricklands Lane (and existing pavement) by 12m. The Care Homes have been designed with a pitched roof containing roof lights, and with a series of relatively narrow projecting front gables that would not extend above eaves height. The proposed care homes would certainly be higher than existing buildings in the area. However it is considered that due to their design, with the building being broken down into numerous sections, the fact that only one main elevation of one care home would face the main road to the east, the set back from the road, and the roof style and projecting front gables being below roof height, that the care homes would not appear overly excessive in height,

bulk or massing in the street scene. Whilst the height of the care homes would be higher than properties across Stricklands Lane, this is also the case for properties that have been constructed to the north of the site on the same side of the road. In this case it is considered the care homes would be viewed in the same visual context and similar height as the new build houses that have been constructed to the north.

9.31 The Care Homes would also be taller than existing properties to the south, some of which are single storey. From wider views to the south off Stricklands Lane, one elevation of Care Home B would be able to be viewed in part. There is existing boundary screening to the rear of existing properties with the Care Home which would break up wider views from the main road, and it is considered that due to this and the set back of the care home behind existing properties, the south elevation of Care Home B would not appear overly dominant in the street scene from views to the south.

9.32 The design of the care homes as two main blocks with smaller blocks behind, and with the same design carried through all the blocks but with more gable features to the main blocks representing a hierarchy, is considered to be appropriate. As a result of the roof design and the design features the proposal would not result in one dominant massing on the site. The siting, layout and orientation of the buildings is also considered to make good use of the site and break up the bulk and massing.

9.33 Existing buildings in the area are constructed of a mixture of materials with red brick and render, and grey roofing materials. The proposed materials would be a mixture of red brick, render and panelling to the walls, and anthracite grey roof tiles. The render to the walls would be on the front projecting gable features. It is considered the general palette of materials is appropriate to the area, and the precise details and finish of the materials can be provided by condition.

Impact upon residential amenity

9.34 The proposed layout has been considered against Supplementary Planning Guidance 4 (SPG4), and the spacing requirements between plots. The proposed siting of the Care Homes would comply with the separation distance requirements of SPG4. The front elevation of Care Home A would be between 28m and 41m away from existing residential properties opposite and the eastern corner elevation of Care Home B would be 21.5m away from the nearest residential properties across Stricklands Lane. The northern elevations of Care Home A facing the new housing site to the north would be between 38m and 43m away from the nearest buildings to the north. The southern elevation of Care Home B would be a minimum of 40m away from the nearest existing dwellings to the south.

9.35 There is a plot of land to the south of Care Home B (the grounds of a dwelling known as Kilmory) which was granted planning permission for 3no. dwellings. Members are advised that the permission on this site may no longer be lawful as although a commencement has been made the pre-commencement conditions have never been discharged. Nevertheless the distances to those 3no. dwellings have been considered. There would be a distance of over 25m between the south elevation of Care Home B and two of the plots. The eastern plot would be 17m away from the Care Home at its nearest corner to the Care Home, however it was approved with a north west orientation which would not directly face the care home, and therefore windows would not directly face each other. Nevertheless taking a straight line from the windows to the care home the first floor windows of habitable rooms would be over 21m away from the care home.

9.36 The siting of Care Home B would result in some impact upon light to the rear of existing dwelling of Kilmory when compared to the current situation by its very presence and height. However the existing property is slightly to the west of the proposed Care Home, and due to the separation distance, and as light gain would still be to the dwelling from the north west and due north it is considered that the impact would not be detrimental.

9.37 The 3no. approved dwellings would likely be impacted upon to a degree by Care Home B in terms of light, and there may be a perception of overbearing and overlooking upon the ground floor conservatory that was shown on the approved plans of the easternmost of the approved plots. However there is an existing boundary with hedgerow and trees, which is currently of moderate height that would already prevent light gain to the rear of these properties if maintained as existing, and which could help to screen in part the southern elevation of Care Home B. Overall given that the required separation distances are achieved, it is considered that the proposal would not result in significant harm to the amenity of these plots if they were able to be lawfully built.

SPECIFICALLY IN RELATION TO THE OUTLINE PROPOSAL FOR UP TO 50 DWELLINGS:

Infrastructure provision

9.38 Lancashire County Council (LCC) as the Local Education Authority (LEA) have assessed that at this present time a primary education contribution of £377,962.44 would be required towards 19 primary school places, and £184,494.00 towards 8 secondary school places, from the 50 dwellings. The precise amount would be calculated at reserved matters stage. This mechanism will need to be secured by a section 106 agreement. The LEA has been contacted for confirmation of the named infrastructure projects (existing school expansions) and this will be reported in the Committee Update Sheet.

9.39 The application has provided an affordable housing statement which intimates that affordable housing should be able to be provided in accordance with Policy requirements. Policy HP3 requires 30% affordable housing provision on developments of 11 dwellings or more on greenfield sites in Stalmine. The application proposes up to 50 dwellings which would equate to a requirement for up to 15 affordable units. This 30% provision and details of the location, type and tenure will need to be secured by a section 106 agreement.

9.40 Policy HP9 of the WLP31 requires an appropriate quantity of green infrastructure (open space) to be provided on developments of 11 dwellings or more. The Policy also states that the most appropriate types of open space provision need to be determined, and that this should be meaningful useable green infrastructure as open space makes an important contributing to the health and wellbeing of communities. Therefore the aims of Policies SP8 and CDMP4 are also relevant.

9.41 Notwithstanding the indicative plan provided, the exact amount of green infrastructure required from the housing development is dependent upon the number and mix of housing. This cannot be determined until reserved matters stage but there is no reason to conclude at this stage that the required level of green infrastructure cannot be provided on site. A condition securing provision of open space in line with Policy HP9 of the Local Plan should be imposed.

Housing mix and adaptable housing

9.42 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 SHMA. The Policy also requires that developments exceeding 20 no. 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. It is considered that these requirements can be secured by condition.

Visual impact/design/impact on the street scene

9.43 The application site has built development on three sides of it including properties across Stricklands Lane. To the west is an existing field. The housing development would be viewed along Stricklands Lane against a backdrop of surrounding built development and countryside beyond, whereas from Carr End Lane to the west it would be viewed at a distance, set back from this lane but with surrounding built development. Therefore it is considered the housing proposal would be read as part of the settlement. The illustrative plans demonstrate that a development of up to 50no. units is physically achievable on this site and can be provided with landscaping and necessary infrastructure requirements. Whilst landscaping, scale, layout and appearance are reserved matters details, these will be important considerations to enable the development to sit comfortably in the surrounding landscape, with appropriate densities to provide a rural transition with the countryside beyond.

9.44 Any reserved matters proposal would have to meet the requirements of Policy CDMP4 and SA1/7. The plans currently submitted for up to 50no. dwellings are indicative, but indicate the removal of some boundary hedgerows to facilitate some development close to the site edges. It is considered important to retain a soft western boundary to the site due to its immediate relationship with the adjacent countryside. Currently the indicative plans show the removal of three sections of the existing western hedgerow and building line encroaching in to this area. A condition can be attached setting out specific landscaping requirements for the site, including the requirement for a Green Infrastructure Framework when the matter of landscape is applied for, the retention and enhancement of the pond, and also requiring the provision of a soft landscaping treatment to the western boundary. It is therefore suggested that such condition should be attached should Members resolve to approve this application, to ensure that the landscaping details submitted with the reserved matters application are appropriate.

Impact upon residential amenity

9.45 As the housing development has been submitted in outline, issues relating to impacts on privacy, overlooking, loss of light and overshadowing cannot be properly assessed at this stage, but would be considered at reserved matters stage. However, in considering the illustrative plans there is no reason to believe at this stage that the development would not be able to comply with the interface distances set out in the Council's adopted 'Spacing Guidance for New Housing Layouts' SPG and so impact on residential amenity is not a cause for concern. The relationship between the proposed dwellings along the north, south and western boundaries, and the scale of the dwellings, can be given particular attention at the reserved matters stage. There are no concerns about the siting of the access and main spine road leading into the site towards the northern boundary in terms of noise and disturbance from vehicles entering and leaving the site on recently constructed dwellings to the north or the care homes.

OTHER RELEVANT ISSUES FOR THE FULL AND OUTLINE PROPOSALS

Noise

9.46 Environmental Health has advised that whilst they have no objections to the proposal in terms of impact upon amenity a condition should be attached requiring compliance with the submitted Construction Environmental Management Plan (CEMP) to protect existing residents during any construction period. It is recommended this condition be attached should Members resolve to approve the application, together with the other conditions suggested including the care homes designed so that specified noise levels are not exceeded to protect the amenity of future residents from road noise, and contacts for complaint liaison during the construction phase.

Contamination

9.47 The NPPF states that where a site is affected by contamination, responsibility for securing a safe development rests with the developer/ landowner. The National Planning Policy Guidance (NPPG) also states that local authorities should use conditions to secure the adequate remediation of contaminated land. Adequate information should be submitted by the applicant to show that the site is suitable for its new use. Environmental Health have no objections to the application subject to the council's standard contamination condition being attached. The standard condition would require the developer to submit a desk study, detailed site investigation, and detail any remediation measures if necessary prior to commencement of development. Subject to this condition it is considered the proposal would be acceptable in terms of ground conditions and would comply with the provisions of the NPPF.

Climate change

9.48 Policy SP2 part 6 requires proposals to demonstrate how they respond to the challenge of climate change through appropriate design and by making best use of resources and assets including the incorporation of water and energy efficient measures and the reuse and recycling in construction. The applicant has submitted a Climate Change statement. This states that hedgerow trees and some hedges will be retained, and that additional tree and shrub planting will be incorporated in the landscaping scheme of both the care home and the housing development to mitigate the loss and increase tree planting across the site. It is also mentioned that the provision of water butts could also be included. In terms of the proposed buildings, the statement details that they would be designed to meet building control standards including the required levels of thermal efficiency. Specifically in terms of the care homes it is stated the care home operator seeks to minimise energy use within the building by looking to install combined heat and power, heat recovery or solar energy either singly or in combination. Electric charging points will also be provided at the care homes. It is considered that these are all measures that can help towards meeting the challenge of climate change. It is considered therefore that the matter of climate change has been adequately considered and that the proposal would comply with Policy SP2 (6) of the Adopted Local Plan.

Waste management

9.49 The National Planning Policy for waste seeks to ensure that new development makes sufficient provision for waste management and promotes good

design to secure the integration of waste management facilities, for example by ensuring there is discrete provision for bins to facilitate a high quality, comprehensive and frequent collection service.

9.50 In relation to the care homes the applicant has submitted a layout plan showing two bin stores either side of the access road to the care homes. The Council's Waste Management Officer has been consulted and has commented that waste collections will not be an issue from the complex. It is considered the proposed location and design of the bin stores is acceptable and that a condition can be attached requiring the development of the care homes to take place in accordance with this detail.

9.51 In terms of the outline housing element, no detail has been provided at this stage as the matters of layout and appearance has not been applied for. Therefore should Members resolve to approve the application it is recommended a condition be attached requiring full details of waste storage and collection for the housing development to be submitted with any reserved matters application. Subject to this condition it is considered the proposal would fulfil the requirements of the provisions of the National Planning Policy for Waste.

Telephone infrastructure

9.52 There are existing telegraph poles with the site mainly within the eastern and southern extents of the site. Therefore the relevant phone provider (BT) has been consulted on this proposal, however no response has been received. The Care Home proposals have been submitted in full and it is understood the telephone poles would be grounded around the east and south of the care homes, avoiding the buildings and ensure the infrastructure was still present. It is therefore considered the proposals would not result in the loss of existing telephone infrastructure. Nonetheless, the precise details of how the telephone assets are protected or relocated is a matter for the developer and the operator, separate to the planning process. This is also the same for the outline proposals for up to 50no. dwellings.

Need for care homes and contribution to housing supply

9.53 A number of objectors, the Parish Council, and the Residents Association, have raised concerns about the need for the care homes, and impact on the care home market. Members are advised that the matters (including competition between commercial uses) is not a material planning consideration and stands aside of the planning process.

9.54 Residential institutions can be included in the Council's housing land supply in so far as the extent to which they free-up occupancy of existing housing. As a general rule of thumb, a development of 160 care home beds may result in 80 units being included in the Council's housing land supply. This is in addition to up to 50 dwellings proposed in the outline application. Members are advised this carries significant weight in the overall planning balance.

10.0 CONCLUSION

10.1 The principle of developing the site for housing is supported by Policy SP1 and SA1/7 of the Wyre Local Plan. Notwithstanding site SA1/7 being a housing allocation, the provision of the care homes is in general accordance with the development strategy, would not undermine delivery of the site allocation housing

capacity and is compatible with the adjacent residential uses. It has previously been accepted that a masterplan or new school is not required on the allocation.

10.2 The Local Highway Authority has raised no objections to either development on the grounds of sustainability, highway capacity or safety subject to conditions. United Utilities and the Council's Drainage Engineer raise no objections to the surface and foul water drainage proposals. Natural England raise no objections to the ecology impacts on nearby international and national designated sites.

10.3 Both schemes are considered acceptable in terms of design and visual impact, and also in terms of impact upon neighbouring residential amenity. The indicative plans demonstrate that up to 50 dwellings could be accommodated on the part of the site to the west. Trees, hedgerow, landscaping impacts including mitigation can be controlled by condition.

10.4 Subject to financial contributions the impacts of the developments upon education and health care provision can be adequately mitigated. These can be secured by legal agreement along with affordable housing provision and Green Infrastructure.

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

Grant full planning permission for the provision of two care homes subject to conditions and a section 106 agreement to secure financial contributions towards health care; and grant outline planning permission for up to 50 dwellings subject to conditions and a section 106 agreement to secure on-site affordable housing (30%) and financial contributions towards health care and education. That the Head of Planning Services be authorised to issue the decision following the satisfactory completion of the S106 agreement.

Recommendation: Permit

CONDITIONS RELATING TO FULL PLANNING PERMISSION

Conditions: -

1. The development hereby approved (within the 'Full Planning Application Area' on Approved Drawing No. A116) 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 hereby approved (within the 'Full Planning Application Area' on approved Drawing No. A116) 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 24.11.2020 including the following plans/documents:

- Drawing No. A116 (Location Plan)
- Drawing No. A160 Rev 4 (Proposed Site Plan)
- Drawing No. A120 (Care Home A, Proposed Ground Floor Plan)
- Drawing No. A121 (Care Home A, Proposed First Floor Plan)
- Drawing No. A122 (Care Home A, Proposed Second Floor Plan)
- Drawing No. A123 (Care Home A Proposed Roof plan)
- Drawing No. A124 Rev 1 (Care Home B, Proposed Ground Floor Plan)
- Drawing No, A125 Rev 1 (Care Home B, Proposed First Floor Plan)
- Drawing No. A126 Rev 1 (Care Home B, Proposed Second Floor Plan)
- Drawing No. A127 (Care Home B, Proposed Roof Plan)
- Drawing No. A130 (Care Home A, Proposed Elevations)
- Drawing No. A131 (Care Home B, Proposed Elevations, Sheet 1 of 2)
- Drawing No. A132 (Care Home B, Proposed Elevations, Sheet 2 of 2)

- Drawing No. A120 (Street Sections)
- Drawing No. A162 Rev 1 (Street Elevations - not including 3D visuals)
- Drawing No. A170 (Proposed Site Sections (also showing land levels))
- Drawing No. A223 (Proposed Bin Stores)

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 premises hereby approved (within the 'Full Planning Application Area' on approved Drawing No. A116) shall be used for Use Class C2 'Residential care homes' and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)

Reason: For the avoidance of doubt, and as the use of the premises for any other purpose would require further consideration by the Local Planning Authority in accordance with Policies SP1, SP2, CDMP1, CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

4. Prior to first use of any care home hereby approved (within the 'Full Planning Application Area' on approved Drawing No. A116), the off-site works of highway improvement [namely, street lighting and tactile paving at the site access, relocation of the existing south bound bus stop and shelter at the junction at Back Lane, and provision of a new bus stop and shelter near the junction with Back Lane] shall be 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).

5. Prior to the commencement of development (within the 'Full Planning Application Area' on approved Drawing No. A116) 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 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 construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (c) contractors' compounds and other storage arrangements
- (d) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- (e) arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (f) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (g) external lighting of the site during the construction period
- (h) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (i) recycling / disposing of waste resulting from construction work
- (j) measures to protect watercourses against spillage incidents and pollution
- (k) hours of construction, which shall be limited to 08:00-18:00 Monday to Friday, and 08:00-13:00 Saturdays only

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).

6. Prior to the commencement of development (within the 'Full Planning Application Area' on approved Drawing No. A116) visibility splays of 2.4 metres by 43 metres in both directions along the nearer edge of the carriageway of Stricklands Lane from the centre line of the proposed access (as shown on approved plan reference SCP/200735/F02) shall be provided. These visibility splays 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).

7. (a) The new estate road for the development (within the 'Full Planning Application Area' on approved Drawing No. A116) 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 care home hereby approved shall be in use until the new estate road(s) affording access to those care home(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 care home hereby approved shall be first occupied until the new estate road(s) affording access to that care home 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. a) Prior to the first use of any care home (within the 'Full Planning Application Area' on approved Drawing No. A116), 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).

9. Prior to the first use of any care home hereby approved (within the 'Full Planning Application Area' on approved Drawing No. A116), the parking / turning area(s) shown on the approved plan Drawing No. A160 Rev 4 (Proposed Site Layout) shall be 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: In order to ensure that adequate off-street car parking provision is available to meet the needs of the development in the interests of visual and residential amenity and highway safety in accordance with the provisions of section 9 of the NPPF and Policy CDMP6 of the Adopted Wyre Local Plan (2011-31).

10. The development hereby permitted (within the 'Full Planning Application Area' on approved Drawing No. A116) shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Management Strategy [HYD541_STRICKLANDS.LANE_FRA&DMS] dated November 2020 by Betts Hydro Consulting Engineers, and including the following mitigation measures detailed within the FRA (as set out in sections 4.8 and 5.6.10):

- Surface water discharge restricted to Qbar (19.0 l/s)
- Finished floor levels a minimum of 150mm above the existing ground levels (where practical)
- Land drainage ditches bounding the sites western and southern boundaries to be accounted for in the layout and remaining open
- channel or alternatively culverted (subject to consents) providing they continue to outfall to the current outfall locations
- Overland flows generated by the development to be carefully controlled, considered and routed, (with overland flow away from existing and proposed buildings advised).
- Surface water run-off generated managed effectively with the peak rates of run-off being restricted to the pre-development greenfield situation.
- On-site surface water drainage system to be sized to contain the 1 in 30yr return period event below ground with exceedance from storm events up to and including the 1 in 100yr return period storm event with a 40% allowance for climate change being contained onsite.
- For any drainage systems not be offered for adoption an appropriate maintenance regime to be scheduled with a suitably qualified management company for private drainage systems.

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.

11. Prior to the commencement of the development (within the 'Full Planning Application Area' on approved Drawing No. A116) a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters (including details of revised on-site attenuation), 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.

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.

12. Notwithstanding the submitted Flood Risk Assessment, prior to the commencement of development (within the 'Full Planning Application Area' on approved Drawing No. A116) 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.

13. Prior to the commencement of development (within the 'Full Planning Application Area' on approved Drawing No. A116), and following the submission of the Desk Study Report by Betts Eco dated November 2020 (REPORT NO: 20CHE263/DS) which includes site investigation recommendations, 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).

14. A watching brief shall be undertaken during the course of the development works (within the 'Full Planning Application Area' on approved Drawing No. A116). The watching brief shall be undertaken by a suitably qualified person, with any significant contamination discovered reported immediately to the Local Planning Authority. The findings of the watching brief shall be reported in writing and submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

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

15. (A) The development hereby permitted (within the 'Full Planning Application Area' on approved Drawing No. A116) shall be designed so that the rating levels for cumulative noise from all noise sources associated with the development shall not exceed the existing background noise level (LA90), including vehicle noise, when measured as an LAeq,15 min in any one third octave band at the external façade of nearby noise sensitive premises as assessed in accordance with British Standard 4142 (2014) or any subsequent replacement national standards.

(B) The development shall be designed in line with BS8233:2014 and WHO guidelines so that the following standards shall not be exceeded at nearby noise-sensitive premises:

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

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

16. Prior to first use of any care home hereby approved (within the 'Full Planning Application Area' on approved Drawing No. A116), a scheme of noise insulation mitigation measures (such as acoustic glazing, trickle vent mitigation) to be installed in bedrooms and other habitable rooms of the proposed care homes facing onto the A588 shall be submitted to and agreed in writing with the Local Planning Authority. This scheme shall demonstrate that internal noise levels as specified in BS8233:2014 (or any equivalent industry standards which may replace this) are not exceeded. The approved noise insulation measures shall thereafter be implemented prior to first use of any care home, and 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).

17. There shall be no deliveries or collections of goods (including collection or emptying of waste) to or from any care home hereby permitted outside the hours of 07.00- 21.00, or at any time on Sundays, and Bank Holidays and Public Holidays.

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

18. Prior to the installation of any kitchen exhaust/extraction system on the development hereby approved (within the 'Full Planning Application Area' on approved Drawing No. A116) a detailed plan of the kitchen exhaust/extraction system(s), the height of any extraction flue(s), and fixture and fittings of the flue(s), along with details of how noise and odours from cooking fumes from the kitchen/ food preparation area will be adequately dispersed to the atmosphere, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out and retained in accordance with the approved details.

For the avoidance of doubt any extraction flue(s) shall be a minimum of 1m above the level of the eaves of the nearest sensitive premises.

Reason: Such details were not submitted with the application and are necessary to minimise the risk of noise, vibration, and odour pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings, in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

19. Notwithstanding the submitted Drawing No. A220 External Lighting Layout, prior to the installation of any external lighting associated with 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, demonstrating that artificial lighting will be designed so that it is not intrusive to visual amenity, residential 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). For the avoidance of doubt the light intrusion into the windows of any residential premises shall not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3).

The 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.

20. The development hereby approved (within the 'Full Planning Application Area' on approved Drawing No. A116) shall be carried out in full accordance with the Construction Environment Management Plan (ecology) dated November 2020 and carried out by ERAP Consultant Ecologists Ltd and referenced 2020-333b.

Reason: To minimise the risk upon ecology and to minimise the risk of pollution and noise upon, and to safeguard the character and appearance of the area in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

21. Prior to first use of any care home (as identified within the 'Full Planning Application Area' on approved Drawing No. A116), a scheme for the provision of an information pack for the residents, staff and visitors of the care home(s) highlighting the sensitivity of Morecambe Bay (a European protected nature conservation site), the Wyre Estuary and Lune Estuary (both Sites of Special Scientific Interest (SSSI)) 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, Wyre Estuary and Lune Estuary, the potential impacts that can arise from the development and explain the responsible behaviours that would be required from residents, staff and visitors to avoid undue ecological impact, as well as a methodology for the distribution of the information packs. The approved information packs shall subsequently be made available 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, Wyre Estuary, and Lune Estuary, in accordance with the provisions of Policy CDMP4 of the Wyre Local Plan 2011-31.

22. The development hereby approved (within the 'Full Planning Application Area' on approved Drawing No. A116) shall be implemented in full accordance with the Ecological Survey and Assessment (including a Licensed Bat Survey) submitted with the planning application dated November 2020 [ERAP (Consultant Ecologists) Ltd ref: 2020-333] including all the mitigation measures and recommendations set out within section 5 of that report.

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.

23. Prior to the commencement of development (within the 'Full Planning Application Area' on approved Drawing No. A116) a Landscape and Habitat Creation and Management Scheme (Habitat Management Plan), including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall identify the opportunities for biodiversity enhancement on site including (but not limited to):

- Native tree and shrub planting (further details of measures/species indicated in section 5.5 of the submitted Ecological Survey)
- Habitat Connectivity (further detail of measures/species/location of measures indicated in section 5.5 of the submitted Ecological Survey)
- Hedgerow planting/management and/ or bolstering of retained hedgerows
- Bird Boxes (types, locations and number) within the new development
- Bat Boxes/Access Panels (types, locations and number) within the new development

The Landscape and Habitat Creation and Management Scheme shall be carried out in accordance with the approved details.

Reason: Such a scheme was not submitted with the application but is necessary to secure opportunities for the enhancement of the nature conservation value of the site in the interests of ecology and biodiversity in accordance with the Wildlife and

Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

24. The measures contained within the approved Arboricultural Impact Assessment (containing Method Statement and Tree Protection Plan) with respect to those trees and hedgerows shown as being retained within the Full Planning Application Area (approved Drawing No. A116) 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 and hedgerows to be retained 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.

25. No development (within the 'Full Planning Application Area' on approved Drawing No. A116) shall take place until full details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the hard surfaced areas and materials (type, colour and finish, bound or porous), and shall show how account has been taken of any underground services.

The soft landscaping works for the development shall be carried out in full accordance with the approved soft landscaping details (drawing no. 6455.02 Rev A (Landscape Proposals Sheet 2 of 2)) prior to first use of any care home, 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.

26. The development hereby approved (within the 'Full Planning Application Area' on approved Drawing No. A116) shall be constructed and completed in full accordance with the approved ground, slab and finished floor levels (Drawing No.s A120 (Street Sections), A160 Rev 4 (Proposed Site Plan) and A170 (Proposed Site Sections)) unless 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 streetscene, has a satisfactory impact upon residential amenity and has a satisfactory impact on drainage in accordance with Policies CDMP3 and CDMP2 of the Wyre Borough Local Plan (2011-31).

27. The four electric vehicle recharging points (EVCP's) within the courtyard parking areas serving the development hereby approved (within the 'Full Planning Application Area' on approved Drawing No. A116), as shown on submitted Drawing No. A160 Rev 4 (Proposed Site Plan), shall be installed as a minimum of Mode 3 charging speed charging points, and shall be installed prior to the first use of any care home to which the EVCP's relate. Such electric vehicle recharging points 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 Policies CDMP3 and CDMP6 of the Wyre Local Plan 2011-31 and the National Planning Policy Framework.

28. Prior to the first use of any care home hereby approved (within the 'Full Planning Application Area' on Drawing No. A116) the cycle storage provision (cycle racks) shown on the approved plans (A160 Rev 4 - Proposed Site Layout) shall be provided and thereafter maintained and retained.

Reason: To enable access to and from the development by sustainable transport mode, in accordance with policy CDMP6 of the Wyre Local Plan (2011-31).

29. Notwithstanding the submitted Drawing A222 (Materials Plan), no development above ground level (within the 'Full Planning Application Area' on Drawing No. A116) shall be commenced until the precise details of the materials to be used in the construction of the external surfaces of that care home (including the external walls, roof, doors and windows) have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

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

30. Prior to the first use of any care home hereby approved (within the 'Full Planning Application Area' on Drawing No. A116) the refuse storage facilities associated with each care home shall be installed in accordance with the details shown on approved drawing no.s A223 (Proposed Bin Stores) and A160 Rev 4 (Proposed Site Plan), and retained as such thereafter.

Reason: In order to ensure that waste is properly managed within the site in the interests of visual and residential amenity in accordance with the provisions of section 9 of the NPPF and Policy CDMP3 of the Wyre Local Plan (2011-31).

31. Prior to the first use of any part of the development hereby approved (within the 'Full Planning Application Area' on Drawing No. A116) the boundary treatments as shown on approved drawing No. A221 (Boundary Treatment Plan) shall be installed in full, and these boundary treatments shall be maintained and retained thereafter.

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).

CONDITIONS RELATING TO OUTLINE PLANNING PERMISSION

1. In relation to the outline component of the development (as shown on approved Drawing No. A116), application for approval of the appearance, layout and scale of the buildings, and the landscaping (herein called the reserved matters), must be made before the expiration of three years beginning with the date of this permission; and 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 hereby approved (within the 'outline planning application area' as shown on approved Drawing No. A116), 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 24.11.2020 including the following plans/documents:

- Drawing No. A115 Location Plan
- Drawing No. A116 Location Plan
- Drawing No. A160 Rev 4 Proposed Site Plan (in respect of the site access details only)

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. As part of any reserved matters application for development within the 'outline planning application area' as shown on approved Drawing No. A116 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.

4. Prior to the commencement of above ground development within the 'outline planning application area' as shown on approved Drawing No. A116, or as part of any reserved matters application for that development where layout is applied for, 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.

5. Prior to first occupation of any dwelling hereby approved within the 'Outline Planning Application Area' on Drawing No. A116, the off-site works of highway improvement [namely, street lighting and tactile paving at the site access, relocation of the existing south bound bus stop and shelter at the junction at Back Lane, and provision of a new bus stop and shelter near the junction with Back Lane] shall be 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).

6. No part of the development hereby approved (within the 'outline planning application area' as shown on approved Drawing No. A116) shall be commenced until the visibility splays of 2.4 metres by 43 metres in both directions along the nearer edge of the carriageway of Stricklands Lane from the centre line of the proposed access (as shown on approved plan reference SCP/200735/F02) have been provided. These visibility splays 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).

7. (a) The new estate road for the proposed development within the 'Outline Planning Application Area' on Drawing No. A116 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 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 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. a) Prior to the first occupation of any dwelling within the 'Outline Planning Application Area' on Drawing No. A116, 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).

9. Prior to the commencement of development within the 'Outline Planning Application Area' on Drawing No. A116, 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 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 construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team

(c) hours and days of 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 including plant and materials

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

- (f) arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing and road sweeping facilities and when and where the facilities are to be used)
- (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 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 construction work
- (k) measures to protect watercourses against spillage incidents and pollution
- (l) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- (m) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The construction of the development 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 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 Policies CDMP3 and CDMP6 of the Adopted Wyre Local Plan (2011-31).

10. The development hereby permitted (within the 'Outline Planning Application Area' on Drawing No. A116) shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Management Strategy [HYD541_STRICKLANDS.LANE_FRA&DMS] dated November 2020 by Betts Hydro Consulting Engineers, and including the following mitigation measures detailed within the FRA (sections 4.8 and 5.6.10) :

- Surface water discharge restricted to Qbar (19.0 l/s)
- Finished floor levels a minimum of 150mm above the existing ground levels (where practical)
- Land drainage ditches bounding the sites western and southern boundaries to be accounted for in the layout and remaining openchannel or alternatively culverted (subject to consents) providing they continue to outfall to the current outfall locations
- Overland flows generated by the development to be carefully controlled, considered and routed, (with overland flow away from existing and proposed buildings advised).
- Surface water run-off generated managed effectively with the peak rates of run-off being restricted to the pre-development greenfield situation.
- On-site surface water drainage system to be sized to contain the 1 in 30yr return period event below ground with exceedance from storm events up to and

including the 1 in 100yr return period storm event with a 40% allowance for climate change being contained onsite.

- For any drainage systems not be offered for adoption an appropriate maintenance regime to be scheduled with a suitably qualified management company for private drainage systems.

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.

11. Prior to the submission of the first reserved matters application(s) relating to layout for the proposed dwellings, or simultaneously with that first reserved matters application, 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.

Each reserved matter relating to layout should demonstrate compliance with the agreed drainage scheme.

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 Adopted 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.

12. Prior to the commencement of development (within the 'Outline Planning Application Area' on Drawing No. A116) 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.

13. Prior to the commencement of development (within the land identified as 'Outline Planning Application Area' on Drawing No. A116), and following the submission of the Desk Study Report by Betts Eco dated November 2020 (REPORT NO: 20CHE263/DS) which includes site investigation recommendations, 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).

14. A watching brief shall be undertaken during the course of the development works (within the 'Outline Planning Application Area' on Drawing No. A116). The watching brief shall be undertaken by a suitably qualified person, with any significant contamination discovered reported immediately to the Local Planning Authority. The findings of the watching brief shall be reported in writing and submitted to and approved in writing by the Local Planning Authority prior to first occupation of any dwelling

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

15. As part of any reserved matters application on the land identified as 'Outline Planning Application Area' on drawing No. A116 where layout is applied for, green infrastructure shall be provided in accordance with the requirements of Policy HP9 of the Wyre Local Plan, or any subsequent replacement Local Plan policy for the provision of green infrastructure, and such area or areas of green infrastructure shall be provided, and shall thereafter be retained and maintained in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling on the site.

Reason: To ensure adequate provision and delivery of public open space in accordance with Policies SP8 and HP9 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

16. Prior to the first occupation of any dwelling within the land identified as 'Outline Planning Application Area' on drawing No. A116, 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 and grassland. 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.

17. As part of any reserved matters application relating to the 'Outline Planning Application Area' on Drawing No. A116, where landscaping or layout is applied for, the following shall be provided:

- A Green Infrastructure Framework (justifying the approach to Green Infrastructure within the site and linking to the care homes)
- Full details of the retention and protection of existing trees and hedgerows
- A Hedgerow and Tree Removal and Replacement Plan (to include lengths of hedgerow to be removed and mitigation proposed)
- Details in plan form of the retention/provision of a soft boundary treatment to the western edge of the housing site with the adjacent countryside
- Details of enhancement and protection of Pond 1 (and a surrounding protective buffer of open space)
- Details of any sections of ditch to be retained and proposals for their enhancement and protection.

Reason: For the avoidance of doubt as to the landscaping proposals, and to ensure adequate provision of soft landscaping and visual appearance on the boundaries of the site with the wider countryside, to ensure adequate ecological habitat is retained and provided within the layout, and to meet the specific policy requirements of the site allocation with regards to landscaping and Green Infrastructure, in accordance with Policies SA1/7, CDMP3 and CDMP4 of the Adopted Wyre Local Plan 2011-31.

18. The development hereby approved (within the 'Outline Planning Application Area' on Drawing No. A116) shall be carried out in full accordance with the Construction Environment Management Plan dated November 2020 and carried out by ERAP Consultant Ecologists Ltd and referenced 2020-333b.

Reason: To minimise the risk upon ecology and to minimise the risk of pollution and noise upon, and to safeguard the character and appearance of the area in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

19. Prior to the first occupation of any dwelling (within the 'Outline Planning Application Area' on Drawing No. A116), a scheme for the provision of home-owner information packs and information/interpretation boards/signage on and off-site shall be submitted to and agreed in writing by the Local Planning Authority and the development then proceed in full accordance with these agreed details. For the purpose of this condition the information submitted shall include the following:

- the content of the home-owner information packs which must explain the conservation value of the nearby designated areas, the potential impacts that can arise from residential development and explain the responsible behaviours that would be required from residents to avoid undue ecological impact;

- a methodology for the distribution of the home-owner packs including upon resale to the extent to which that is practicable;
- a plan showing the locations of information/interpretation boards/signage
- a mechanism for the installation of information/interpretation boards/signage in off-site locations
- details of the information to be included in the information/interpretation boards/signage
- a timetable for implementation.

Reason: In order to safeguard biodiversity in accordance with Policy CDMP4 and SA1/7 of the Adopted Wyre Local Plan 2011-31, and the provisions of the NPPF.

20. The development hereby approved shall be implemented in full accordance with the Ecological Survey and Assessment (including a Licensed Bat Survey) submitted with the planning application dated November 2020 [ERAP (Consultant Ecologists) Ltd ref: 2020-333] including all the mitigation measures and recommendations set out within section 5 of that report.

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.

21. Prior to the commencement of development a Landscape and Habitat Creation and Management Scheme (Habitat Management Plan), including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall identify the opportunities for biodiversity enhancement on site including (but not limited to):

- Retention and protection of the pond, hedgerows and trees on the site; or if retention of all of these features is not possible compensation for any losses should be required through new landscaping
- Native tree and shrub planting, (further details of measures/species following generally indicated in section 5.5 in the submitted Ecological Survey)
- Habitat Connectivity (further detail of measures/species/location of measures following general indications section 5.5 in the submitted Ecological Survey)
- Hedgerow planting/management and/ or bolstering of retained hedgerows
- Bird Boxes (types, locations and number) within the new development
- Bat Boxes/Access Panels (types, locations and number) within the new development

The Landscape and Habitat Creation and Management Scheme shall be carried out in accordance with the approved details.

Reason: Such a scheme was not submitted with the application but is necessary to secure opportunities for the enhancement of the nature conservation value of the site in the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

22. Notwithstanding the submitted Ecology Survey, prior to the installation of any external lighting associated with the development within the 'Outline Planning Application Area' on Drawing No. A116, 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, residential 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). For the avoidance of doubt the light intrusion into the windows of any residential premises shall not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3).

The 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.

23. An electric vehicle recharging (EVCP) scheme shall be submitted for all dwellings with parking provision unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No dwelling shall be occupied until the electric vehicle recharging point has been provided for the dwelling to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

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

24. Prior to the submission of a reserved matters application relating to layout on the land identified as Outline Planning Application Area on drawing No. A116, or simultaneously with that reserved matters application, details of the existing and proposed ground, slab and finished floor levels 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: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity and has a minimum risk of flooding in accordance with Policies CDMP2 and 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.

25. As part of any reserved matters application relating to layout or appearance, on the land identified as Outline Planning Application Area on drawing No. A116, details of refuse storage provision (including location, design and materials of construction), waste collection point, and means of collection (eg, Council or private), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the site and locality and the residential amenity of occupants and neighbours, in accordance with Policies CDMP1 and CDMP3 of the Wyre Local Plan (2011-31).

26. (A) If any of the trees identified in the Ecology Survey and Assessment report as having the potential to support roosting bats need to be removed they must first be inspected for the possible presence of bats by a suitably qualified person. If bats are found a method statement must be prepared and submitted to the Local Planning Authority for written approval, giving details of measures to be taken to avoid or mitigate any possible harm to bats. Those approved mitigation measures shall then be implemented.

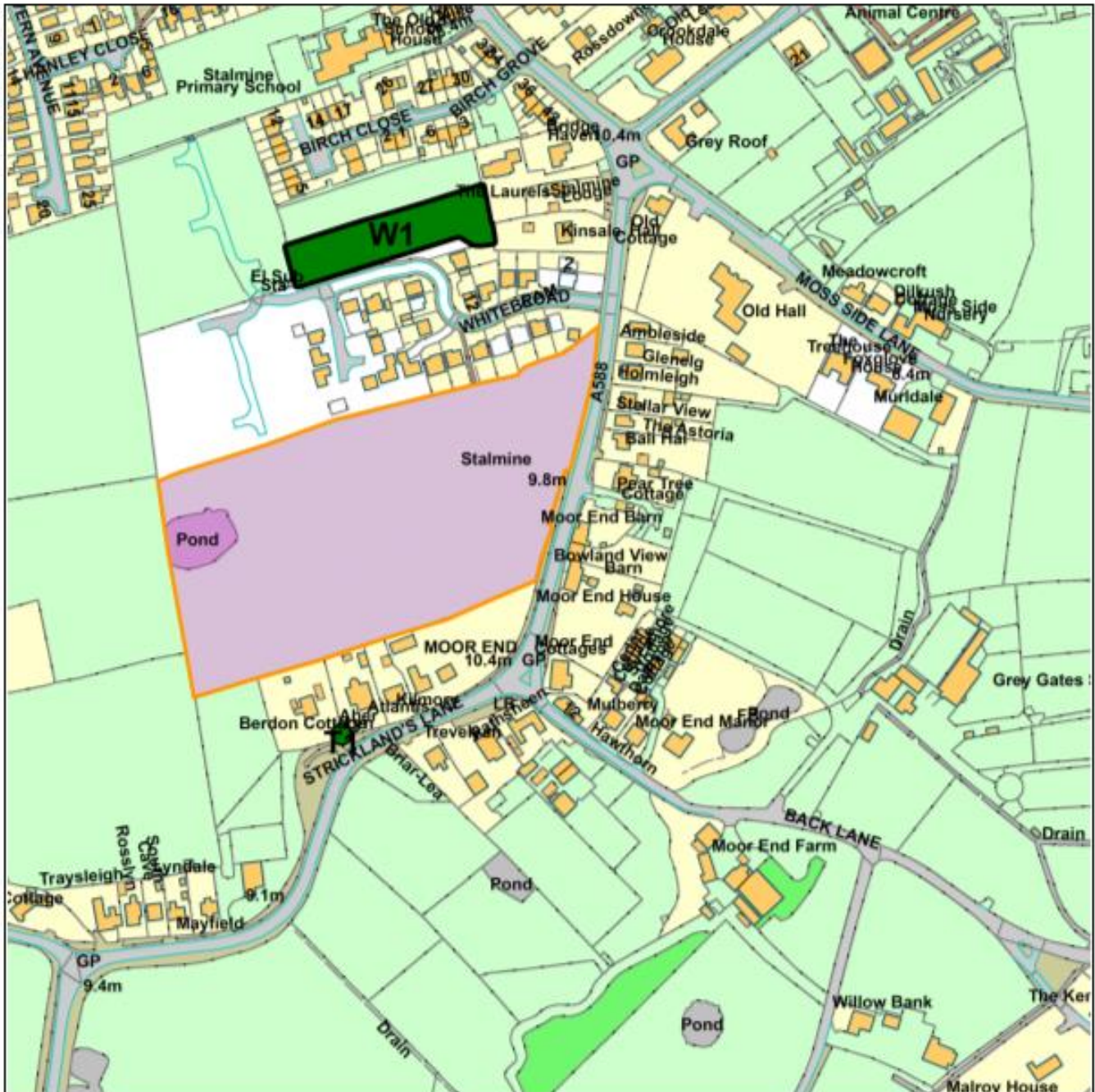
(B) Prior to commencement of development, a method statement should be required to be prepared giving details of measures to be taken to avoid any harm to amphibians during the course of construction works. Once agreed, the method statement must be implemented in full.

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 (2011-31) and section 15 of the National Planning Policy Framework.

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Planning Committee

20/01175/FULMAJ - Land of Stricklands Lane Stalmine



Scale: 1:3273

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Organisation	Wyre Council
Department	Planning Department
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Report of:	Meeting	Date	Item No.
Mark Billington Corporate Director Environment	Planning Committee	April 2021	

Wyre Council Tree Preservation Order No12 of 2020 – land at Blackpool Road, Carleton, FY6 7QA.

1. Purpose of report

- 1.1 To consider the objection to the making of Wyre Council Tree Preservation Order No12 of 2020 – land at Blackpool Road, Carleton, FY6 7QA.

2. Outcomes

- 2.1 To determine whether or not to confirm the Wyre Council Tree Preservation Order No12 of 2020 – land at Blackpool Road, Carleton, FY6 7QA.
- 2.2 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 No12 of 2020 – land at Blackpool Road, Carleton, FY6 7QA (“the TPO”) is confirmed without modifications for the reasons set out in this report.

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).
- 4.4** 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 20 November 2020 the tree officer visited land at Blackpool Road, Carleton, FY6 7QA and undertook an appropriate tree evaluation method for preservation orders (“TEMPO”) which guided the subsequent decision to make the TPO. The TPO applies to twenty two trees located on a grassed verge alongside the highway.
- 5.2** The TPO has been created in separation from consideration of a planning Application relating to neighbouring land - 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) currently under consideration.
- 5.3** A copy of each of the completed 20 November 2020 TEMPO survey data sheets relating to the TPO along with associated public visibility images of the TPO are appended to this report at Appendix 1.
- 5.4** On 1 December 2020 Wyre Council made Tree Preservation Order No12 of 2020 – land at Blackpool Road, Carleton, FY6 7QA. A copy of the TPO plan is appended to this report at Appendix 2.
- 5.5** 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.
- 5.6** The period for any objections and representations to be made to the Council in respect of the TPO ended on 29 December 2020. On 16 December Wyre Council received a formal objection in regard to the TPO submitted by an Arboricultural Consultant on behalf of their client. A copy of objection letter is appended to this report at Appendix 3.

6. Summary of Objections

- The twenty two trees covered by the TPO are situated on adopted highway land, which is maintained by Lancashire County Council.
- In July 2019, a British Standard 5837(2012) tree survey and arboricultural impact assessment was carried out by this consultancy in respect of proposals to develop the adjacent land. All the trees subject to this TPO were included in the survey and the resulting Tree Report. Due to the relative proximity and lack of individual merit, all trees except for one (T1 on the tree report, T15 in the TPO), were included as groups.
- Within the Tree Report, the tree numbered T1 in the tree schedule (T15 of the TPO) was described as being prominent but with significant levels of deadwood and damaged branches requiring extensive pruning and was categorized as C1, the lowest category within the requirements of BS5837(2012).
- It is understood that this was also the view of the council's tree officer. Yet despite this, each of the trees were listed in the TPO as individuals, contrary to the requirements of the TPO Regulations.
- Within the TPO Regulations, Paragraph 026 states that “if trees merit protection in their own right, authorities should specify them as individual trees in the Order”. Paragraph 027 goes on to say that “the group category should be used where the individual category would not be appropriate and the group’s overall impact and quality merits protection”.
- It is pertinent to note that in the Tree Report carried out by this consultancy, none of the trees or groups were considered to have individual merit.
- Despite the trees included in Category B being deemed to have moderate quality and value according to the BS5837 (2012) definition in Figure 1, their placement in Category B2 indicates that they are of mainly landscape value with visual amenity value as a group, not as individual trees. This conflicts with the individual listing of trees within the TPO.
- With regard to the council's reason for making the Order, in particular the use of the term “expedient”, Paragraph 010 of the Regulations states the following: “Although some trees and woodlands may merit protection on amenity grounds, it may not be expedient to make them subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management”. Given that the trees are the responsibility of and are managed by Lancashire County Council, the expediency to make the Order in this respect is considered erroneous.

- Paragraph 010 goes on to say that “It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact upon the amenity of the area”. However, whilst it is assumed that the TPO was made to protect the trees from the adjacent development, with the exception of two proposed access points where it has been acknowledged that some semi-mature trees will be lost (but these will be replaced several fold elsewhere on the development site), all other trees will remain unaffected and will continue to be managed by Lancashire County Council. The premise that the trees are under threat is therefore also erroneous as far as any expedience to make the Order is concerned.
- With regard to the council’s other reason for making the Order, ‘Amenity’, this is defined in paragraph 007 of the TPO Regulations as follows: “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.”
- In that respect, Paragraph 008 states that “public visibility alone will not be sufficient to warrant an Order”.
- With regard to Size and Form, most of the trees are relatively small and are almost at full size since they are inherently small species such as whitebeam which will never attain great size. Other species such as poplar are tall species which will in time get considerably taller. However, this species is renowned for losing large branches or the top snapping off in high winds, each if which would be a serious hazard to users of the adjacent highway. The trees in question are therefore not ideal species in terms of size and form for their location and are not appropriate species to warrant protection given the level of work that will be required to maintain them in a safe condition.
- In terms of the trees’ relationship to the landscape, the same applies in respect of their longevity and relative size and form. Whilst the trees do contribute to the landscape to some extent, this is limited by the size of the majority of the trees in relation to the backdrop, and only then as a group or series of groups.

7.0 Response to Objections

- 7.1** 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 20 November 2020 in respect of the TPO. The TEMPO comprised an amenity assessment in relation to the condition and suitability of the trees along with consideration of tree species, size (in the case of the 22 trees covered by the TPO tree species included poplar (large sized), alder,

hornbeam, flowering cherry, whitebeam which can reach 15 metres height (respectively medium sized), life expectancy, public visibility, other factors and expediency. TEMPO does not make reference to BS5837: 2012 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 trees appraised may have a cumulative amenity impact as street trees when considered as a whole but the public visibility images in Appendix 1 clearly demonstrate the contribution of each of the TPO trees as individuals which merit protection in their own right. Each individual tree accrued a TEMPO total scoring equal to 12 (TPO defensible).

- 7.2** Lancashire County Council, the owner of the land on which the TPO trees are situated have not made objections or representations. All trees covered by the TPO are in fact under systematic tree management by Wyre Council. Good practice tree work requirements such as dead wood removal , crown cleaning, and crown raising, identified by the tree officer in relation to the trees covered by the TPO were undertaken by Wyre Council's appointed tree work contractor on 27 August 2020. Any signs of tree ill-health or structural defect are being appropriately acted upon as demonstrated by these recent associated tree works.
- 7.3** The tree officer provided a score of 2 in TEMPO Part 2: expediency assessment which equates to a perceived threat to trees. Lancashire County Council do not have a sustainable replacement programme of urban settlement highways trees. The tree officer has therefore come to understand that there is a threat to the trees standing on the verge as without the TPO there is no obligation to plant replacement trees. As a safeguard to prevent the loss of trees from the verge over time it is expedient to have a mechanism in place to ensure suitable replacement tree planting. This mechanism would be provided by the TPO as replacement of TPO trees removed would be controllable under the TPO legislation.
- 7.4** BS5837:2012 provides recommendations and direction relating to interplay of processes between trees, design, demolition and construction. It is not a means of evaluating tree/s suitability for TPO which is the purpose of TEMPO. There is a clear distinction between BS5837:2012 and TEMPO. The purpose of a BS5837 2012 Tree Survey is to provide information on the quality and value of existing trees and suitable protection measures in the context of proposals for development. Whilst it is accepted by the tree officer that the consultant determined appropriately to categorise trees within groups from a BS5837:2012 perspective, the categorisations are not specifications nor are they transferable to provide influence over the tree officer's informed choice to categorise each tree individually from the viewpoint of undertaking TEMPO. Moreover, the BS5837:2012 cascade chart of tree quality assessment steers clear of referring to visual amenity.

7.5

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

7.6

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 April 2021.

Concluding remarks

7.7

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

7.8

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 expediency assessments 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	25 February 2021

List of background papers:		
name of document	date	where available for inspection
Wyre Council TPO 11 of 2020	01 December 2020	Room 134 or by email to Tree Officer.

List of Appendices

Appendices:

- 1 –Completed 20/11/20 TEMPO survey data sheets and also public visibility Images.
- 2 –TPO plan.
- 3 – Copy of letter of objection dated 16/12/20.

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>

Appendix 1

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 20/11/20 Surveyor: E. Arnall

Tree details
 TPO Ref (if applicable):
 Dener (if known):
 Tree/Group No: 1 to 5 Species: poplar, whitebeam
 Location: Blackpool Rd, whitebeam, poplar, poplar
 Curlew FY6 7QA

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

5) Good	Highly suitable	Score & Notes 3, 3, 3, 3, 3
4) Fair	Suitable	
3) Poor	Unlikely to be suitable	
0) Dead/dying/dangerous*	Unsuitable	
* Deduct to existing canopy and is intended to apply to severe terminal defects only		

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

5) 100+	Highly suitable	Score & Notes 2, 2, 2, 2, 2
4) 40-100	Very suitable	
2) 20-40	Suitable	
1) 10-20	Fairly suitable	
0) <10*	Unsuitable	
* Includes trees which are an existing or near future resource, including those dead, or growing their canopy, in which are significant regarding the potential of other trees of better quality		

c) Relative public visibility & suitability for TPO

Consider whether potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	Score & Notes 4, 4, 4, 4, 4
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	Fairly suitable	
1) Trees not visible to the public, regardless of size	Probably unsuitable	

d) Other factors

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

5) Principal components of arboreal/cultural features, or veteran trees	Score & Notes 1, 1, 1, 1, 1
4) Tree groups, or numbers 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 (i.e. those of indifferent form)	

Part 2: Expediency assessment

Trees must have scored 5 or more points to qualify

5) Immediate threat to tree	Score & Notes 2, 2, 2, 2, 2
3) Foreseeable threat to tree	
2) Reversed threat to tree	
1) Precautionary only	

Part 3: Decision guide

Any 0	Do not apply TPO	Add Scores for Totals 12, 12, 12, 12, 12	Decision: Create TPO
1-4	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: <u>20/10/20</u>	Surveyor: <u>E. Arnold</u>
Tree details TPO Ref (if applicable):	Tree/Group No: <u>6 to 10</u> Species: <u>cherry, white beech, maple, ash, poplar</u>
Owner (if known):	Location: <u>Wickham Rd</u> <u>Corleton FVG 70A</u>

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

5) Good	Highly suitable	Score & Notes <u>3, 3, 3, 3, 3</u>
4) Fair	Suitable	
3) Poor	Unlikely to be suitable	
2) Dead/dying/dangerous*	Unsuitable	
* Refer to existing context and is intended to apply to trees unsuitable for TPO		

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

5) 100+	Highly suitable	Score & Notes <u>2, 2, 2, 2, 2</u>
4) 40-100	Very suitable	
3) 20-40	Suitable	
2) 10-20	Just suitable	
1) <10*	Unsuitable	
* Excludes trees which are an existing or new fence or screen, including those <u>dead</u> , enclosing their context, or which are significantly reducing the potential of other trees of better quality		

c) Relative public visibility & suitability for TPO

Consider surface potential for future visibility with changed land use

5) Very large trees with some visibility, ie prominent large trees	Highly suitable	Score & Notes <u>4, 4, 4, 4, 4</u>
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	Hardly suitable	
1) Trees not visible to the public, regardless of size	Probably unsuitable	

d) Other factors

Trees may have scored 7 or more points (with no tree score) in quality

5) Principal components of arboricultural features, or veteran trees	Score & Notes <u>1, 1, 1, 1, 1</u>
4) Tree groups, or 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 some of the above additional redeeming features (i.e. those of indifferent form)	

Part 2: Expediency assessment

Trees may have scored 9 or more points in quality

5) Immediate threat to tree	Score & Notes <u>2, 2, 2, 2, 2</u>
4) Foreseeable threat to tree	
3) Perceived threat to tree	
1) Precautionary only	

Part 3: Decision guide

Age 0	Do not apply TPO	Add Scores for Total: <u>12, 12, 12, 12, 12</u>	Decision: <u>Create TPO</u>
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 20/11/20 Surveyor: R. Ansell

Tree details
 TPO Ref (if applicable): _____ Tree Group: No 11-15 species: alder, cherry, poplar
 Owner (if known): _____ Location: Blackwood Rd, Poplar, Poplar
Coventry, CV6 7AT

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

5) Good	Highly suitable	Score & Notes <u>3, 3, 3, 3, 3</u>
4) Fair	Suitable	
3) Poor	Unlikely to be suitable	
2) Dead/dying/dangerous*	Unsuitable	
* Exclude or existing context and is intended to apply to severe irremediable defects only		

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

5) 100+	Highly suitable	Score & Notes <u>2, 2, 2, 2, 2</u>
4) 40-100	Very suitable	
3) 20-40	Suitable	
2) 10-20	Just suitable	
1) <10*	Unsuitable	

* Exclude trees which are in existing or near future existence, including those clearly comprising other species, or which are significantly impacting the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider relative potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	Score & Notes <u>4, 4, 4, 4, 4</u>
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	

d) Other factors

Trees must have scored 7 or more points (with no tree score re quality)

5) Principal components of arboricultural features, or veteran trees	Score & Notes <u>1, 1, 1, 1, 1</u>
4) Tree groups, or 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 (i.e. those of indifferent form)	

Part 2: Expediency assessment

Trees must have scored 7 or more points re quality

5) Immediate threat to tree	Score & Notes <u>2, 2, 2, 2, 2</u>
4) Favourable threat to tree	
3) Perceived threat to tree	
1) Preliminary only	

Part 3: Decision guide

Any 0	Do not apply TPO	Add Scores for Total: <u>12, 12, 12, 12, 12</u>	Decision: <u>Create TPO</u>
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 2/11/20 Surveyor: R. Anzell

Tree details
 TPO Ref. of applicability: _____
 Owner (if known): _____
 Tree/Group No: 16-20 species: Hornbeam, white oak
 Location: Electrical Rd, Whiteoak, Apple, Cherry
Circle on map → RA.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

3) Good	Highly suitable	Score & Notes <u>3,3,3,3,3</u>
2) Fair	Suitable	
1) Poor	Unlikely to be suitable	
0) Dead/dying/dangerous*	Unsuitable	
* Relates to existing context and is assumed to apply to severe (removable) defects only		

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

5) 100+	Highly suitable	Score & Notes <u>2, 2, 2, 2, 2</u>
4) 40-100	Very suitable	
3) 20-40	Suitable	
2) 10-20	Just suitable	
0) <10*	Unsuitable	

*Include trees which are an existing or near future nuisance, including those clearly encroaching their context, or which are significantly reducing the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider whether potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	Score & Notes <u>4,4,4,4,4</u>
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	

d) Other factors

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

3) Principal components of arboricultural features, or veteran trees	Score & Notes <u>1,1,1,1,1</u>
4) Tree groups, or members of groups important for their cohesion	
3) Trees with identifiable features, commemorative or habitat importance	
2) Trees of particularly good form, especially if rare or unusual	
1) Trees with none of the above additional reinforcing features (i.e. those of indifferent form)	

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

3) Immediate threat to tree	Score & Notes <u>2, 2, 2, 2, 2</u>
3) Unreasonable threat to tree	
2) Perceived threat to tree	
1) Precautionary only	

Part 3: Decision guide

Any 0	Do not apply TPO	Add Scores for Total: <u>12, 12, 12, 12, 12</u>	Decision: <u>Create TPO</u>
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 20/11/20 Surveyor: R. Howell

Tree details
 TPO Ref (if applicable): _____ Tree Group No: 21-22 Species: Hornbeam, Purple
 Owner (if known): _____ Location: Blackwood Rd
Crofton, FV6 7QA

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

5) Good	Highly suitable	Score & Notes <u>3,3,3,3,3</u>
3) Fair	Suitable	
1) Poor	Unlikely to be suitable	
0) Dead/dying/dangerous*	Unsuitable	
* Refer to existing context and is intended to apply to severe trees/deciduous before only		

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

5) 100+	Highly suitable	Score & Notes <u>2,2,2,2,2</u>
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 which are overgrowing their context, or which are significantly requiring the presence of other trees of lower quality		

c) Relative public visibility & suitability for TPO

Consider relative potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	Score & Notes <u>4,4,4,4,4</u>
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	Rarely suitable	
1) Trees not visible to the public, regardless of size	Probably unsuitable	

d) Other factors

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

3) Principal components of arboreal/cultural features, or veteran trees	Score & Notes <u>1,1,1,1,1</u>
4) Tree groups, or numbers of groups important for their cohesion	
5) Trees with identifiable features, 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 (i.e. those of indifferent form)	

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

3) Immediate threat to tree	Score & Notes <u>2,2,2,2,2</u>
3) Foreseeable threat to tree	
2) Perceived threat to tree	
1) Precautionary only	

Part 3: Decision guide

Any 0	Do not apply TPO	Add Scores for Total: <u>12, 12, 12, 12, 12</u>	Decision: <u>Correct TPO</u>
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		



Above image: View from Blackpool Rd looking southwest towards trees T1 to T5.



Above image: View from Blackpool Rd looking south towards trees T19 -T22.



Above image: View from Blackpool Rd looking north east towards tree T22.

Google Image capture April 2019 accessed 24/02/21 via <https://www.google.com/maps/@53.847344,-3.0148388,3a,75y,53.21h,101.05t/data=!3m6!1e1!3m4!1sO3aRgU-j1sq2Wnqa3KOa6g!2e0!7i13312!8i6656?hl=en>

Appendix 3

Objection to Tree Preservation Order No.12 of 2020 Land at Blackpool Road, Carleton
FY6 7QA 15th December 2020

1. The purpose of this note is to provide a formal objection to the Tree Preservation Order (TPO) cited above on behalf of my client, Blackpool Council. This will be subsequently referred to as the Order or the TPO.

2. The Order was made on the 1st December 2020 by Wyre Council under Regulation 5 in respect of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, to be subsequently referred to as the TPO Regulations. The Order was made by the council on the basis that it was considered “expedient in the interest of amenity”

3. There are twenty two (22) trees covered by the Order, all of which are situated on a grassed verge along the highway. All of the trees are situated on adopted highway land, which is maintained by Lancashire County Council.

4. In July 2019, a tree survey and arboricultural impact assessment was carried out by this consultancy in respect of proposals to develop the adjacent land. The tree survey was carried out in full compliance with British Standard 5837(2012). All the trees subject to this TPO were included in the survey and the subsequent report which shall be subsequently referred to as the Tree Report. Due to the relative proximity and lack of individual merit, all trees except for one (T1 on the tree report, T15 in the TPO), were included as groups (see the Appendix A to this note).

5. Within the Tree Report, the tree numbered T1 in the tree schedule (T15 of the TPO) was described as being prominent but with significant levels of deadwood and damaged branches requiring extensive pruning and was categorized as C1, the lowest category within the requirements of BS5837(2012).

6. With regard to the remainder of the trees included in the Tree Report, which includes all the trees listed in the TPO, these were treated as Groups (designated G1, G2, G3...etc.) as none were considered to have significant amenity value or arboricultural merit enough to qualify as individual trees. It is understood that this was also the view of the council’s tree officer. Yet despite this, each of the trees were listed in the TPO as individuals, contrary to both the opinion of the tree officer and the requirements of the TPO Regulations.

7. Within the TPO Regulations, Paragraph 026 states that “if trees merit protection in their own right, authorities should specify them as individual trees in the Order”. Paragraph 027 goes on to say that “the group category should be used where the individual category would not be appropriate and the group’s overall impact and quality merits protection”.

8. It is pertinent to note that in the Tree Report carried out by this consultancy, none of the trees or groups were considered to have individual merit, the only tree listed individually being a Category C tree, which was listed individually due to its relatively remoteness to any other adjacent trees. Furthermore, even as groups of trees rather than individuals, none of the groups listed were considered to have any arboricultural

merit greater than Category B2. The meanings of Categories B2 and C1 are provided in Figure 1 below.

9. Despite the trees included in Category B being deemed to have moderate quality and value according to the BS5837 (2012) definition in Figure 1, their placement in Category B2 indicates that they are of mainly landscape value with visual amenity value as a group, not as individual trees. This is conflicts with the individual listing of trees within the TPO.

10. With regard to the council’s reason for making the Order, in particular the use of the term “expedient”, Paragraph 010 of the Regulations states the following: “Although some trees and woodlands may merit protection on amenity grounds, it may not be expedient to make them subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or sylvicultural management”. Given that the trees are the responsibility of and are managed by Lancashire County Council, the expediency to make the Order in this respect is considered erroneous.

Figure 1 Tree Categories from BS5837(2012)

	1. Mainly arboricultural values	2. Mainly landscape values
'A' Those of high quality and value: in such a condition, as to be able to make a substantial contribution (a minimum of 40 years is suggested)	Trees that are particularly good examples of their species, especially if rare or unusual, or essential components of groups, or of formal or semi-formal arboricultural features (eg the dominant and/or principal trees within an avenue)	Trees, groups or woodlands which provide a definite screening or softening effect to the locality in relation to views into or out of the site, or those of particular visual importance (eg avenues or other arboricultural features assessed as groups)
'B' Those of moderate quality and value: in such a condition, as to make a significant contribution (a minimum of 20 years is suggested)	Trees that might be included in the high category, but are downgraded because of impaired condition (eg presence of remediable defects including unsympathetic past management and minor storm damage)	Trees present in numbers, usually as groups or woodlands, such that they form distinct landscape features, thereby attracting a higher collective rating than they might as individuals but which are not, individually, essential components of formal or semi-formal arboricultural features (eg trees of moderate quality within an avenue that includes better 'A' category specimens) or trees situated mainly internally to the site, therefore individually having little visual impact on the wider locality
'C' Those of low quality and value: currently in adequate condition to remain until new planting could be established (a minimum of 10 years is suggested) or young trees with a stem diameter below 150 mm	Trees not qualifying in higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater landscape value and/or trees offering low or only temporary screening benefit

11. Paragraph 010 goes on to say that “It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact upon the amenity of the area”. However, whilst it is assumed that the TPO was made to protect the trees from the adjacent development, with the exception of two proposed access points where it has been acknowledged that some semi-mature trees will be lost (but these will be replaced severalfold elsewhere on the development site), all other trees will remain unaffected and will continue to be managed by Lancashire County Council. The premise that the trees are under threat is therefore also erroneous as far as any expedience to make the Order is concerned.

12. The fact that the trees will remain unaffected by adjacent development proposals is shown graphically in the Arboricultural Impact Assessment of the Tree Report, prepared and submitted in support of the respective planning application, from which it is clear that the respective Root Protection Areas of the trees concerned are all outside the development footprint (see Appendix B below). Furthermore, all the trees subject to this TPO will be retained adjacent to areas proposed as public open space, not dwellings or roads etc, so no damage is reasonably likely, especially if the tree protection measures proposed in the Tree Report are implemented. The expediency to make the Order in this regard is therefore also considered erroneous.

13. With regard to the council's other reason for making the Order, 'Amenity', this is defined in paragraph 007 of the TPO Regulations as follows: "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."

14. In that respect, Paragraph 008 states that "public visibility alone will not be sufficient to warrant an Order". The paragraph then goes on to say that the following factors should be considered:

a. Size and form b. Future potential as an amenity c. Contribution to, and relationship with, the landscape, and d. Contribution to the character or appearance of a conservation area 15.

With regard to Size and Form, most of the trees are relatively small and are almost at full size since they are inherently small species such as whitebeam which will never attain great size. Other species such as poplar are tall species which will in time get considerably taller. However, this species is renowned for losing large branches or the top snapping off in high winds, each of which would be a serious hazard to users of the adjacent highway. The trees in question are therefore not ideal species in terms of size and form for their location and are not appropriate species to warrant protection given the level of work that will be required to maintain them in a safe condition.

16. With regard to their future potential as an amenity, as stated above, most of the trees will grow no taller or wider than their current size due to the characteristics of the tree species concerned. Furthermore, the trees listed in the TPO are mostly short-lived trees in relative terms so have no real potential for the future in terms of developing in size and form. The poplars on the other hand are likely to become more of a problem and a potential hazard to traffic as time goes by for the reasons outlined above.

17. In terms of the trees' relationship to the landscape, the same applies in respect of their longevity and relative size and form. Whilst the trees do contribute to the landscape to some extent, this is limited by the size of the majority of the trees in relation to the backdrop, and only then as a group or series of groups since there are none of individual merit. The final characteristic listed under paragraph 008 of the TPO Regulations, the contribution to the character or appearance of a conservation area, is of no relevance here since the trees in question are not located within a conservation area.

18. Taking into consideration what I have stated above, in particular the fact that there is no reasonable likelihood that the remaining trees will be damaged (see Appendix D), it is my considered opinion that the council have not been able to show that protection of the trees would bring a reasonable degree of public benefit at the present or in the future.

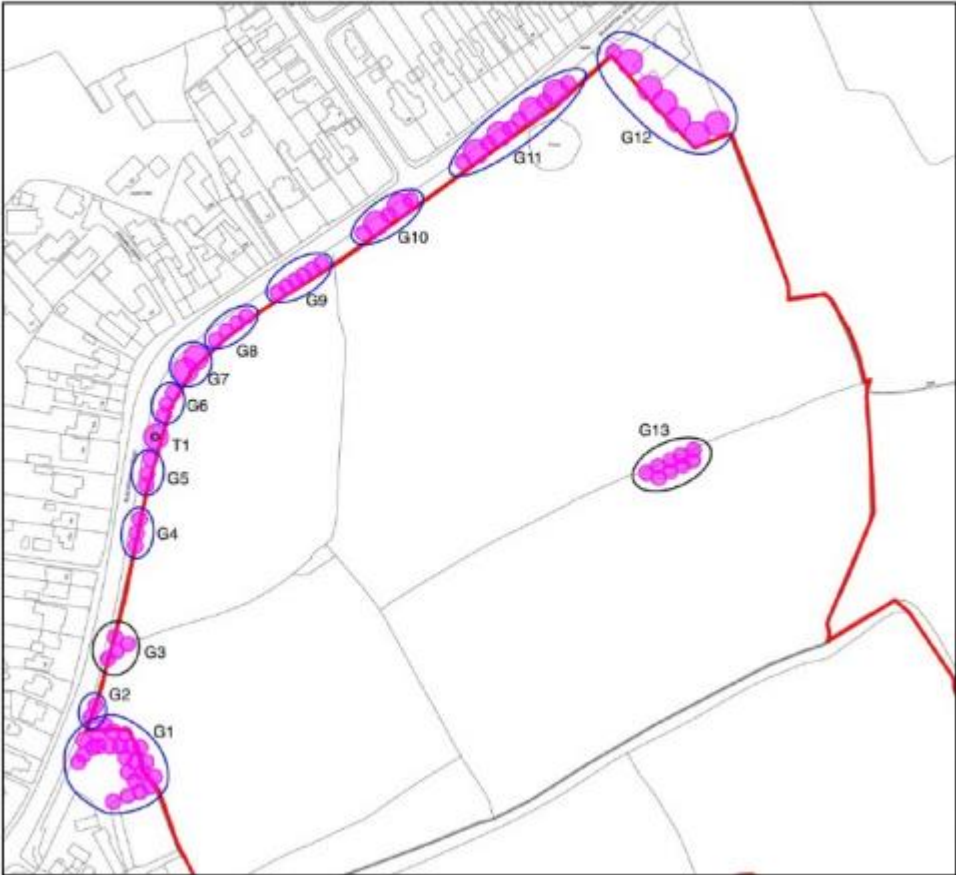
19. As detailed in the tree schedule to the Tree Report (see Appendix C), the trees in question are all of limited arboricultural value in their own right, many having significant levels of deadwood or damaged branches, many with cavities or damaged bark, most being relatively small and never being able to attain any great height as they are inherently small species, others such as the poplars being a potential liability as this

species in particular is prone to dropping large branches or losing its top without notice and a consequently not an ideal species to retain alongside a major highway.

20. It is reasonable to assume that the trees in question are not of sufficient merit to warrant protection by a TPO and there are no clear public benefits for the present or the future. For the reasons outlined above, I therefore submit that the TPO cited above has been inappropriately made and wish to tender this note as a formal objection on behalf of my client, Blackpool Council.

Appendix

A. An extract from the Tree Report showing the trees surveyed, their groupings and Root Protection Areas (shaded pink)



B. An extract from the Tree Report showing the trees surveyed, their groupings and Root Protection Areas (shaded pink) in relation to development proposals



C. Tree Schedule from the Tree Report submitted in support of the planning application in respect of adjacent land

Tree No.	Species	Height (m)	Trunk diameter (mm at 1.5m)	Multi-stem category	Crown spread (m)				Crown clearance (m)	Age Class	Physiological Condition	Structural Condition	Estimated Age Remaining	RPA - area (m ²)	RPA - radius (m)	Tree Quality Category	Notes & Recommendations
					N	S	E	W									
T1	Poplar	16	500	-	6	6	6	6	3	M	Fair	Poor	20-40	113	6	C1	Prominent tree situated in road verge but with significant levels of deadwood and damaged branches requiring extensive pruning
G1	Cherry, Elm, Ash	16	100-300	-	3	3	3	3	2	SM-EM	Fair	Fair	40+	41	3	B2	Group of relatively young trees situated in the hedgerow. Fair condition with some deadwood and damaged branches but no obvious major defects
G2	Sycamore, Poplar	8-18	150-250	-	3	3	3	3	2	SM-EM	Fair	Fair	40+	28	3	B2	Group of relatively young trees situated in the hedgerow. Fair condition with some deadwood and damaged branches but no obvious major defects
G3	Sycamore, Hawthorn	8	120-250	2-5	3	3	3	3	2	SM-EM	Fair	Fair	40+	28	3	C2	Small group of young trees including a multi-stemmed sycamore situated within the hedgerow. Fair condition but limited amenity value
G4	Whitebeam, Elm	6	100-250	-	3	3	3	3	2	SM-EM	Fair	Fair	40+	28	3	B2	Group of young trees situated on the road verge. Fair overall condition, some deadwood and damaged branches but no major defects
G5	Whitebeam, Hawthorn	6	250-300	-	4	4	3	3	2	SM	Fair	Fair	40+	41	4	B2	Group of young trees situated on the road verge. Fair overall condition, some deadwood and damaged branches but no major defects
G6	Apple, Whitebeam, Sycamore	6	200	-	2	2	2	2	2	SM	Fair	Fair (Poor)	40+	18	2	B2 (U)	Group of young trees situated on the road verge. Fair overall condition, some deadwood and damaged branches but no major defects, with the exception of the sycamore which is in poor condition and unworthy of retention
G7	Poplar	16	500	-	6	6	6	6	3	M	Fair	Fair	20-40	113	6	C2	Pair of relatively large, prominent trees in fair overall condition but with significant deadwood and damaged branches which will need removal
G8	Cherry, Alder	8	350-400	-	3	3	3	3	2	EM	Fair	Fair	40+	72	5	B2	Small linear group of trees situated on the verge, in fair overall condition but with deadwood and damaged branches that requires remedial pruning

Tree No.	Species	Height (m)	Trunk diameter (mm at 1.5m)	Multi-stem category	Crown spread (m)				Crown clearance (m)	Age Class	Physiological Condition	Structural Condition	Estimated Age Remaining	RPA - area (m ²)	RPA - radius (m)	Tree Quality Category	Notes & Recommendations
					N	S	E	W									
G9	Ash, Poplar	8	400	-	3	3	3	3	2	EM	Fair	Fair	40+	72	5	B2	Group of early mature trees situated on the highway verge in reasonable condition but requires remedial pruning to remove deadwood and damaged branches
G10	Cherry, Whitebeam, Poplar	6-16	200-500	-	4	4	4	4	2-3	SM-M	Fair	Fair	20-40+	113	6	B2	Mixed group of semi-mature to mature trees, situated within the highway verge. Prominent group but requires remedial pruning to remove deadwood and damaged branches
G11	Poplar, Whitebeam	7-16	200-500	-	4	4	4	4	2-3	SM-M	Fair	Fair	20-40+	113	6	B2	Extensive, mixed group of semi-mature to mature trees, situated within the highway verge. Prominent group but requires remedial pruning to remove deadwood and damaged branches
G12	Poplar, beech	8-16	150-500	-	5	5	5	5	3	EM-M	Fair	Fair	20-40+	113	6	B2	Group of mostly mature trees situated in an adjacent garden. Fair overall condition but with some deadwood and damaged branches that require removal
G13	Birch, Hawthorn	6	100-150	-	2	2	2	2	2	SM	Fair	Fair	40+	18	2	C3	Dense group of young trees surrounding a pond. Limited amenity value, more of a landscape or ecology feature

D. The Impact Assessment extracted from the Tree Report indicating which trees will be affected

Tree Schedule Number	Species	Age Class	Category	Nature of Impact
G6	Sycamore	EM	U	Tree in poor condition to be removed. Part of a group, all other trees to be retained
G11	Whitebeam, Poplar	EM-M	B2	Two to three trees within the group will require removal to accommodate the proposed access from Blackpool Road, but this will not have a major impact upon the amenity value of the group as a whole

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