



Emergency Powers Non-Executive Decisions Agenda

Wyre Borough Council
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Democratic Services Officer
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Emergency Powers Non-Executive Decisions meeting on Wednesday, 6 May 2020 at 2.00 pm via Remote Access

1. Apologies for absence

2. Declarations of interest

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

3. Emergency Powers Provisions for Planning Committee (Pages 3 - 4)

On 22nd April 2020 Cabinet, in consultation with opposition leaders, agreed to adopt temporary emergency measures for executive and certain non-executive decisions to be delegated to officers using emergency powers that were invoked due to the Chief Executive declaring a major incident in Wyre.

The attached report shows the steps that will be followed for decisions that would have normally been taken by the Planning Committee.

4. Appeals (Pages 5 - 46)

The Schedule of Appeals lodged and decided between 15 February-15th April 2020, is attached.

5. Planning applications

Background Papers:

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

1. The Wyre Borough Local Plan (2011-2031)
2. Draft Revised Joint Lancashire Minerals and Waste Local Plan
3. Joint Lancashire Minerals and Waste Local Plan

4. Statements of Government Policy/guidance (NPPF, NPPG, Ministerial Statements etc.)
5. Supplementary Planning Guidance and evidence base documents specifically referred to in the reports
6. The application file (as per the number at the head of each report)
7. The forms, plans, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports
8. Any additional information specifically referred to in each report.

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

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

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| <p>(a) Application A- Land To The West Of The A6 (Preston/Lancaster New Road), Bounded By Nateby Crossing Lane & Croston Barn Lane, Nateby, Garstang, PR3 1DY (16/00241/OULMAJ)
Outline planning permission (all matters reserved apart from access) for the erection of up to 270 dwellings; a minimum of 4.68ha of employment development comprising up to 5,740sqm of Class B1(A) Offices and B1(B) Research and Development, Class B1c light industrial, B2 General Industrial, Class A1 convenience store (up to 375sqm (net) floorspace) and Class A1/A3 drive-through coffee shop (up to 235sqm (sales) floorspace); associated green infrastructure / landscaped open spaces; a pedestrian/cycle link to Garstang; and with access taken from both the A6 and Nateby Crossing Lane, including the construction of a new roundabout with at-grade pedestrian crossings and the associated reconfiguration of the A6 (resubmission 14/00458/OULMAJ).</p> | <p>(Pages 47 - 126)</p> |
| <p>(b) Application B- Land South Of West End And Pinfold House, Great Eccleston (18/00540/FULMAJ)
Proposed residential development of 16 dwellings, public open space, landscaping and associated infrastructure with vehicular access taken from West End.</p> | <p>(Pages 127 - 158)</p> |
| <p>(c) Application C- 14 Garratt Close, Poulton-Le-Fylde, Lancashire, FY6 7XG (19/01232/FUL)
Single storey rear extension, two-storey side extension and conversion of garage into a garden room.</p> | <p>(Pages 159 - 168)</p> |

Emergency arrangements resulting from the
 COVID-19 Coronavirus Pandemic:
Planning Committee

On 22nd April 2020 Cabinet, in consultation with opposition leaders, agreed to adopt temporary emergency measures for executive and certain non-executive decisions to be delegated to officers using emergency powers that were invoked due to the Chief Executive declaring a major incident in Wyre.

5.2.1 of the report agreed the measures below for the Planning Committee:

“That authority to determine any planning application, listed building consent and tree preservation order application that would otherwise have been decided at a meeting of the Committee be delegated to the Chief Executive (with the Head of Planning Services providing an advisory role) in consultation with the Chairman and Vice Chairman of the Planning Committee when both are available, and either if only one is available. Where relevant, Ward Councillors will also be encouraged to submit comments prior to planning applications being determined.”

Planning Committee meetings include previously undertaken site visits and it has always been recognised that such visits are an important part of members gaining a full understanding of the site and the relevant planning issues. The Head of Planning Services will arrange for photographs and a video of the sites to be made available, and the Chairman and Vice Chairman would be invited to separately visit the sites using the relevant maps provided, which would show appropriate vantage points.”

What this means in practical terms:

The planning committee process will remain mostly unchanged and decisions will be taken on the 1st Wednesday of every month at 2pm, unless there are no applications to consider.

The Democratic Services Officer will set up a private remote meeting for the Chief Executive, Head of Planning Services, Planning Development Manager, a Legal Team representative, Democratic Services Officer and the Chairman and/or Vice Chairman of the Planning Committee. The decisions will be taken by the Chief Executive and this meeting will be minuted and published like a ‘normal’ planning committee meeting to the [Emergency Arrangements Non- Executive Decisions page](#).

Parish Councillors, County Councillors, Applicants, Agents and Members of the Public who would normally wish to speak at a planning committee meeting should contact the Democratic Services Officer (emma.keany@wyre.gov.uk) by 14:00 the day before the decision-making meeting, as is the usual practice for members of the public. Individuals who have registered, should ensure that their comments are made by

13:00 on the day of the decision-making meeting and should be sent to the Democratic Services Officer.

The Chairman and/or Vice Chairman will have the chance, where necessary and subject to consultation with Legal Services, to visit the sites in question to ensure that they gain a full understanding of the site. Such visits will be guided by information/plans provided by the Planning Development Manager.

The rules on how applications are determined by the Planning Committee remains unchanged.

If you have any questions on the process for how items will be decided by the committee please email Emma (emma.keany@wyre.gov.uk). If your query is relevant to a specific planning application please follow the normal procedure and contact Planning Services.

Emma Keany
Democratic Services Officer
28 April 2020

APPEALS LODGED AND DECIDED

Appeals Lodged between – 15th February – 15th April 2020

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
14/00241/ENF	Old Quarry Potters Brook Bay Horse Lancashire LA2 0HQ	Appeal against enforcement notice	N/A	Enforcement – Written representations	27 th February 2020
19/01175/FUL	Flat 1 144 Lancaster Road Cabus Lancashire PR3 1JE	Removal of condition 3 on planning permission 12/00309/FUL (requiring privacy screens to be maintained)	Delegated	Written Representations	11 th March 2020

Appeals Decided between — 15th February – 15th April 2020

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
18/00939/FUL	South View Brick House Lane Hambleton Poulton-Le-Fylde Lancashire FY6 9BG	Erection of one dwelling	Delegated	Dismissed	17 th February 2020
12/00204/UNTI	Helmsdeep Long Lane Barnacre With Bonds Preston Lancashire PR3 1RN	Appeal against enforcement notice	N/A	Dismissed	22 nd February 2020
17/00951/OUTMAJ	Land On The East Side Of Lambs Road Thornton Cleveleys Lancashire	Outline application for the erection of up to 66 dwellings and a convenience store (up to 280sqm net sales area) with access applied for off Lambs Road (all other matters reserved)	Delegated	Dismissed	12 th March 2020

18/00680/OULMAJ	Land Off Holts Lane Poulton-Le-Fylde Lancashire	Variation of condition 03 (affordable housing) on application 16/01043/OULMAJ	Committee	Allowed	1 st April 2020
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Appeal Decision

Site visit made on 27 January 2020

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/U2370/W/19/3241061

South View, Brick House Lane, Hambleton FY6 9BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Andrew Gravner against the decision of Wyre Borough Council.
 - The application Ref 18/00939/FUL, dated 25 September 2018, was refused by notice dated 27 August 2019.
 - The development proposed is erection of new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would be in an appropriate location with respect to matters of flood risk, and;
 - whether the proposal is consistent with policies relating to housing in rural areas, with particular regard to the effect on the character and appearance of the area and accessibility to local services and facilities.

Reasons

Flood Risk

3. The appeal site consists of land on the northern side of Brick House Lane that lies between Southview Farm and Brompton Cottage. The site is bounded by a hedgerow along the highway frontage with the adjoining parcel of land forming part of the domestic garden of Southview Farm. A further hedgerow separates the remainder of the site which consists of a small segment of a more extensive agricultural field. The site has a gradual upward slope in land levels from the highway frontage toward its rear extent which also continues into the agricultural field beyond.
4. Based upon the evidence before me, including a Flood Risk Assessment (FRA) provided by the appellant, the Environment Agency (EA) Flood Maps identify that the majority of the site lies within Flood Zone 3 (high probability) with the remainder in Flood Zone 2 (medium probability) ignoring the presence of defences as identified in Planning Practice Guidance (PPG)¹. The EA Flood Maps have been updated since an expired outline planning permission for a dwelling

¹ Flood Risk and Coastal Change, Paragraph 065 Table 1, Ref ID: 7-067-20140306 Revision date: 06 03 2014

(ref: 15/00422/OUT) was granted and the extent of the site identified as having a high probability of flooding has increased. The appellant has provided a topographical survey of the site to demonstrate differences between the Flood Zone boundaries. However, in the absence of any alternative hydraulic model, I necessarily assess the proposal in terms of the extent of high and medium probability of flooding identified within the site by the EA Flood Maps as it is based upon the most accurate and robust evidence available.

5. Policy CDMP2 of the Wyre Local Plan 2011-2031 (LP), adopted February 2019, amongst other things, seeks that where development is proposed in areas at risk of flooding (unless proposed in the LP), that it must be demonstrated that the Sequential Test has been applied and there are no reasonable available alternative sites at lower risk, considering the nature of flooding and the vulnerability of the development. The policy is consistent with the sequential test in the National Planning Policy Framework (the Framework).
6. The proposed dwelling in Flood Zone 3 and Flood Zone 2 is identified as more vulnerable development within the flood risk vulnerability classification and flood zone compatibility set out in the PPG² and is identified as 'appropriate' development in that respect. However, the PPG is clear that the table does not show the application of the sequential test which should be applied first to guide development to Flood Zone 1, then Zone 2 and then Zone 3.
7. As the appeal site is not allocated for development in the LP, it is reasonable that the sequential test should be applied at a district level. In that respect, the Council have indicated that following the adoption of the LP, a supply of specific deliverable sites sufficient to provide 5.69 years of housing can now be demonstrated. The appellant has not sought to dispute housing supply matters and in the absence of any contrary evidence, I have no reason to conclude that the Council could not demonstrate a deliverable five-year supply of housing.
8. As part of the application subject of this appeal, the appellant provided a sequential test covering sites across the Wyre Borough based upon the most recent housing monitoring information available at the time, correspondence with local estate agents and internet searches. The evidence included a total of 70 comparator sites which were included in the appellant's evidence with reasons given for discounting each. However, the Council when making its decision identified a total of 15 sites with planning permission which it considered had been unreasonably discounted.
9. In response to the above, as part of this appeal the appellant has provided further evidence relative to its approach to each of the 15 disputed sites. In that respect, I consider it reasonable that two of the sites with planning permission³ can be discounted on the basis of being too small to accommodate the requirements of the proposal before me. To my mind, it is also reasonable that a further ten sites with planning permission can also be discounted given that they have either been confirmed as not available⁴, have been subject to a

² Flood Risk and Coastal Change, Paragraph: 067 - Table 3, Reference ID: 7-067-20140306
Revision date: 06 03 2014

³ Council refs: 16/00712/FUL, 17/00002/FUL.

⁴ Council refs: 16/01053/OUT, 17/00483/OUT & 18/00535/FUL, 17/00980/OUT, 18/00605/OUT.

recent reserved matters application⁵ or can be assumed to be not available given the lack of response to the appellant's enquiries⁶.

10. Notwithstanding the above, when assessing whether the remaining sites are reasonably available alternatives at a lower risk of flooding, I consider that in terms of a proposal for a single dwelling it is not appropriate to discount sites solely on the basis that a planning permission has already been granted for more than a single dwelling. In that regard, I acknowledge the advice prepared by the Environment Agency with respect to the approach to the sequential test. However, the responsibility for the sequential test is a matter for the local planning authority. In that regard, the Council approach in terms of small scale and lower density development is logical in taking account of both site size and site capacity that could reasonably accommodate the proposed development when identifying comparator sites. I, therefore, apply it accordingly.
11. It follows that of the remaining sites in dispute, that the presence of a full planning permission (Council ref: 17/00368/FUL) for three dwellings at 833 Garstang Road, Barton may imply that the site is unlikely to be available for a fewer number of dwellings and on balance, could be discounted for that reason. However, based upon the evidence, the two other disputed sites have established only the principle of residential development with outline planning permissions for three dwellings at Town End Cottage, 39 Smithy Lane, Stalmine (Council ref: 17/00287/OUT) and for two dwellings at Lyncrest, Barrows Lane, Great Ecclestone (Council ref: 17/00573/OUT). With respect to those two sites, the evidence is insufficient to disregard them as reasonably available alternative sites to accommodate the proposed development in locations at lower risk of flooding. Consequently, I must conclude that there is insufficient evidence to demonstrate that the proposal has met the requirements of the sequential test.
12. In reaching the above findings, I have taken into account that the appellant and his family own and run a successful holiday cottage nearby and have been recently granted a licence from the Caravan and Camping Club to site caravans and tents on a neighbouring field. However, the evidence before me of the intended future operation of the appellants' business in those respects is limited, including why any existing arrangements for management of the holiday cottage would no longer be suitable and also in terms of the planning status of the proposed use of the neighbouring field. Consequently, the evidence before me is not sufficient to demonstrate a functional need for residential accommodation within the appeal site to monitor/manage visitors.
13. The evidence provided by the appellant, including the FRA, refers to the existing flood defences in the area and indicates that there is no evidence that the existing site has flooded in the previous 20 years. However, such matters do not remove the potential for flooding in the future. In that respect, the FRA suggests that due to the mixed nature of the identified flood risk zones across the site, the overall assessment for the development is medium/high risk. The development could incorporate flood resistance and resilience measures, including finished floor levels of no lower than 7.86m above ordnance datum (AOD) for the dwelling and 6.60m AOD for the garage respectively, with the

⁵ Council ref: 16/00969/OUT.

⁶ Council refs: 16/00521/OUT, 16/00846/OUT, 17/00529/FUL & 18/01183/FUL, 17/00823/FUL & 18/00297/FUL, 18/00681/OUT.

dwelling, therefore, being 600mm above the EA design flood level (1 in 200 yr flood level with allowance for climate change).

14. The above measures and other recommendations, such as connection to a flood warning system and evacuation plan with access onto areas to the rear of the site outside the flood zone, a flood resistant garage door and a suitable on-site drainage system, could be secured by condition and would provide some mitigation of site risks whilst not increasing flood risk elsewhere. In that respect, the Environment Agency offered no objection on the basis of the mitigation measures set out in the appellant's evidence. However, such matters do not outweigh the failure to meet the requirements of the sequential test.
15. I have taken account of the outline planning permission previously granted at the site in 2015 which has now expired. However, it is evident that the decision on the outline application reflected an assessment of that proposal against the sequential test that would have been in different circumstances given that the Council were unable to demonstrate a deliverable five-year supply of housing at the time. I have, therefore, assessed this proposal on its own merits.
16. I conclude that the development would not be consistent with policies relating to flood risk. The proposal conflicts with Policy CDMP2 of the LP and the Framework in terms of their approach to managing flood risk and the associated guidance in the PPG, due to the failure to demonstrate that the requirements of the sequential test have been met.

Housing in Rural Areas (including Character and Appearance, and Accessibility)

17. The site lies in a gap between linear development along the northern side of Brick House Lane and forms part of the transition to a more sporadic form of development within the countryside, despite the presence of a smaller grouping of bungalows on the opposite side of the road. The site and the clusters of properties along Brick House Lane are not defined as a rural settlement for the purposes of the development strategy in Policy SP1 of the LP and are within an area of countryside as defined on the LP Policies Map. Policy SP1, amongst other things, indicates that new built development will take place within settlement boundaries on the Policies Map, unless development in designated countryside areas is specifically supported by another policy in the LP.
18. Policy SP4 of the LP relates specifically to countryside areas. The policy follows the approach of paragraph 170 of the Framework in recognising the open and rural character of the countryside for its intrinsic character and beauty. In doing so, amongst other things, Policy SP4 sets out the types of development that may be acceptable in the countryside subject to the requirements of other LP policies. The proposal before me consists of an open market dwelling which does not fall within any of the categories permitted under the policy. The proposal is, therefore, contrary to Policy SP4.
19. The site lies close to an existing bungalow on one side, known as Brompton Cottage, and includes part of the existing residential curtilage of the more distant dwelling to the opposite side, known as Southview Farm. There are also small groupings of other properties nearby. The site, therefore, is not remote from other dwellings and the proposal would not result in the creation of an isolated home in the countryside which the Framework seeks to avoid. Nonetheless, the Framework does not imply that a dwelling has to be "isolated" in order for restrictive policies to apply and there may be other circumstances

where development in the countryside should be avoided. In that respect, Policy CDMP3 of the LP, amongst other things, sets out that development must be designed to respect or enhance the character of the area and have regard to issues including density, siting, layout, height, scale, massing, orientation, landscaping and use of materials.

20. With regard to the above, the site frontage and its undeveloped nature forms part of a visual break within the existing pattern and clusters of built form adjoining Brick House Lane. The resultant gap in built form observed when travelling along Brick House Lane makes an important contribution to the rural setting and the character of the countryside, with the site also forming part of an evident reduction in the depth of residential curtilages when compared with properties closer to the junction with Carr Lane (A588).
21. The immediate surroundings include a mixed character of existing development, including bungalows nearby and two storey properties with differing architectural styles and materials interspersed in the wider setting. Nonetheless, the proposed large two-storey dwelling with a projecting front outrigger on land levels that rise from the road edge would introduce built form with a considerable footprint, depth, scale, bulk and massing. When taken together with any hardstanding and associated domestic paraphernalia, the built form would inevitably change the character of the site when compared with the modest outbuildings, ornamental trees and hedgerows that are currently in situ, whilst partly encroaching upon an open field. The design of the dwelling, including the differing proportions of glazing in the front outrigger, would also draw attention to the property as a conspicuous feature that would erode the existing gap in built form on Brick House Lane which contributes to its rural character. Consequently, the proposal would lead to a prominent intrusion of development into the countryside.
22. The resultant harmful loss of countryside and the change in character of the site would be evident from Brick House Lane above existing hedgerows. The potential for boundary screening or landscaping to soften the appearance of the development would not overcome the harm even if hedgerow removal were limited to provision of only a safe and suitable highway access for the dwelling and a replacement were to form the rear boundary as indicated on the site plan. The limited separation between the boundary with the open field beyond and the depth of side gardens as amenity space would not be dissimilar to the nearby arrangement of Southview Farm and The Hayloft. As such, space could be utilised to each side of the dwelling to overcome the Council concerns in terms of the extent of the amenity space provision and overshadowing. However, the absence of concern in those respects does not override the harm to the character and appearance of the area that would be evident along Brick House Lane, contrary to Policies SP1, SP4 and CDMP3 of the LP.
23. Turning to accessibility, Policy SP2 of the LP in order to deliver sustainable communities, amongst other things, seeks to ensure accessible places and minimise the need to travel by car. The distance from the appeal site to Hambleton, where a range of services and facilities are available, is beyond what could reasonably be considered a short or convenient walk along the A588 - a relatively busy road with limited street lighting. There are nearby bus stops on the A588 which provide regular services to and from Hambleton, together with larger towns and villages including Blackpool, Poulton-le-Fylde and Knott End where a wider range of services and facilities are available.

24. However, the section of Brick House Lane closest to the site and leading to the A588 consists of a route of around 150m which is largely unlit and has no footway. During my visit, I observed that Brick House Lane had frequent traffic movements in both directions with vehicles travelling relatively fast within the 60mph limit. Although the route has land levels that are relatively flat it includes a bend where visibility between pedestrians, cyclists and approaching traffic is significantly reduced. To my mind, those highway conditions are not an ideal or convenient route for future occupiers of the dwelling to regularly travel on foot or by cycle to meet day-to-day needs despite the intermittent refuges provided by existing driveways. Consequently, there would inevitably be some dependence on the use of a private car to access a full range of services to meet day to day needs and employment as a matter of convenience, particularly in periods of darkness and inclement weather. In that regard, little weight can be given to the existing travel patterns of the appellant and other family members, given that future occupiers of the development may not have the same ability or inclination to walk or cycle along the route.
25. The proposal would not, of itself, generate a large number of traffic movements. Furthermore, a greater dependency on car use is inevitable in rural locations and there are existing residential properties in the immediate vicinity. However, the cumulative effect of allowing developments in locations such as the proposal would be likely to increase the amount of unsustainable journeys made contrary to Policy SP2 of the LP.
26. In reaching the above findings, I have had regard to the appeal decisions drawn to my attention relating to planning permissions granted for a detached bungalow at Back Lane, Stalmine⁷, and detached dwellings at Langtree Lane, Elswick⁸ and Puddle House Lane, Poulton-Le-Fylde⁹, together with a number of planning applications that have been recently determined by the Council that have been drawn to my attention. However, as they reflect different locational circumstances to the proposal before me, I have necessarily determined this appeal on its own merits.
27. I have also taken into account that the Council have reached a different view when compared with conclusions on the accessibility of the location when granting previous planning permissions (Council refs: 15/00422/OUT & 14/00991/FUL). However, it was clear that the judgement made at the time of the previous outline application was finely balanced and that the Council reassessed the proposal before me to take account of subsequent appeal decisions and updated policies and guidance. In any case, I have reached my own findings on the basis of the evidence before me and my own observations.
28. I conclude that the development would not be consistent with the objectives of policies relating to the location and supply of housing in rural areas, with particular regard to the effect on the character and appearance of the area and the inadequate accessibility of local services and facilities resulting in some reliance upon private car use. The development is, therefore, contrary to Policies SP1, SP2, SP4 and CDMP3 of the LP and the Framework.
29. Upon the adoption of the LP, Policy SP13 of the previous Wyre Local Plan was replaced and therefore, although drawn to my attention by the appellant it can

⁷ Appeal Ref: APP/U2370/W/17/3177796 - Allowed with Conditions - 20 December 2017

⁸ Appeal Ref: APP/M2325/W/18/3194499 - Allowed with Conditions - 2 July 2018

⁹ Appeal Ref: APP/U2370/W/18/3205296 - Allowed with Conditions - 5 October 2018

be afforded no weight as this appeal is necessarily assessed relative to the current development plan policies.

Other Matters

30. The development would make a positive contribution to the supply of housing with potential low carbon credentials. The proposal would also have economic benefits to the local area through Council tax revenue and support for local services and facilities including those close by such as a nearby tea-room, bistro and hydrotherapy pool located further along Brick House Lane and a veterinary practice close to the junction on the A588. In addition, there would be temporary economic benefits with respect to the necessary construction works associated with the development.
31. The new access and parking arrangements would be a safe and acceptable highway solution for the limited increase in traffic and parking demand. The separation distance and boundary screening to properties opposite and to each side, together with the inclusion of only non-habitable windows in the side elevations facing Southview Farm and Brompton Cottage that could be obscure glazed, would ensure no harmful impact in terms of outlook or loss of privacy to occupiers of neighbouring properties or for future occupiers of the development. Appropriate safeguards and mitigation could also be secured to overcome any potential harm in terms of ecology and contaminated land. However, the absence of concern in those respects is a neutral factor.
32. The appellant has expressed concerns about the Council's approach when determining the application and the circumstances which led to the expiry of the outline planning permission. However, such matters are separate from the planning merits of the proposal and have no influence on the outcome of this appeal. I necessarily determine the appeal before me on the basis of the application submitted to the Council and upon which it made its decision.

Conclusion

33. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the policies of the development plan relating to flood risk due to the failure to meet the requirements of the sequential test. The proposal also conflicts with policies relating to housing in rural areas with associated harm upon the character and appearance of the countryside area, and inadequate accessibility of local services and facilities resulting in some reliance on private car use.
34. The conflict with the development plan, the Framework and the associated harm are significant and overriding factors. The other material considerations in this case, including the limited contribution to housing supply and associated benefits previously identified, do not indicate that the application should be determined otherwise than in accordance with the development plan.
35. For the reasons given above, I conclude that this appeal should be dismissed.

Gareth Wildgoose

INSPECTOR

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Appeal Decision

Hearing held on 28 January 2020

Site visit made on 28 January 2020

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2020

Appeal Ref: APP/U2370/C/18/3205129

Helmsdeep, Long Lane, Barnacre, Preston, Lancashire PR3 1RN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs Susan Gutierrez-Inostroza against an enforcement notice issued by Wyre Borough Council.
- The enforcement notice was issued on 9 May 2018.
- The breach of planning control as alleged in the notice is the material change of use of the land from mixed use for agriculture and wind turbine energy generation through the erection of one wind turbine in accordance with planning permission 11/00286/FUL to a mixed use comprising agriculture, wind turbine generation through the erection of one wind turbine in accordance with planning permission 11/00286/FUL, the siting of a container for storage purposes (in the approximate position marked A on the attached plan), and the siting of a mobile home/static caravan for residential purposes (in the approximate position marked B on the attached plan), together with the installation of (i) a wooden shed (in the approximate position marked C on the attached plan) and (ii) a septic tank (in the approximate position marked D on the attached plan), both (i) and (ii) associated with the aforesaid siting of a mobile home/static caravan for residential purposes.
- The requirements of the notice are:
 - i. Cease the use of the land for the siting of a container for storage purposes.
 - ii. Remove the container (in the approximate position marked A on the attached plan) from the land in its entirety.
 - iii. Cease the use of the land for the siting of a mobile home/static caravan for residential purposes.
 - iv. Remove the mobile home/static caravan (in the approximate position marked B on the attached plan) from the Land in its entirety.
 - v. Remove the wooden shed (in the approximate position marked C on the attached plan) from the land in its entirety.
 - vi. Remove the septic tank (in the approximate position marked D on the attached plan) from the land in its entirety.
 - vii. Remove the rotary washing line and all domestic apparatus and paraphernalia including garden furniture and plant pots from the land.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (c) and (d) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld with variations.

Preliminary Matters

1. At the outset of the Inquiry, the Council indicated that it was not seeking to pursue the enforcement notice in respect of requirements v, vi and vii.

Therefore, the appeal relates to the siting of a container for storage purposes and the siting of a mobile home/static caravan for residential purposes. The enforcement notice should be varied accordingly.

The appeal on ground (c)

2. The ground of appeal is that the matter alleged does not constitute a breach of planning control. With respect to the container it is the appellant's contention that its siting for storage purposes is ancillary to the use of the land for agricultural purposes and therefore no breach has occurred. In cases such as this it needs to be clearly shown that there is a functional dependence between the agricultural use of the land and the use of the container.
3. The appellant has presented little, if any, clear evidence with reference to the functional linkage between the storage needs of the land in question and the container of this size. It is also relevant that the site already has the benefit of a substantial agricultural barn which is used for a range of storage activities, including machinery, hay and other paraphernalia used in the operation of the land. The barn was the subject of a previous appeal¹ where its use for storage purposes was fully considered. It seems to me that the barn provides sufficient storage space for the site.
4. Furthermore, there is a distinct lack of evidence regarding the functional use of the appeal site. It is my understanding that it is used for alpacas and, indeed at my site visit I observed a number of alpacas in the barn, but other than that there is no actual evidence of the extent of the use of the land for alpacas and the detailed nature of agricultural activity that is taking place. Given this lack of evidence and the presence of an existing agricultural barn, it is unclear why the container is functionally dependent on the use of the site and why and how it is ancillary. The appellant contends that the container provides secure storage for items, but I see no clear justification why such secure storage facility could not be provided inside the existing barn. Whilst there may be some link between the use of the land and the items stored in the storage container there is insufficient evidence that the use of the container is directly related to the main use of the site. As a matter of fact and degree there is insufficient evidence for me to come to a firm conclusion that the container is incidental to the use of the site.
5. In her oral evidence, the appellant also referred to permitted development rights by virtue of the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO); however, it was not specified which particular rights were being referred to. In any case, it was agreed that no prior approval has been secured for the container.
6. The appellant contends that the siting of the mobile home/static caravan is ancillary or incidental to the residential use of the shed. Whether or not this is the case is a matter of fact and degree.
7. There is insufficient evidence before me to show that the mobile home is indeed functionally dependent upon the shed and it is clear to me that the mobile home has itself being designed to be used as an independent unit of accommodation. As such, it is possible for the mobile home to be occupied

¹ APP/U2370/W/15/3137151

without there being any dependence on the shed whatsoever. Therefore, the appellant has not satisfactorily demonstrated any functional dependence between the two.

8. It also appears to me that the appellant has accepted that the mobile home is used for a range of purposes including sleeping, cooking, washing, office and other domestic purposes, but the shed provides a second bedroom with en suite bathroom facilities. The mobile home is also much larger than the shed and can accommodate more people. Therefore, rather than the mobile home being functionally subordinate to the shed, it appears that the reverse is, in fact the case – the shed being functionally ancillary or incidental to the use of the mobile home.
9. Case law² indicates that additions to normal domestic living accommodation such as bedrooms would not be expected to be regarded as incidental to the enjoyment of a dwellinghouse because they are generally an integral part of ordinary residential use as a dwellinghouse. Therefore, it would be unusual to have accommodation such as a bedroom as incidental to a dwellinghouse. The evidence presented in this appeal does not satisfactorily justify why the bedrooms are incidental to one another.
10. The appellant has accepted that there have been periods when the living arrangements of the shed and mobile home have been fluid – for example times when the caravan would accommodate most family members whereas the shed would accommodate the appellant’s mother. This does not indicate a situation where the mobile home is being used for purposes incidental to the shed.
11. Therefore, I conclude that the appeal on ground (c) must fail.

The appeal on ground (d)

12. The ground of appeal is that at the date when the notice was served, no enforcement action could be taken. In this respect, 10 years continuous use starting from the date of the breach is required, so that the material date is 9 May 2008. The appellant’s evidence is that the container was moved onto the site in May 2010 and consequently it has not been on site for the material period and is not immune from enforcement action by the Council.
13. The evidence demonstrates that a holiday caravan has been on site since 2005, but it is not contended that this has been used for residential purposes. The appellant also confirmed in her oral evidence that this particular caravan is not relevant to the immunity ground (d) case. The residential use of the mobile home started in May 2011 and, therefore, the use of the mobile home for residential purposes has not continued for a period in excess of ten years and as such cannot be immune from the Council’s enforcement action.
14. The appeal on ground (d) must fail.

The appeal on ground (a)

15. The ground of appeal is that planning permission should be granted. Although the appellant has pursued an appeal on ground (a) she accepted at the Inquiry that no evidence had been presented to support this particular ground. Case

² Peche d’Or Investments v SSE [1996] JPL 311 and Rambridge v SSE & East Hertfordshire DC (QBD 22.11.96 CO-593-96)

law³ indicates that the burden of proof is on the appellant and in the absence of evidence regarding why planning permission should be granted for the matters which appear to constitute a breach of planning control, the burden of proof has not been discharged.

16. The Council has presented evidence which sets out why permission should be refused in the light of the development plan and other material considerations and this has not been challenged by the appellant. In the absence of evidence from the appellant presenting why permission should be granted in the light of the Council's decision to pursue enforcement action, the appeal on ground (a) fails.

Conclusion

17. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the deemed application.

Formal Decision

18. It is directed that the enforcement notice shall be varied by:

- (a) the deletion from paragraph 3 of the words "together with the installation of (i) a wooden shed (in the approximate position marked C on the attached plan) and (ii) a septic tank (in the approximate position marked D on the attached plan), both (i) and (ii) associated with the aforesaid siting of a mobile home/static caravan for residential purposes; and
- (b) the deletion from paragraph 5 of the words
 - (v) Remove the wooden shed (in the approximate position marked C on the attached plan) from the Land in its entirety.
 - (vi) Remove the septic tank (in the approximate position marked D on the attached plan) from the Land in its entirety.
 - (vii) Remove the rotary washing line and all domestic apparatus and paraphernalia including garden furniture and plant pots from the Land.

19. Subject to these variations the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

A A Phillips

INSPECTOR

³ Ravendale Ltd v SSCLG & Waltham Forest LBC [2016] EWHC 2374 (Admin)

APPEARANCES

FOR THE APPELLANT:

Susan Gutierrez-Inostroza

FOR THE LOCAL PLANNING AUTHORITY:

Killian Garvey of Counsel

Andrew Cowley

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Appeal Decision

Inquiry Held on 14 - 17 January 2020

Site visit made on 13 January 2020

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2020

Appeal Ref: APP/U2370/W/19/3238536

Land off Lambs Road, Thornton-Cleveleys FY5 5JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Wainhomes (North West) Ltd against the decision of Wyre Borough Council.
 - The application Ref 17/00951/OUTMAJ, dated 28 September 2017, was refused by notice dated 6 September 2019.
 - The development proposed is the erection of up to 66 dwellings and a convenience store (up to 280sqm net sales area) with access applied for off Lambs Road (all other matters reserved).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. At the inquiry an application for an award of costs was made on behalf of the appellant against Wyre Borough Council (WBC). This application is the subject of a separate decision.
3. The description of the proposed development on the application form has been amended with the agreement of the appellant to more accurately describe the proposal. The application seeks outline planning permission with access to be determined at this stage. Appearance, landscaping, layout and scale are reserved matters to be considered in the future. Although the application plans show various indicative site layouts, the appellant has confirmed that these are for illustrative purposes. I shall determine the appeal on this basis.
4. A Scott Schedule setting out the points of dispute between the appellant and WBC in tabular form was revised during the course of the inquiry, with a further final agreed version submitted on 22 January 2020 after the close of the inquiry. During the course of the inquiry, the Planning Inspectorate issued its Report on the Council's Annual Position Statement, dated 15 January 2020, recommending that WBC can confirm that they have a 5.18 year supply of deliverable housing sites until 31 October 2020.
5. A completed S106 Agreement (Unilateral Undertaking) was submitted at the inquiry, dated 17 January 2020. The undertaking provides for 30% of the total number of dwellings to be affordable housing; a primary education financial

contribution; and management and maintenance of open space for the lifetime of the development. I return to this later in my decision.

6. Given that the application is in outline, with details of access only, my site visit prior to the opening of the inquiry was unaccompanied, with the agreement of the main parties.

Main Issue

7. The main issue is whether or not the absence of an agreed masterplan would prejudice delivery of the wider site allocation SA1/2 with regard to the policies of the development plan.

Reasons

8. The appeal site comprises agricultural land of some 2.6 hectares on the edge of the settlement of Thornton-Cleveleys. The proposal seeks outline permission for the development of 66 dwellings at Phase 2 of a wider site allocation SA1/2 of the Wyre Local Plan (February 2019)(WLP), with an overall capacity of 400 dwellings. At Phase 1 to the south, 157 dwellings have commenced, with a future Phase 3¹ to the east.
9. The reason for refusal given by WBC states that the lack of a masterplan prejudices delivery of the wider site allocation, with the proposal being contrary to the following wide range of policies, which together require development to:
 - accord with the development strategy for the Borough (policy SP1);
 - contribute positively to the overall physical, social, environmental and economic character of the areas (policy SP2);
 - be viable (policy SP6);
 - provide necessary infrastructure and developer contributions (policy SP7);
 - promote health and well-being (policy SP8);
 - not be at risk of flooding or lead to flooding elsewhere and provide appropriate surface water management (policy CDMP2);
 - be of high standard of design (policy CDMP3);
 - be designed to make a positive contribution to green infrastructure (policy CDMP4);
 - be suitably accessed and accessible (policy CDMP6);
 - contribute to housing supply (policy HP1);
 - contain choice and mix of housing types (policy HP2);
 - provide appropriate green infrastructure (policy HP9); and
 - address site allocation key development considerations (KDCs)(site allocation SA1 and SA1/2).
10. The submission of the Scott Schedule narrowed the points of dispute. Whilst WBC confirmed that, subject to conditions and planning obligations, the proposal could be considered acceptable in isolation, it maintained concerns relating to prejudicial harm, specifically prejudice arising as a result of green infrastructure, linkages, and flood risk and drainage. Objections have been raised by Lancashire County Council as local education authority (LEA) in respect of potential prejudice to education provision. The Rule 6 party, the Thornton Action Group (TAG), are concerned about these same matters, as well as prejudice arising from highways matters, design and landscape impacts

¹ Also identified as Phase 3/4 in the Highways Statement of Common Ground

and housing mix. However, even were there no prejudicial effects, WBC considered that there would be conflict with policy, with harm arising specifically because there is not an agreed masterplan.

Masterplanning

11. Site allocation SA1/2 allocates this and other sites for development subject to a number of KDCs for each site that must be delivered. For the appeal site, KDC1 requires that a masterplan must be produced covering the whole of the site allocation. KDC1 is quite specific in its wording; firstly, that the site is to be brought forward in line with a masterplan to be produced covering the whole of the site and, secondly, that the masterplan must be agreed by WBC prior to the granting of planning permission for any part of the site.
12. The supporting text for the site allocation chapter at paragraph 9.1.6 advises what circumstances should apply when permission already exists on part of an allocation, as is the case here; a masterplan over the entire allocation would still be required. Whilst supporting text cannot add to policy, in this case it is clearly relevant to the interpretation of policy itself as it clarifies the logic of SA1/2 and KDC1. This is also confirmed in section 6 of the masterplan guidance², which explains that it is for landowners and developers to prepare the masterplan guided and assisted by WBC as necessary, albeit that only limited weight can be afforded to this non-statutory document.
13. In this case, even though a masterplan for the site allocation is emerging and WBC does not object to it, it is a matter of fact that there is not currently a formally agreed masterplan for the whole site. There is no ambiguity in the policy wording and, as a result, the absence of a masterplan causes conflict with development plan policy.
14. The interpretation of KDC1 was also considered at the Stalmine³ inquiry in March 2019, after adoption of the WLP, at which the Inspector reached a conclusion that the proposal would accord with the development plan, notwithstanding the absence of a masterplan. When that decision was challenged by WBC, the Secretary of State defended the Inspector's decision, and the High Court ultimately refused permission to bring the challenge, observing that the points were 'academic in the light of the fact that the information that would be contained in a masterplan was provided'. The appellant considers that, at this point, the interpretation of KDC1 should have been clear to WBC.
15. However, when Stalmine was originally determined by WBC, it was an unallocated site located in the countryside and was refused for locational reasons unrelated to masterplanning. By the date of the inquiry, following the local plan Inspector's Main Modifications, Stalmine was an allocated site SA1/7, with the same wording for KDC1 as at the current appeal site. At the inquiry WBC withdrew their objection, and therefore the Inspector's primary considerations were the concerns of the Rule 6 party.
16. In determining the current appeal proposal, WBC as local planning authority exercising its duty under Section 38(6) considered that the starting point in decision making is plan-led, notwithstanding the Stalmine decision and

² Wyre Guidance on the Preparation of Masterplans V1.2 May 2019 (Core Document 5.1)

³ Appeal decision APP/U2370/W/18/3211691 (Core Document 6.2)

notwithstanding that WBC accept that the appropriate level of information is available to determine the appeal proposal in isolation.

17. Another factor distinguishing Stalmine from the current appeal is the way the three phases of Stalmine related to each other and the fact that connections could not have been achieved due to the lack of a common boundary between Stalmine phases 2 and 3, and the fixed extant planning permission between them, which may well have reduced the benefit of a masterplan. Although that context may be partially replicated in the current appeal, which has a common boundary with the fixed planning permission for Phase 1, the common boundary with Phase 3 is not fixed and forms part of the remaining site allocation and, as such, a masterplan is more relevant here than at Stalmine.
18. Paragraph 9.2 of version 1 of the masterplan guidance, which was specifically referenced by the Secretary of State at Stalmine, no longer exists. Therefore, neither that former wording nor its absence can provide any guidance on current interpretation. Whilst the appellant refers to potential inconsistencies in the threshold of 50 units, as well as to the local plan Inspector's concerns regarding potential for delays and proportionality, I am required to determine the proposal on the basis of the wording of the development plan as it stands.
19. The agreement of WBC to a number of matters within a draft masterplan does not imply agreement to a finalised masterplan, and it is not within my remit to determine what content or level of information should be agreed as part of any masterplan. Although the best endeavours of the appellant are noted, it has not been suggested that WBC have refused to agree a finalised masterplan. In the event that one was, the normal appeal routes for any associated applications would remain open. The suggestion that the emerging masterplan could be agreed without public consultation runs contrary to the best practice advised in the Planning Practice Guidance⁴(PPG).
20. The viability of the development is raised in WBC's reason for refusal, and TAG are concerned about the viability of providing a policy compliant level of affordable housing in a future phase if land for a new school, open space and potentially drainage were offset until that future phase. Whilst no substantive evidence was put forward at the inquiry that any individual potential prejudicial effect from the appeal proposal would adversely affect future viability, the PPG states that masterplans should be viable. A masterplan prepared in line with the PPG would clarify the viability position of delivery of the overall site allocation as envisaged by SA1/2.
21. Overall, I find that the absence of an agreed masterplan conflicts with site allocation SA1/2 of the WLP. Such a masterplan is necessary in ensuring that all the KDCs can be taken into account across the wider site allocation and accommodated within the remaining phases, with particular regard to any of the identified prejudicial effects.

Green infrastructure

22. The parties differ on the need for a masterplan to ensure a comprehensive network of connected spaces across the wider site allocation. The appellant's figures⁵ suggest a smaller proportion of open space provision within the appeal site (0.29 hectares for 66 dwellings) than in the future phase (1.6 hectares for

⁴ PPG Design: processes and tools, paras 006 & 007, ref ID 26-005-20191001

⁵ Steven Harris rebuttal, Section 3

balance of 177 dwellings), as does the illustrative masterplan drawing. Whilst these figures and drawing are only indicative, the appellant considers delivery of this green infrastructure can nonetheless be appropriately addressed through conditions and future reserved matters application, with reference to the quantity and quality standards set out in policy HP9.

23. However, securing green infrastructure by condition would only allow its consideration on a phase by phase basis. Instead, KDC3 requires provision of a landscape and green infrastructure framework, with provisions for open-space and cycle and pedestrian connectivity within the site. Whether or not these provisions are standard requirements on all site allocations, where there is also a requirement for a masterplan, they are not standalone requirements. It is not the case that a masterplan can be prepared in isolation, it must have regard to the policy framework within which it sits. Any masterplan agreed under KDC1 would need to consider KDC3, thereby ensuring any agreed masterplan would include a green infrastructure framework across the wider site.
24. This approach is supported by the PPG, and by the masterplan guidance. The purpose of masterplanning is not solely to ensure that prejudice is not caused to the comprehensive development of an allocation. The PPG advises that masterplans should create a vision for the overall site and clarify design expectations. In doing so, a masterplan should focus on site specific proposals such as the layout of the development and green infrastructure, amongst other things, in supporting any outline planning application. In this case, such an approach would allow a greater proportion of open space to be offset for a future phase, should that be considered appropriate for example for functional reasons or to address landscape or ecological requirements, and as suggested by the illustrative arrangements.
25. Overall, the absence of an agreed masterplan would prejudice overall delivery of the wider site allocation as envisaged by SA1/2, and also as set out in the PPG, in respect of green infrastructure.

Linkages

26. A requirement for cycle and pedestrian connectivity and linkages within and, where possible, outside the site is also contained within KDC3. The key points of dispute between the parties relate to delivery, due to differing land ownerships, and wording of conditions. WBC accepted at the inquiry that neither a masterplan nor indeed planning permission can compel ownership commitments from landowners, and that provision of linkages as part of the development could be secured by condition. The appellants ultimately agreed to WBC's suggested conditions to provide linkages within the appeal site to the boundaries contiguous with Phases 1 and 3, albeit varied to secure implementation not at the outset but mid-development, as well as provision of linkages within Phase 1.
27. However, to my mind it would not be reasonable to require that the fixed permission for Phase 1 be altered or amended as part of this current appeal. Instead, that fixed permission now has to be accepted for what it is, unless the developer chooses otherwise. It therefore follows that the absence of an agreed masterplan for the overall site may cause a similar recurrence at Phase 3 in the event that the appeal site were to become fixed, notwithstanding that the appellant considers that the overall development can be delivered on a phase by phase basis under the current land ownership and options arrangements. As

with green infrastructure above, any masterplan would need to consider linkages across the entire site, again supported by the PPG.

28. Consequently, the lack of an agreed masterplan would prejudice overall delivery of the site allocation as envisaged by SA1/2, and as described in the PPG, in respect of linkages.

Flood risk and drainage

29. The strategy prepared by Betts Hydro⁶ for the appeal site reviews all sources of flood risk, concluding that the risk is very low to low. Surface water run-off from the site would be discharged via a conveyance pipe to the River Wyre to the east of the site. That pipe is associated with the delivery of Phase 1, and is currently the subject of a separate planning application. Any assessment of the capacity of any approved connection could be appropriately reserved for a detailed Phase 2 application stage, when load levels would be more precisely known. In addressing WBC's concern relating to potential risk of prejudice to the wider site, a further drainage strategy has been produced for Phase 3, which would rely on the same conveyance pipe. In the event that the capacity of the pipe was subsequently found to be inadequate, I see no evidence why a new connection could not be adequately provisioned at that time.
30. The detailed evidence of the Betts strategy indicates that the appeal site is capable of being suitably drained at green-field run-off rates, subject to detailed calculations at reserved matters stage. Whilst WBC consider this strategy may constrain options for Phase 3 such that it cannot be said whether it would be harmful or not, this view is not supported by any critical analysis of the evidence. I give greater weight to the detailed and comprehensive drainage strategy set out by the hydrological consulting engineers.
31. There have evidently been problems with surface water flooding in the locality, with video footage shown at the inquiry by TAG of flooding from Furlong Green to Lambs Road. However, the above evidence indicates that the appeal proposal would not worsen the existing situation either at the site or elsewhere. As such, the absence of an agreed masterplan would not prejudice delivery of the wider site allocation in terms of flood risk and drainage.

Education

32. Under the terms of KDC6, a new school should be provided within the site allocation, if required, as part of a financial contribution towards education. If land is not needed, a contribution should be provided towards the expansion of existing schools. The consultation responses from the LEA make it clear that the need for school places is based upon ever shifting sands. In October 2017 there was anticipated to be a shortfall of 25 places, such that a financial contribution was required. This reduced to 17 places in May 2019, and the most recent revised calculation in December 2019 notes there would be sufficient surplus places to accommodate the development.
33. Notwithstanding the appellant's claim of excessive projected surplus, I am satisfied that the LEA methodology⁷ sets out a sensible and reasonable mechanism for reassessing actual need at the appropriate future stage, based on specific bedroom and school place analysis at that time. To this end, in

⁶ Flood Risk Assessment and Drainage Management Strategy (Phase 2) by Betts Hydro (Core Document 1.8)

⁷ LCC Education Contribution Methodology Infrastructure and Planning Annexe 2 (April 2019 revision)

terms of the financial contribution, a unilateral undertaking has been submitted, as summarised in my procedural paragraphs above, which makes provision for appropriate contribution in the event of the appeal being allowed.

34. Turning to the matter of reserving land for a new school, all parties agree that the most suitable location in the allocated site would be within Phase 3, should it be demonstrated to be required at the appropriate future stage. The LEA seek that the relevant land in Phase 3 be secured by the current planning obligation. This does not form part of the undertaking submitted and, in any case, such an obligation is unlikely to meet the CIL tests as the LEA methodology does not include a strategic approach. Furthermore, it is not within my remit in assessing this appeal for Phase 2 to determine the need for any new school arising as a result of future phases of the site allocation not subject to this appeal. Similarly, nor can I consider any potential use of the adjacent Joseph Kenyon Foundation Trust land or any extension to the adjacent Stannah Primary School.
35. WBC do not object on the basis of prejudice to delivery of the school site within Phase 3, and I see no evidence that approval of Phase 2 would prejudice potential future provision of land at a later stage, should it be required.

Highways

36. A new road from Skippool Road to Raikes Road is required by KDC2, unless demonstrated that the site could be accessed from the existing road network. Following submission of the appeal, Lancashire County Council as local highways authority (LHA) removed their objection to the proposal, based on provision of a secondary access to Phase 2 as well as off-site highway improvement works at Thornton Hall Mews which would be wholly contained within the highway boundary. TAG are also content in this respect, but raise concerns regarding traffic queues reaching Phase 1 from the Skippool roundabout. However, the evidence from the detailed and comprehensive Transport Assessment indicates that the appeal proposal will only generate one trip every three minutes, such that there would be no material impact on existing queues or on potential delays caused by construction of future improvement works on the Singleton by-pass or Skippool roundabout.
37. Whilst any change to the design of the access to the commenced Phase 1 is outwith the scope of this appeal, TAG are also concerned that the proposed access to Phase 2 would be a hazard being on the brow of the hill. However the submitted drawings confirm suitable visibility can be achieved, as agreed by both WBC and the LHA. TAG and third parties raise further concerns relating to the proposed access within the site, firstly, in terms of traffic flow resulting from the proposed shop and school, which children outside the area may also attend by car and, secondly, the characterisation and hierarchy of the access as a secondary route to that at Phase 1. However, I am satisfied that these are all matters that could be considered, and consulted on, at reserved matters stage, such that the absence of an agreed masterplan would not prejudice the wider site allocation as a result of access being obtained through Phase 2.

Design and landscape

38. The successful and organic integration of the allocated site with the surrounding landscape, and its impact on long distance views from the estuary, are stated by TAG as being best dealt with through a masterplanning process.

However, due to its location within the wider site allocation, Phase 2 will not be critical to the future rural fringe. Rather, the appeal site relates more immediately to the adjacent existing urban area.

39. From my observations in the locality, it is also unlikely that Phase 2 will be visible from the western side of the estuary due to intervening topography. Similarly, whilst the development may be visible from eastern sections of the Wyre Way, it remains the case that SA1/2 is an allocated site, such that development is anticipated in any case. Whether that development is prominent or particularly visible are matters of appearance and scale that are more appropriately reserved for a future application. Consequently, no prejudice to the wider site allocation would arise from the lack of a masterplan.

Housing mix

40. TAG consider that the best locations for affordable housing and housing for the elderly can only be addressed through a masterplan. However, there is no reason why provision of appropriate housing mix at the site could not be achieved by means of the submitted legal agreement and conditions. Given this appeal is in outline only, the layout and siting of such units is more appropriately reserved for future detailed applications. On that basis, I find that no prejudice is caused to the wider site allocation in terms of housing mix.

Planning obligation

41. A unilateral undertaking has been submitted, as summarised in my procedural paragraphs above. I have considered this obligation with respect to regulation 122 of the Community Infrastructure Levy Regulations (2010) and advice at paragraph 56 of the Framework. Were I minded to allow the appeal, I am satisfied that the obligation would accord with the regulations and meet the three tests; the provisions would be directly related to the development, reasonable in scale and kind, and necessary to make the development acceptable in planning terms, having regard to the above development plan policies, WBC's Infrastructure Delivery Plan, and the Framework.

Conclusion on main issue

42. I have found that the absence of an agreed masterplan would directly conflict with the development plan policy requirement for an agreed masterplan for the whole site allocation to be approved prior to the grant of planning permission for any part of the site. As such, the proposal would be prejudicial to the Framework's intention at paragraph 8 that the planning system should be genuinely plan-led. Furthermore, the absence of an agreed masterplan would prejudice overall delivery of the site allocation as envisaged by SA1/2, and as set out in PPG, in respect of green infrastructure and linkages. These conflicts are not outweighed by the lack of prejudicial harm from flood risk, drainage, education provision, highways, design and landscape, and housing mix.
43. Overall, I conclude that the absence of an agreed masterplan would prejudice delivery of the wider site allocation SA1/2 with regard to the policies of the development plan. Accordingly, the proposal would not comply with policies SP1, SP2, SP6, SP7, SP8, CDMP4, CDMP6, HP9, and SA1/2 of the WLP, Sections 2, 4, 8, 9, and 11 of the Framework, and the guidance in the PPG. Together these policies require development to accord with the requirements set out in paragraph 9 above, amongst other matters.

Planning balance

44. The main parties agree that the benefits of the proposal through the delivery of 30% affordable housing are significant. The proposal would also make an important contribution to WBC's overall housing supply, and the Framework's emphasis on the delivery of housing requires me to attach significant weight, notwithstanding that WBC can demonstrate a five year housing supply. The economic benefits from employment opportunities and increased spending in the supply chain attract moderate weight, whilst purported benefits from sustainable development in an accessible location, highway improvements, open space provision, new homes bonus, CIL, and council tax revenue would be required to mitigate the development and therefore attract neutral weight. As provision of linkages to the fixed Phase 1 cannot be secured, no weight can be attached. Even together, these benefits do not outweigh the conflict with the development plan and the prejudicial harm I have found.

Other matters

45. The Morecombe Bay SPA, SAC, Ramsar site, and SSSI are designated because they support internationally important populations of seabirds and wading birds, together with the habitats that support these birds. The proposal is not directly connected with or necessary to the management of the designations, and the appeal site is unlikely to support significant numbers of the SPA birds, due to its enclosure and proximity to built development. However, as I am dismissing the appeal on other grounds, it is not necessary for me to undertake an appropriate assessment.

46. It is clear that considerable delays to the determination of the application have occurred as a result of a number of issues remaining unresolved, however these delays would not outweigh my above findings. Whilst the appellant considers that removal of the unnecessary barrier caused by the masterplan requirement could potentially bring about earlier delivery of housing, for the reasons given I find the masterplanning process to be necessary and of greater weight. There may well be potential risks to delivery of other sites within the housing trajectory as a result of the marginal 5.18 year housing land supply, however WBC are only required to demonstrate a 5 year supply. Finally, the handling of the application by WBC is not within my jurisdiction, other than reasonableness of behaviour, covered separately in my costs decision.

Conclusion

47. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mr Vincent Fraser QC, instructed by
Emery Planning for Wainhomes (North West) Ltd

He called:

Mr Stephen Harris BSc(Hons) MRTPI
Director, Emery Planning Partnership

The following person took part in the highways roundtable discussion:
Mr Amjid Kahn MSc BSc CEng MICE MCIHT
Director of Transport, WYG

FOR THE LOCAL PLANNING AUTHORITY

Mr John Hunter of Counsel, instructed by
Senior Solicitor, Wyre Borough Council

He called:

Mr Len Harris BA(Hons) DipUPI MRTPI
Senior Planning Policy Officer, Wyre Borough Council

Ms Lyndsey Hayes BA(Hons) MCD MRTPI
Development Manager, Wyre Borough Council

RULE 6 PARTY

Mr Howard Phillips	Thornton Action Group
Mr Philip Jenkins	Thornton Action Group

INTERESTED PARTIES

Mr Stevens	Lancashire County Council (Highways)
Ms Jill Anderson	Lancashire County Council (Legal)
Mr Ben Terry	Lancashire County Council (Education)
Ms Steph Rhodes	Lancashire County Council (Education)
Mr Colin Ingledew	Local resident
Mr Michael Powell	Local resident
Mr Wilkinson	Local resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

IN1 Update to Scott Schedule
IN2 Appellant's opening statement
IN3 Wyre Borough Council's opening statement
IN4 A585 Windy Harbour to Skippool Improvement Scheme General Arrangement Plan (1 of 4) and extract (drawing no. HE548643-ARC-HGN-SZ_ZZ_000-DR-D-3056)

- IN5 Vertical visibility checks on Phase 2 proposed site access (drawing no. A105893-SK012)
- IN6 Extracts from Planning Practice Guidance (Design: process and tools) paragraphs 001 to 0023
- IN7 DePol Masterplanning Statement for Land South of Stalmine SA1/9
- IN8 Planning Inspectorate report on the Council's Annual Position Statement
- IN9 Email objecting to the appeal proposal from Anne Harwick, local resident
- IN10 Signed Unilateral Undertaking, dated 17 January 2020
- IN11 Wyre Borough Council's closing statement
- IN12 Rule 6 Party's closing statement
- IN13 Appellant's closing statement
- IN14 Costs application on behalf of Wainhomes (North West) Ltd
- IN15 Final update to Scott Schedule (submitted after close of inquiry)

In addition, video evidence was shown to the inquiry by the Thornton Action Group of surface water flooding in vicinity of Furlong Green/Lambs Road.

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Appeal Decision

Site visit made on 3 February 2020

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 April 2020

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

Land off Holts Lane, Poulton-le-Fylde.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Hollins Strategic Land LLP and Tim Claxton Property Ltd against the decision of Wyre Borough Council.
- The application Ref 18/00680/OULMAJ , dated 11 July 2018, was refused by notice dated 3 October 2019.
- The application sought planning permission for outline application for the erection of up to 130 dwellings with means of access off Holts Lane (layout, landscaping, scale and appearance reserved), following demolition of existing buildings (re-submission of 16/00233/OULMAJ) without complying with a condition attached to planning permission Ref 16/01043/OULMAJ, dated 12 April 2017.
- The condition in dispute is No 3 which states that: Prior to commencement of development hereby approved, a scheme for the provision and retention of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided and thereafter retained in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - a) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
 - b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - c) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing];
 - d) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
 - e) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- The reason given for the condition is: To ensure the adequate provision and delivery of affordable housing in accordance with the National Planning Policy Framework (March 2012).

Decision

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

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

Procedural Matters

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

Main Issue

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

Reasons

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

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

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

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

Other Matters

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

Conditions

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

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

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

Conclusion

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

Diane Cragg

INSPECTOR

Schedule of Conditions

1. (a) In the case of any reserved matter, namely appearance, landscaping, layout and scale of the buildings, application for approval must be made not later than the expiration of three years beginning on the 12 April 2017;

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

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

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

5. Prior to the commencement of any development, full details of a surface water drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. For the purpose of this condition, the drainage scheme shall include;
 - a) information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
 - b) any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of any existing culverts and headwalls or removal of unused culverts where relevant);
 - c) flood water exceedance routes, both on and off site;
 - d) a timetable for implementation, including phasing where applicable;
 - e) site investigation and test results to confirm infiltrations rates;
 - f) details of water quality controls, where applicable.

The scheme shall be fully implemented and subsequently maintained in accordance with the approved details and the details to be agreed by condition 6 and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Where noise mitigation measures are required to ensure compliance with the agreed noise levels e.g. acoustic glazing, noise barrier fencing and ventilation, such mitigation details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development demonstrating how they would mitigate noise to the approved levels together with a timetable for implementation. The approved noise mitigation measures shall be implemented in accordance with the approved timescale and shall thereafter be maintained and retained.

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

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

18. As part of any reserved matters application where layout is applied for, public open space shall be provided on site in accordance with the requirements of saved Policy H13 of the adopted Wyre Borough Local Plan (1999), or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan, and such area or areas of open space shall be provided and made available for use, and shall thereafter be retained and maintained for use by the public in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling on the site.
19. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (which shall include the timetable for the investigation) which has been submitted by the applicant and approved in writing by the Local Planning Authority.
20. The land indicated on drawing SAF(001) submitted with the planning application shall be safeguarded for use in connection with the construction of a railway footbridge and ramped access required by Network Rail in connection with the electrification of the Blackpool-Preston-Manchester line, unless written confirmation is provided by Network Rail to the Local Planning Authority that this safeguarded land is no longer required for such purpose. Prior to construction work on the railway footbridge and ramped access, the land shall be used in connection with no other development hereby approved other than in accordance with landscaping details to be approved at the reserved matters stage.
21. No part of the development hereby approved shall commence until a timescale for the construction of the site accesses and the agreed scheme of off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The highway improvements shall thereafter be constructed in accordance with the agreed timescale. The agreed scheme of highway improvements/works are as shown on drawings 1409/01/ B, 1409/05/B, 1409/07, 1409/08/A and 1409/09/A and include:
 - Resurfacing of footway on both sides of Site Access 1 including dropped kerbs and tactile paving.
 - Resurfacing of footway on both sides of Site Access 2 including dropped kerbs and tactile paving.
 - Resurfacing of footway the south side of Holts Lane between Site Access 1 and Brockholes Crescent.

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

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

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

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Committee Report

Date: 06.05.2020

Item Number 01

Application Number 16/00241/OULMAJ

Proposal Outline planning permission (all matters reserved apart from access) for the erection of up to 270 dwellings; a minimum of 4.68ha of employment development comprising up to 5,740sqm of Class B1(A) Offices and B1(B) Research and Development, Class B1c light industrial, B2 General Industrial, Class A1 convenience store (up to 375sqm (net) floorspace) and Class A1/A3 drive-through coffee shop (up to 235sqm (sales) floorspace); associated green infrastructure / landscaped open spaces; a pedestrian/cycle link to Garstang; and with access taken from both the A6 and Nateby Crossing Lane, including the construction of a new roundabout with at-grade pedestrian crossings and the associated reconfiguration of the A6 (resubmission 14/00458/OULMAJ)

Location Land To The West Of The A6 (Preston/Lancaster New Road) Bounded By Nateby Crossing Lane & Croston Barn Lane Nateby Garstang PR3 1DY

Applicant J Chippendale Ltd

Correspondence Address c/o Mr Richard Gee
Roman Summer Associates Ltd Lime Leach Studio 363-367
Rochdale Road Turn Village Ramsbottom Bury Lancashire BLO
0RL

Recommendation Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mrs Lyndsey Hayes

1.0 INTRODUCTION (UPDATED FROM REPORTS FOR 22ND MARCH 2017 COMMITTEE)

1.1 This application is before the Committee for a third time. It was initially presented to the Committee on 22nd March 2017 along with other applications along the A6 corridor. At that meeting the Committee resolved to grant outline planning permission subject to conditions presented at the time and the completion of a S106 legal agreement to secure appropriate contributions towards sustainable travel and highway improvement works and local education provision. The full report from March 2017 (comprising the original report and two updates presented to Committee) can be viewed below this update report.

1.2 The application was presented to the Committee for a second time in June 2018 because prior to finalising the S106 agreement the Applicant requested an amendment to condition 5 relating to affordable housing. That amendment effectively

sought to reword condition 5 to mirror the wording in a previous appeal decision on the site (allowing the developer to submit robust viability evidence in the event that the 30% policy requirement would not be viable to deliver, which would be considered by the Council to determine whether a lower % figure is justified). At that meeting the Committee again resolved to grant outline planning permission subject to the original conditions (with the revision to condition 5) and the completion of a S106 agreement to secure contributions towards sustainable travel and highway improvement works and local education provision

1.3 In September 2018, again prior to the S106 agreement being completed and the planning permission being issued, the Council was approached by the Applicant's Agent regarding scheme amendments to the overall development mix and changing the design of the roundabout, specifically a change in levels and removal of pedestrian underpass. In addition to these discussions, the Wyre Local Plan 2031 (WLP31) was adopted in February 2019 which presented new development plan policies that the application needed to satisfy, in particular the requirement for a masterplan to be produced and approved by the Council for the site prior to granting planning permission. This process has been followed and an approved Masterplan for the site is now in place, which forms a material consideration to this application and any future applications on the site. Following negotiations with Council officers on the development mix, a re-consultation on the revised scheme has taken place with consultees and appropriate third parties.

2.0 SITE DESCRIPTION (UPDATED FROM 22 MARCH 2017 REPORTS)

2.1 With the adoption of the WLP31, the site now falls within the settlement of Garstang, a Key Service Centre in the settlement hierarchy. It is allocated for mixed use residential (270 units) and employment (4.68 hectares of Use Classes B1, B2 and B8) development. Land to the west of the site remains designated countryside area. Land to the north is allocated for residential development also within the settlement boundary of Garstang. There have been no other changes to the site description set out in the original March 2017 report.

3.0 PROPOSAL (UPDATED FROM 22 MARCH 2017 REPORTS)

3.1 The application now seeks outline planning permission for a mixed use development comprising the following:

- up to 270 new dwellings;
- a minimum of 4.68ha of employment development comprising class B1(A) office and B1(B) research and development (up to 5,740sqm of floorspace), B1(C) light industrial, B2 general industrial, A1 retail convenience store (up to 375sqm (net) floorspace) and A1/A3 drive-through coffee shop (up to 235sqm (sales) floorspace);
- associated landscaping and open space;
- a pedestrian/cycle link across the A6 into Garstang; and
- the construction of a new roundabout with at-grade pedestrian crossings and reconfiguration of the A6.

3.2 In comparison to the original scheme development mix presented to committee, this is an increase of 1 dwelling (to bring it in line with policy) and an increase of 1.08 hectares of employment (albeit this now includes the retail and coffee shop uses whereas in the original scheme these were excluded from the employment calculation). In comparing the detailed employment elements now proposed, this is an increase of 208sqm of office floorspace, the removal of an upper

threshold for B1c light industrial, the inclusion of B2 general industrial (to bring it in line with policy), and change to the A1 retail and A3 coffee shop floorspace threshold from gross to net / sales.

3.3 Access remains the only detailed matter to be applied for at this stage. Vehicular access to the site would be taken from the A6 and from Nateby Crossing Lane. The access from the A6 would be via a four arm roundabout formed as part of a reconfiguration of the road. The northern and southern arms would be the northern and southern branches of the A6. The north-western arm would serve the employment area and the western arm would serve the residential area. Two vehicular access points would be created on Nateby Crossing Lane and these would all serve the residential areas. This is all unchanged from the original scheme. Whilst the revised scheme still proposes a pedestrian/cycle link to Garstang town centre (via a connection to Derbyshire Avenue to the east of the site), instead of this being in the form of an underpass running underneath the new roundabout which was to lie approx. 5m above the existing site level, the new roundabout is now proposed to be constructed at a lower level (approx. 2-2.5m above the existing site) and the pedestrian / cycle crossing would be at grade across this new road. Revised sections have been submitted accordingly.

3.4 A revised illustrative layout plan has been submitted however the broad locations for employment and residential uses are unchanged. Detailed information about residential densities has been omitted as this is dealt with in the approved masterplan which would inform the reserved matters submissions. What is shown are the indicative areas of green infrastructure totalling 4.1 hectares (3.63ha of public open space and 0.45ha ecological enhancement zone along the existing embankment to the east of the site) as well as indicative SUDS attenuation locations.

3.5 The revised scheme has been supported by the following additional / amended documents:

- Revised Illustrative Layout Drawing
- Revised Design and Access Statement
- Covering Letter
- Drainage Strategy Letter
- Updated Technical Highway Note (with accompanying section drawings, speed limit gateway features plan and Nateby Crossing Lane accesses plan)

4.0 PLANNING HISTORY (UPDATED FROM 22 MARCH 2017 REPORTS)

4.1 20/00340/RELMAJ - Reserved matters application for appearance, layout, scale and landscaping for a residential development comprising 222 dwellings, the development of 4.68ha of land for employment (B1 and B2) uses, a convenience store (267 sq.m) and a coffee shop (232 sq.m) (following outline application 14/00458/OULMAJ). Received 16.4.20 - Pending consideration

4.2 In February 2020 a planning application on an adjacent site to the north (land off Cockerham Road, site allocation ref SA1/14) for 88 dwellings was submitted and is pending consideration.

5.0 PLANNING POLICY (UPDATED FROM 22 MARCH 2017 REPORTS)

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. For the avoidance of doubt this has replaced the 1999 Wyre Local Plan which was the relevant development plan at the time of the original committee report.

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 well-being

- CDMP1 Environmental Protection
- CDMP2 Flood risk and surface water management
- CDMP3 Design
- CDMP4 Environmental assets
- CDMP5 Historic Environment
- CDMP6 Accessibility and transport

- HP1 Housing Land Supply
- HP2 Housing Mix
- HP3 Affordable housing
- HP9 Green infrastructure in residential developments

- EP1 Employment Land Supply
- EP5 Main town centre uses

- SA3 Mixed Use Development
- SA3/5 Land West of the A6, Garstang

5.1.3 National planning policy allows local authorities to confirm their annual five year housing land supply through the publication of an Annual Position Statement (APS). In line with the process established by National Planning Practice Guidance, the Council published the APS to the Planning Inspectorate on 31 July 2019. The Planning Inspectorate has now confirmed that Wyre has a 5 year housing supply of deliverable housing sites for one year, i.e. until 31 October 2020. The APS forms the most up to date position on the five year housing land supply.

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. For the avoidance of doubt the 2019 NPPF has replaced the 2012 NPPF which was relevant at the time of the original committee report.

5.2.2 The following sections / policies set out within the 2019 NPPF are of most relevance:

Section 2. Achieving sustainable development
Section 5. Delivering a sufficient supply of homes
Section 8. Promoting healthy and safe communities
Section 9. Promoting sustainable development
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
Section 16. Conserving and enhancing the historic environment

OTHER MATERIAL CONSIDERATIONS

5.3 THE NATIONAL PLANNING PRACTICE GUIDE (2019)

5.4 THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (PLBCA) S.66 AND S.72

5.5 HISTORIC ENGLAND, 'THE SETTING OF HERITAGE ASSETS, HISTORIC ENVIRONMENT GOOD PRACTICE ADVICE IN PLANNING NOTE 3 (SECOND ADDITION)

5.6 THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

5.7 THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

6.0 CONSULTATION RESPONSES (TO THE RE-CONSULTATION ON THE REVISED SCHEME - THESE ARE ADDITIONAL TO THOSE REPORTED IN THE 22 MARCH 2017 REPORTS)

6.1 GARSTANG TOWN COUNCIL - object to all Class A1/A3 uses on this out of town centre site. This is at odds and in conflict with both the Adopted Wyre Local Plan 2031 and the NPPF. We wish to protect The Garstang Town Centre retail conservation area which currently has several vacant retail spaces.

6.2 CABUS PARISH COUNCIL – Reiterates the original concerns raised. In addition, would like to see the following environmental considerations be taken forward as conditions:

- Fruit trees in every garden
- Water butts
- Swift and bee bricks
- Hedgerows to be maintained and enhanced
- Hedgehog holes through fences
- Abundant native planting schemes which mitigate the use of hardcore building materials
- The creation of mini woodland areas
- Street lighting positioned downward to minimise light pollution
- Jogging tracks/footpaths around or through developments
- Enclosed green space for ball games

- Electric charging points (including, adapted lamp posts with electric charging points)
- Solo panels on commercial buildings and private residences

6.3 NATEBY PARISH COUNCIL – No comments to make.

6.4 ENVIRONMENT AGENCY – No Further comments to add (original response raised no objection subject to 4 conditions).

6.5 UNITED UTILITIES – No further response received.

6.6 CANAL AND RIVERS TRUST – No comment to make.

6.7 HIGHWAYS AGENCY - No objection.

6.8 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) - With consideration for all the information now provided, LCC would have no objection to the proposed development providing that appropriate funding (s106) for sustainable measures is secured and that all s278 measures are delivered by the developer in line with agreed trigger points. It is essential that suitable conditions are put in place to ensure these necessary measures are delivered. The response provides a full list of the s278 works that are required as well as a list of planning contributions requested to support improvements to sustainable transport links on the local & Strategic highway network. These are agreed with the applicant as follows:

- Initiative 1 – A6 Barton to Garstang Sustainable Transport Strategy
£20,000
- Initiative 4 – Improvement of A6/A586 'The Avenue' priority junction.
£150,000
- Initiative 5 – A6/M55 junction 1, Westbound off Slip Improvement
£250,000
- Funding for Public Transport service improvements
£300,000
- Travel Plan Support
£18,000

Further details of this response is included in the highways assessment section of this updated report.

6.9 LANCASHIRE COUNTY COUNCIL (EDUCATION) - the scheme would generate a requirement for 46 additional primary school places and 41 additional secondary school places. Calculated at the current rates this would equate to financial contributions of £738,324.84 and £991,591.56 respectively. It is proposed that these contributions would be used towards the new primary school site on land west of Cockerham Road to the north and/or to expand Garstang Community Primary School, and to additional places at Garstang Community Academy. This claim will be reassessed once accurate bedroom information becomes available at reserved matters stage.

6.10 LANCASHIRE COUNTY COUNCIL (FLOODING) – no further response received.

6.11 LANCASHIRE CONSTABULARY – no further response received.

6.12 GREATER MANCHESTER ECOLOGY UNIT (GMEU) – The overall ecological impacts of the current proposal do not markedly differ from those associated with the previous proposals originally submitted. While some of the original ecology surveys are now quite dated, it would appear that there have been no material changes to the site or habitats since the original surveys were conducted. Also note the updated Ecology reports of March 2016 and the updated Masterplan of the site. The updated Masterplan for the development has largely incorporated the retention of UKBAP habitats (hedgerows, trees and standing water) and individual trees, with opportunities to enhance ecological connectivity and notable habitats through additional planting of trees and hedgerows and the creation of ponds and greenspaces. Comments are therefore broadly similar to those made in relation to the previous applications for the site. It is noted the updated masterplan does show the incorporation of waterbodies within the site. The trees and hedgerows on the site are, wherever possible, to be retained. These habitats provide foraging and commuting habitats for bats. The hedgerows also provide potential foraging and commuting habitat for Great Crested Newts (GCN) and other local wildlife. Where trees and hedgerows have to be removed as part of the development replacement planting of hedgerows and trees will be made. Conclude that, taking into account new landscaping proposals, harm to local habitats will not be substantive.

No fundamental objections to the development on nature conservation grounds. However, a number of precautions are recommended to protect local nature conservation interests (to be secured by condition). These are: the agreement and implementation of a Construction Environmental Method Statement; ensure the protection of Lancaster Canal from run-off during construction; protect trees in accordance with BS5837:2012; require the agreement and implementation of a GCN method statement and evidence of a licence; prevent the clearance of trees or vegetation between March-July unless the absence of nesting birds has been demonstrated; agree any external lighting; and require the agreement and implementation of a biodiversity enhancement scheme.

6.13 NHS FYLDE AND WYRE CLINICAL COMMISSONING GROUP (CCG) - This proposal will generate approximately 648 new patient registrations based on average household size of 2.4 ONS 2017. The proposed development falls within the catchment area of Garstang Medical Centre. This need, together with other new developments in the area, can only be met through the refurbishment and reconfiguration of the existing premises in order to ensure sustainable general practice. Applying the standard CCG methodology for this number of new patient registrations would result in a total contribution requirement of £74,416 towards refurbishment and/or reconfiguration at Garstang Medical Centre (Kepple Lane)

6.14 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE) - no further response received.

6.15 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AIR QUALITY) - no further response received.

6.16 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LAND CONTAMINATION) - no further response received.

6.17 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - no objection. Full surface water details including attenuation must be submitted. The Flood Risk Assessment details surface water discharging into existing ordinary watercourses on the site; a maintenance programme must be put in place to safeguard both the properties on site and properties downstream of the development.

6.18 WBC HEAD OF OPERATIONS (PARKS AND OPEN SPACES) – no further response received.

6.19 WBC HEAD OF OPERATIONS (TREES) – previous comments still apply.

7.0 REPRESENTATIONS

7.1 Sixteen representations have been received to the re-consultation raising the following concerns.

- Nearby schools and medical centre are at capacity / oversubscribed Empty units at the new Catterall village centre and will add to the demise of the local high street
- Extra traffic to the already congested A6 and local road network, a roundabout will lead to increased congestion and safety issues, existing roads are in poor condition, delays experienced during construction, pedestrian and cycle crossing will increase highway safety risk
- Increased risk from drainage and flooding. Flooding is experienced on a regular basis, the surrounding fields are waterlogged. Neighbouring properties on Sycamore Avenue are at high risk from surface water flooding. Robust assessment as to the implications from development on neighbouring properties should be done.
- Would hope to see first time / affordable homes
- Loss of hedgerows, trees, green fields
- Lack of demand for housing and industrial units
- Disproportionate addition to Garstang detrimental to its character
- No new local amenities to support the development
- Increased impact on air quality
- Access onto Nateby Crossing Lane which is a very narrow lane in places and will struggle to cope with the additional traffic
- Suggest all industrial development is to the west of the A6 and Green Lane West then available for residential development
- Disturbance to embankment during construction
- Development lacks character devoid of environmental measures and cut-off from Garstang
- Effect on the mental health and wellbeing of Garstang residents
- If the development is passed need to consider environmental measures such as green spaces, exercise tracks, solar panels, tree planting and electric vehicle charging points.

8.0 CONTACT WITH THE APPLICANT/AGENT

8.1 Dialogue has continued to be maintained with the applicant's agent including discussions / negotiations on the proposed land use mix and relaying the requirement for a masterplan to be produced.

9.0 ASSESSMENT (UPDATED FROM 22 MARCH 2017 REPORTS)

9.1 The main issues are considered to be:

- Principle of development
- Housing mix and density of development
- The impact on local infrastructure and the need for planning obligations
- Impact on existing residential amenity
- Landscape and visual impact
- Heritage impact
- The impact on highway safety
- Ecological and arboricultural impacts
- Flood risk and drainage
- Air quality
- Land contamination
- Other
- Assessment of sustainability and the planning balance

Principle of development

9.2 As referred to in section 2.0 above, with the adoption of the WLP31 the site now falls within the settlement of Garstang, a Key Service Centre in the settlement hierarchy. Policy SA3 allocates the site for mixed use residential (270 units) and employment (4.68 hectares of Use Classes B1, B2 and B8) development. Policy SA3/5 outlines a number of key development considerations (KDCs) which must be satisfied.

9.3 KDC1 requires the site to be brought forward in line with a masterplan to be produced covering the whole of the site. The masterplan for this site was agreed by the local planning authority on 4th December 2019 and forms a material consideration of significant weight. The masterplan incorporates a landscape and green infrastructure framework which includes a green link between the site and the town centre. It also considers how density, scale and massing and design considerations will help to create a rural transition zone between the development and wider countryside beyond to the west. Whilst layout, scale, appearance and landscaping are not matters for consideration at this stage, the revised illustrative site plan submitted is in general accordance with these general principles. As such there is no conflict with KDC1, KDC2 or KDC3 at this stage.

9.4 The residential development proposed is for up to 270 units. The site capacity figure in policy SA3, which are to be taken as minimum figures, is 270. It is acknowledged that there is a fall-back position on this site which is the appeal scheme with outline planning permission for up to 269 dwellings. Therefore in this case the upper threshold is acceptable. As this is an allocated site every endeavour should be made to deliver as close to the capacity figure as possible in order to support Wyre's housing growth over the plan period and ongoing discussions with the Applicant's Agent are trying to achieve this.

9.5 The employment development proposed is 4.68 hectares, the same as the site capacity figure in policy SA3. Policy SA3 requires employment development to comprise of B uses (B1: Business, B2: General Industry and B8: Storage and Distribution). The uses proposed are B1a, B1b, B1c and B2. B8 uses are not included. It is acknowledged that the uses that make up the 4.68ha figure are also to include an A1 retail and A1/A3 drive-through coffee shop. Whilst these would in effect reduce the amount of B use employment land, they would support and complement the employment area (as well as the residential use), something which policy EP2 allows on existing employment areas subject to them being of an appropriate scale

and not resulting in a significant unacceptable reduction on the type, quality or quantity of employ land supply (discussed below).

9.6 KDC4 requires the development to include a small convenience store of 280 sq.m net sales area. The convenience store proposed is 375 sq.m net sales floorspace, exceeding the policy requirement by 95 sqm. It is acknowledged that this larger format store has previously been approved as part of the appeal scheme, with this fall-back position being sufficient justification to allow the size proposed here. It is nevertheless smaller than the size of unit included in the scheme presented to Committee in March 2017 and would still fulfil the role of serving a predominantly local, walk-in catchment. In any event, an operator will dictate the final store format to be delivered, and in light of the current Sunday trading rules (restricting opening of units exceeding 280sqm) it is likely that the market will deliver a reduced format. Policy EP5 requires any main town centre use development with a gross footprint greater than 500sqm to be supported by an impact assessment. The agent accepts a condition capping the gross floor area to no more than 500 sqm to satisfy this policy and negate the need for an impact assessment.

9.7 There is no policy requirement for an A1/A3 coffee shop. It is understood this is proposed to assist with the overall viability of the scheme. The agent contends that it would be seen as a small, but positive element, adding to the mixed nature of the scheme, creating a convenient and attractive 'meeting hub' for the community, as well as functioning as part of the business infrastructure to serve the employment development. Whilst a coffee shop is not classified as 'employment' in planning terms, it will of course generate employment. The size of the unit proposed (up to 235sqm (sales) floorspace) is the same as that previously approved as part of the appeal scheme. Again, given the fall-back position, this is considered to be appropriate, with the same condition as the convenience store being imposed restricting its gross footprint.

9.8 The proposal is for up to 5,740sqm of B1a office and B1b research and development floorspace. This is an increase of 208sqm of office floorspace from the threshold presented to Committee in March 2017 and which was supported by an Impact Assessment. It is acknowledged that this revised floorspace has previously been approved as part of the appeal scheme, with this fall-back position being sufficient justification to allow the amount proposed here without the need for a further impact assessment.

9.9 In light of the above, no unacceptable impacts upon the health or viability of Garstang Town Centre or any other established shopping centres arising from the revised proposed employment / commercial uses is anticipated subject to appropriate conditions.

Housing mix and density of development

9.10 The approved masterplan for the site sets out that the lowest density housing should be concentrated along the site's frontage with Nateby Crossing Lane to provide a rural transition zone and reflect the rural characteristic of the existing lane. It is suggested that the density should increase within the site to provide an appropriate dwelling mix that makes best use of the site. In terms of scale, the masterplan sets out that dwellings proposed will range from single to three storeys detached or semi-detached units, mews or apartments and should reflect the predominant scale of existing properties within the area. A mix of house types along the site's frontage with Nateby Crossing Lane should be provided to help create a more natural edge to the development and avoid uniformity in the size and spacing of

dwellings. Whilst the indicative information provided at this stage is considered to be acceptable, the details of layout and final housing numbers, mix and density would be a matter to be agreed at reserved matters stage.

9.11 The approved masterplan for the site refers to the policy requirements of HP2 in identifying an appropriate housing mix and ensuring a percentage of accommodation is suitable and adoptable for older persons. These requirements will be secured by condition in the outline permission.

Infrastructure and obligations

9.12 The reports to Committee in March 2017 outlined that the development would generate requirements for affordable housing, education provision and public open space (highways obligations are dealt with in the separate highways section).

9.13 WLP31 identifies an affordable housing requirement of 30% on this site. Notwithstanding the previous recommendation to deal with this by condition, this will be secured by s106 agreement to include the reference to allowing evidence of viability to be submitted if required for the Council to consider whether a lower % figure is justified on the grounds of viability.

9.14 Lancashire County Council, as Local Education Authority, has produced an updated assessment calculating that at this present time the development proposed would generate a requirement for an additional 46 primary school places and 41 secondary school places. These calculations may change once accurate bedroom information becomes available. It is proposed that these additional places would be provided through a new school west of the A6 (on site allocation SA1/14 west of Cockerham Road) and/or expansion of Garstang Community Primary School and Garstang Community Academy. Financial contributions toward education provision are to be secured through a section 106 legal agreement which provides an appropriate mechanism for a detailed assessment to be made at reserved matters stage in line with the LCC methodology.

9.15 WLP31 identifies the total Green Infrastructure (GI) requirement for a development of 270 units (applying the average household size in this case as bedroom numbers are unknown) to be 2.4 hectares. This compares to a requirement of 1.08ha against former policy HP9 of the 1999 Wyre Local Plan. This new requirement is acknowledged in the approved masterplan. GI is to include accessible amenity green spaces, children and young people play space, the planting of new vegetation and trees and new SuDs features. The revised illustrative site layout plan submitted illustrates 4.1 hectares of GI in total across both the employment and residential areas. In addition a 0.45 hectare ecological enhancement zone is proposed along the existing embankment to the east of the A6. Whilst layout is not a matter for detailed consideration at this stage, the plans demonstrate that the requisite GI can be provided on-site alongside the built development proposed. As such, it is considered that the requirements of Policy HP9 could be met.

9.16 In 2019 the Fylde and Wyre CCG adopted a mechanism that allows the CCG to request contributions towards health care infrastructure where the CCG identify that the development would have an impact on facilities and mitigation is required. In this case the CCG has requested a contribution towards improvements / expansion of the nearby medical centre at Kepple Lane, Garstang. Whilst in their response they specify a precise amount, given that this is an outline application where bedroom mix is currently unknown, it is considered more appropriate to

include the CCG methodology in the section 106 agreement which would be used at reserved matters stage once this information becomes known.

Impact on existing residential amenity

9.17 As set out in the reports to March 2017 committee, conditions could be attached to any permission granted that would prevent noise and odour nuisance from the proposed employment and commercial uses from having an unacceptable impact on the amenities of nearby neighbours.

9.18 The increased level of pedestrian and cycle traffic onto Derbyshire Avenue was acknowledged in the reports to March 2017 committee, and it was not considered that the Council could reasonably resist the proposal on this basis. The revised proposal would have a similar impact from people accessing Derbyshire Avenue from the at-grade crossings.

9.19 As set out in the reports to March 2017 committee, there is a residential property immediately adjacent to the site but the Council has supplementary planning guidance that stipulates the minimum separation distances that must be achieved between properties in order to safeguard residential amenity and these could be secured at reserved matters stage. As such, no unacceptable amenity issues are anticipated.

Landscape and visual impact

9.20 The revised roundabout scheme would have a reduced visual impact as it is proposed at a lower level (approx. 2-2.5m above the existing field level) in comparison to the scheme presented in March 2017 (approx. 5m above existing field level). As a result of this change in level, the proposed pedestrian / cycle underpass is replaced with one of the at-grade crossings. This crossing would then drop down to Derbyshire Avenue through a cutting in the embankment.

9.21 The design of the proposal is not a matter for detailed consideration at this stage. The approved masterplan for the site sets out that the design proposal will aim to provide a safe layout with a mix of house types to create an interesting street scene, similar of that to the local vernacular that picks up on key local details to tie the new development back to the existing community. Key vistas and focal points should be utilised in the structure of the development, utilising opportunities provided by the orientation and design of streets, public realm, green spaces, houses and other development types. Dwellings adjacent to the existing property/proposed highways will face onto the highway. Dwellings around the edge of the site will be outward facing.

As previously set out, the scale, layout and appearance of the development would be agreed at reserved matters stage should outline permission be granted.

Heritage impact

9.22 The Lancaster Canal runs immediately to the south of the site. The bridge that carries Nateby Crossing Lane over the canal is called Cathouse Bridge (no. 64) and is a grade II Listed Building. The Cathouse By-Pass Bridge (no. 63B) carries the A6 over the canal and is not listed. The reports to March 2017 committee outlined there would be no unacceptable impacts on this heritage asset and the canal subject to conditions to protect the canal from damage (routing of construction vehicles) and contamination and to require appropriate planting along the southern boundary (to be considered at reserved matters stage). The Conservation Officer has responded to

the re-consultation to say no change to his original response of no objection subject to appropriate details being agreed at reserved matters stage. Having regard to WLP31 policy CDMP5, the duties under the PLBCA and the 2019 NPPF there is no change to this assessment based on the revised scheme.

Impact on highway safety

9.23 The site would continue to be served by three proposed vehicular access points, including a roundabout scheme as the main site access on the A6. There is no change to the roundabout layout including the positioning of the four arms linking to the existing A6 and the development site; what has changed is that the roundabout is now proposed at a lower elevation and as a result there would be no pedestrian/cycle underpass of the existing A6. It is now proposed that at grade Toucan crossings would be provided across the diverted northern and southern arms of the new A6 roundabout.

9.24 LCC Highways have reviewed this alternative scheme design and consider the roundabout to provide an acceptable, suitable and safe means of access to the proposed development site. They have also reviewed the roundabout capacity assessment and consider the proposal will accommodate existing and forecast traffic levels with this development and other committed developments. They advise that the roundabout will be designed to the appropriate design standards. The detailed design will ensure the appropriate visibility splays and the necessary minimum site stopping distances (considering horizontal and vertical alignment) are delivered.

9.25 To facilitate pedestrian and cycle movements between the site and Garstang, the proposed access layout now includes two at grade Toucan crossings. LCC Highways have revised this and comment that 'roundabouts can often present difficulties for cyclists and pedestrians. However, in this case, given the range of routing options available and provision proposed in regard to pedestrian and cycle facilities, the proposals are considered suitable and acceptable. The principles of the pedestrian and cycle measures are agreed and as such it is considered the opportunities for sustainable transport modes have been taken up and can be delivered in line with NPPF'.

9.26 There is an existing section of A6 which will become offline following reconfiguration. How this section of the A6 is to be downgraded is yet to be detailed and LCC advise this will need to be covered by a planning condition and satisfied as part of any future application (where full details of all sustainable links will be clearly defined) or at discharge for the main site access (s278 works). At the future stage the decision will need to be made whether this section of A6 should be stopped up or subject to a prohibition of vehicular traffic order.

9.27 Further access to the site is proposed to be taken from two priority junctions onto Nateby Crossing Lane. The latest proposed junction layout drawings onto Nateby Crossing Lane include revisions to take into consideration previous safety audit comments and show the proposed provision in respect of footway/cycleways at the north western edge of the site and at the proposed junctions. All shared footway/cycleways are to be a minimum of 3m in width. The removal of trees/hedges will be required to achieve the required visibility splay from the proposed link road junction onto Nateby Crossing Lane. Visibility splays will need to be secured by condition. The developer has acknowledged the need for a suitable lighting scheme to be provided on Nateby Crossing Lane in the area of the proposed junctions including the combined footway/cycleway on the line of the old railway. This will be the subject of detailed design.

9.28 It is acknowledged that the development proposed would increase traffic on the local and wider highway network. To mitigate this impact, a range of highway improvement works and initiatives have been identified by LCC Highways. These form part of a wider A6 highway strategy. The developer has confirmed their commitment to all measures previously deemed necessary for the original 2016 application and has agreed that all improvements previously agreed with LCC highways will be delivered. This includes commitment to 'Initiative 1 – A6 Barton to Garstang Sustainable Transport Strategy' that includes for Speed Limit Review on the A6 to lower to 40mph or 30mph as appropriate and improvements to pedestrian and cycle facilities along the A6 including at the six arm signalised junction immediately to the north of the roundabout, on the west side of A6 from Longmoor Lane along the full site frontage and at the A6/ Moss Lane/ Longmoor Lane junction. Furthermore this includes improvements to bus services (frequency/routeing) and bus stops, a shuttle bus service routing through the site to Garstang and provision of new bus stops on the link road through the development site. These would be secured as appropriate through S106 and S278 legal agreements.

9.29 An Interim Travel Plan has been prepared at this stage. A Full Travel Plan and its implementation will be appropriate for this development proposal in due course. The Full Travel Plan should be secured by condition. In addition LCC Highways have requested a contribution for Travel Plan Support which has been agreed with the applicant.

9.30 The revised scheme has been assessed on the basis of the original and updated information submitted with this application and other information available to LCC in order to assess the cumulative impact from committed development in the A6 corridor. Subject to the various highway and sustainability improvement measures being secured by condition or section 106 legal agreement, it is not considered that the revised scheme would have an unacceptable impact on highway capacity or safety on either the local or wider network. The means of access proposed to the site remains to be viewed as acceptable, suitable and safe. The revised proposal thus satisfies policy CDMP6 of the WLP31 and KDC6 of SA3/5.

Ecological and arboricultural impact

9.31 Greater Manchester Ecology Unit (GMEU) advise that it is not necessary to require updated assessments to be submitted and that the overall ecological impacts of the revised proposal do not markedly differ from those associated with the previous proposals originally submitted and assessed in the March 2017 committee report. Having regard to WLP31 policy CDMP4 and the 2019 NPPF it is considered that harm to local habitats will not be substantive subject to a number of precautions to protect local nature conservation interests to be secured by conditions. These would also appropriately address KDC7 of WLP31 Policy SA3/5. One such condition requires a Natural England licence, for which three tests are required to be satisfied, one of which is where it must be shown that the development is in the over-riding public interest. Notwithstanding the change in the Council's housing supply position and policy context since the time of the March 2017 report, the scheme remains to be considered to be of over-riding public interest because of the benefits to this development including its contribution towards meeting the Borough's housing and employment needs. Therefore it is considered the tests for development with regard to great crested newts are still satisfied.

9.32 The council's tree officer has no further comments to make on this revised scheme proposal. The masterplan notes the retention of trees and hedgerows where

possible. This will inform any future reserved matters submission. Where these are required to be removed e.g. to facilitate the new access points including sightlines suitable replacement planting will be required. Subject to the imposition of conditions, it is considered that the development would not have any unacceptable ecological or arboricultural impacts.

Flood risk and drainage

9.33 There is no change to the flood risk designation of the site since the March 2017 reports and so no need for an updated flood risk assessment. WLP31 policy CDMP2 establishes a surface water drainage hierarchy that must be satisfied. A drainage strategy letter has been submitted with the revised proposal outlining how the drainage proposals would satisfy this policy, including due consideration to be given to rainwater harvesting, greenfield rate discharge to the same destinations as existing, basins and swales to be proposed as on-site attenuation alongside underground storage tanks; and direct discharge to a watercourse. The latter being in accordance with KDC5 of WLP31 policy SA3/5 which acknowledges the need for surface water to drain to the River Wyre via Ainspool and the private culvert to the south east and the canal. The Environment Agency and Council's drainage engineer have responded to the re-consultation confirming the revised scheme / additional drainage note raises no additional concerns. Whilst the concerns of third parties about impact on surface water flooding from the development are acknowledged, in light of these responses subject to the imposition of appropriate conditions on any permission granted to require the agreement of foul and surface water drainage details which fully accord with KDC5 and policy CDMP2, including management arrangements and measures to prevent pollution of existing watercourse, the development would be designed to ensure there was no increased flooding of the site or neighbouring properties/land or other land.

Air quality

9.34 WLP31 Policy CDMP9 now provides a policy hook to secure electrical vehicle charging points and so a condition requiring such provision should now be imposed in addition to the original condition requesting a dust action plan. Subject to these conditions, no unacceptable impact on air quality is anticipated.

Land contamination

9.35 KDC8 of WLP31 policy SA3/5 acknowledges the need for appropriate ground investigation work to establish any ground contamination including the presence of landfill gas. This was dealt with in the March 2017 report and a desk study / site investigation / remediation condition remains appropriate to impose to ensure that any potential issues relating to land contamination are adequately addressed in order to satisfy KDC8 and WLP31 policy CDMP1.

Other issues

9.36 No further assessment to the March 2017 report is necessary in respect of mineral safeguarding and the scheme would not conflict with Policy M2 of the Minerals and Waste Local Plan.

9.37 The March 2017 report considered the issue of over-head power cables crossing the site. These are acknowledged in KDC9 of SA3/5 as well as underground water mains and the need for access strips. This will be a matter for due

consideration at reserved matters stage and is acknowledge in the updated indicative site plan submitted.

9.38 Policy SP2 of the WLP31 requires proposals to demonstrate how they respond to climate change. This proposal will involve some tree/hedgerow removal, but will propose new planting. The site is in an accessible location and involves a mixed use development with opportunities for walking and cycling around the site and between the site and town centre, thereby reducing car usage. A condition is to be imposed requiring the provision of an electric vehicle charging point. The drainage scheme design will also include an allowance for climatic change. It is considered that this application demonstrates an adequate response to climate change.

Assessment of sustainability and the planning balance

9.39 At the time of the March 2017 reports the Council was unable to demonstrate a five year housing land supply (HLS) and the tilted planning balance was engaged. Then it was considered that the social and economic benefits to development significantly and demonstrably outweighed the harm caused. As the Council is able to demonstrate a 5year HLS the tilted balance is not engaged however having regard to the social, economic and environmental objectives this revised scheme remains to be considered a sustainable development which can be supported by planning policy.

10.0 CONCLUSION

10.1 In light of the assessment set out above, and subject to the imposition of the conditions and planning obligations suggested within the report, the development proposed is considered to be in accordance with the aims and objectives of the NPPF and Development Plan and is therefore acceptable. No other material planning considerations have been identified that would outweigh this view and so outline planning permission should be granted.

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 (as updated)

12.1 That members resolve to grant outline planning permission subject to a S106 legal agreement to secure affordable housing provision and an appropriate financial contributions towards local education, health care, sustainable travel and highway improvement works. That the Head of Planning Services be authorised to issue the decision upon the satisfactory completion of the S106 agreement.

Conditions: -

1. a) In the case of any reserved matter, namely appearance, landscaping, layout and scale of the buildings, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission;

(b) the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last matter to be approved.

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. Development shall not begin until a phasing programme for the whole of the application site and a delivery mechanism for all highways and access works (including the decommissioning of and works to that part of the application site currently occupied by the A6 and the connection link between the development and the public open space on the eastern side of the A6), have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing programme(s) and delivery mechanism(s) unless an alternative programme has otherwise been submitted to and approved in writing by the Local Planning Authority.

Reason: To define the permission and in the interests of the proper development of the site.

3. (a) The total number of residential units to be provided on the site shall not exceed 270.

(b) the total amount of employment floorspace to be provided on the site shall be a minimum of 4.68 hectares and this shall comprise of uses within class B1 and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless specified in (c) and (d) below. No more than 5,740sqm of the employment floorspace hereby approved shall be for use within class B1 (a) and B1 (b) of the Town and Country (Use Classes) Order 1987 (as amended).

(c) the total amount of floorspace for a convenience store use within class A1 of the Town and Country (Use Classes) Order 1987 (as amended) shall not exceed 500sq m (gross) with the net sales floorspace not exceeding 375sq m.

(d) the total amount of floorspace for a coffee shop use within classes A1 and A3 of the Town and Country (Use Classes) Order 1987 (as amended) shall not exceed 500sq m (gross) with the net sales floorspace not exceeding 235sq m.

Reason: In the interests of highway safety and capacity and to safeguard the vitality and viability of Garstang Town Centre in accordance with Policy EP5 of the Wyre Local Plan 2011-31 and the provisions of the NPPF.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no change of use of the class A1 retail and A1/A3 coffee shop floorspace hereby approved shall take place, nor shall any mezzanine floor be installed in any of those units, without the express permission of the Local Planning Authority.

Reason: In order to maintain an appropriate mix of uses on the site and to safeguard the vitality and viability of Garstang Town centre in accordance with the provisions of policy EP5 of the Wyre Local Plan 2011-31 and the NPPF.

5. 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).

6. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (ref. L29212/01/DS/CJS Issue 2A dated May 2014) and the mitigation measures detailed therein. The mitigation measures capable of being implemented prior to first occupation shall be fully implemented prior to occupation and any other mitigation measures implemented subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be agreed in writing by the Local Planning Authority.

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

7. (a) Prior to the commencement of each phase of the development, the design of a scheme for the drainage of foul and surface water from that phase, based on the sustainable drainage principles and hierarchy outlined in policy CDMP2 unless demonstrated to be impractical on the site (such as due to ground conditions, in which case the results of the investigation required under part (d) and an assessment of the hydrological and hydrogeological context of the development will be required), shall be submitted to and approved in writing by the Local Planning Authority.

(b) This scheme shall include;

i. information about the design storm period and density (1 in 30 and 1 in 100 year + 30% allowance for climate change)

ii. discharge rates and volumes (both pre and post development and including any discharge through culvert no. 37 under the Lancaster Canal)

iii. temporary storage facilities

iv. means of access for maintenance

v. the methods employed to delay and control surface water discharged from the site

vi. the measures taken to prevent flooding and pollution of receiving surface waters, including watercourses and surface water sewers

vii. details of floor levels in AOD

viii. a quantitative and qualitative risk assessment and mitigation strategy with respect to groundwater protection to manage the risk of pollution to public water supply and the water environment. The risk assessment should be based on the source-pathway-receptor methodology. It shall identify all possible contaminant

sources and pathways for the life of the development and provide details of measures required to mitigate any risks to groundwater and public water supply during all phases of the development. The mitigation measures shall include the highest specification design for the new foul and surface water sewerage system (pipework, trenches, manholes, pumping stations and attenuation features);

- ix. details of any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts where relevant);
 - x. floodwater exceedance routes both on and off site;
 - xi. a timetable for implementation;
 - xii. a management and maintenance plan for the lifetime of the development which, as a minimum, shall include arrangements for adoption by an appropriate public body or statutory undertaker; management and maintenance by a Residents Management Company; arrangements of appropriate funding mechanisms for on-going maintenance of the scheme; and details of an inspection programme to assess performance, asset condition, operation costs, and any necessary maintenance and/or remedial works.
- (c) The scheme shall demonstrate that surface water run off for the entire site once developed would not exceed run-off from the undeveloped site for the corresponding rainfall event.
- (d) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates
- (e) Details of water quality controls and appropriate mitigation measures to prevent pollution of ground or surface waters including the Lancaster Canal;
- (f) No surface water, highway drainage or land drainage shall discharge to the public combined sewerage system or via an infiltration system unless agreed by United Utilities.
- (g) The approved drainage scheme for each phase shall then be implemented in full accordance with the approved details, including the agreed timetable for implementation.

Reason: To ensure a satisfactory form of development, to manage flood risk, to prevent pollution from foul and surface water and to protect drinking water supplies in accordance with Policies CDMP1 and CDMP2 of the Wyre Local Plan 2011-31 and the provisions of the NPPF.

8. No development of any phase shall take place until a Construction Environmental Management Plan (CEMP), for the construction and operation of the that phase of development, is submitted to and approved by the Local Planning Authority. The plan shall detail:

- i. how biodiversity would be protected throughout the construction period
- ii. the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters

- iii. the parking of vehicles of site operatives and visitors;
- iv. loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development;
- vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii. wheel washing facilities to be retained throughout the construction period by which means the wheels of vehicles may be cleaned before leaving the site;
- viii. a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
- ix. a Management Plan to identify potential ground and water contaminants;
- x. details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction;
- xi. a scheme to control noise during the construction phase,
- xii. a Construction Phase Dust Action Plan that has regard to current best practice provides detail of both the dust mitigation measures to be employed to minimise fugitive dust impacts on localised receptors, and the procedures to be adopted in response to complaints of fugitive dust emissions.
- xiii. the routing of construction vehicles and deliveries to site including the direction of construction traffic away from Cathouse Bridge (bridge no. 64) over the Lancaster Canal in order to minimise risk of damage to this bridge during construction.

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

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

- 9. (a) No trees shall be felled or vegetation cleared during the bird breeding season (March to July inclusive) unless a report, undertaken by a suitably qualified person, has been submitted in writing to the local planning authority, demonstrating that nesting / breeding birds have been shown to be absent.
- (b) No trees shall be felled or vegetation cleared during the main bat activity season (May to August inclusive) unless a report, undertaken by a suitably qualified person, has been submitted in writing to the local planning authority, demonstrating that roosting bats have been shown to be absent.
- (c) Any trees to be felled shall be soft-felled whereby tree limbs are cut and left grounded over-night to allow any bats to make their way out.

Reason: In order to safeguard the biodiversity of the site in accordance with the provisions of policy CDMP4 of the Wyre Local Plan and the NPPF.

10. (a) Prior to the commencement of development, a method statement shall be submitted to and approved in writing by the Local Authority giving full details of how any possible harm to great crested newts would be avoided during the course of development. This approved method statement should be implemented in full.

(b) No groundworks, vegetation clearance, levelling or drainage of the site, or trapping, exclusion or translocation of amphibians should commence until the Local Authority has acknowledged in writing receipt of either:

(i) a licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the specified activity to go ahead; or

(ii) a statement from the relevant licensing body to the effect that it does not consider that the specified activity would require a licence.

Reason: In order to safeguard biodiversity in accordance with the requirements of policy CDMP4 of the Wyre Local Plan and section 18 of the NPPF.

11. Prior to the commencement of each approved phase of the development, a Landscape and Habitat Creation and Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority and this approved plan shall be delivered in accordance with a timetable to be included therein and shall thereafter be retained and managed in accordance with the details of the approved scheme. The plan shall include species rich hedgerow planting; bolstering of existing hedgerows; the creation of ponds; and the provision of bat bricks or tubes, bat and bird boxes, and native tree and shrub planting. The scheme shall also include details of planting along the existing railway line that would support foraging bats.

Reason: In order to safeguard and enhance the biodiversity of the site in accordance with the provisions of policy CDMP4 of the Wyre Local Plan and section 18 of the NPPF.

12. Prior to the commencement of development, a method statement for the protection of trees and hedgerows during construction shall be submitted to and approved in writing by the Local Planning Authority. Development shall then proceed in full accordance with this approved statement. The method statement shall identify the trees and hedgerows to be retained and shall be in accordance with the guidelines set out under BS 5837:2012 'Trees in relation to design, demolition and construction'.

Reason: In order to safeguard existing trees and hedgerows on site in the interests of maintaining and enhancing biodiversity in accordance with policy CDMP4 of the Wyre Local Plan and section 18 of the NPPF.

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

(a) A revised conceptual site model and risk assessment in respect of potential land contamination for that phase shall be submitted to and approved in writing by the Local Planning Authority, including (where necessary), detailed proposals for further site investigation work

(b) Any necessary site investigation works in relation to potential land contamination for that phase shall be undertaken in full, strictly in accordance with the approved methodology, and a risk assessment of the findings submitted for approval by the Local Planning Authority, together (where appropriate) with a detailed remediation scheme

Where remediation of any potential land contamination is required for an approved phase, prior to first occupation of any dwelling / first use of any unit within that phase, remediation shall be undertaken strictly in accordance with the approved remediation strategy and a validation report shall be submitted to the Local Planning Authority for approval in writing, confirming full implementation of the approved remediation scheme.

Any changes to the approved elements require the express consent of the Local Planning Authority.

Reason: In order to prevent harm to human health or the environment from land contamination in accordance with the requirements of policies CDMP1 and CDMP4 of the Wyre Local Plan and the NPPF.

14. The development shall incorporate suitable gas protection measures, details of which for each approved phase of the development shall be submitted to and be subject to the written approval of the Local Planning Authority prior to the commencement of that phase of development, unless shown not to be required as detailed below. The measures shall include, as a minimum: ventilation of confined spaces within the building, a well-constructed ground slab, a low permeability gas membrane, minimum penetration (ideally none) of the ground slab by services, and passive ventilation to the underside of the building.

Alternatively, prior to the commencement of each phase of the development, a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures for that phase are not required. Any gas monitoring 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. Results shall be submitted for approval in writing by the Local Planning Authority.

Reason: In order to ensure that the development would be suitably protected against potential gas ingress in order to safeguard the environment and human health in accordance with the requirements of policy CDMP1 of the Wyre Local Plan and the NPPF.

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

- LAeq 50-55 dB 16 hours - gardens and outside living areas, daytime (07.00-23.00)
- LAeq 35 dB 16 hours - indoors, daytime (07.00-23.00)
- LAeq 30 dB 8 hours - indoors, night-time (23.00-07.00)
- LAFmax 45 dB(8 hours - indoors night-time (23.00-07.00)
- LAFmax 45 dB 4 hours - indoors evening (19.00-23.00)*

(B) The Noise Rating Levels for cumulative noise from all plant, machinery and vehicles used in connection with the industrial and commercial uses of the development shall not exceed the background noise level (LA90) at the external façade of each of the proposed dwellings, as assessed in accordance with British Standard 4142 (2014). Alternative levels and monitoring locations may be used subject to the prior agreement of the Local Planning Authority.

(C) The Maximum Instantaneous Noise Levels (LAFmax) from all plant, machinery and vehicles used in connection with the industrial and commercial uses of the development shall not exceed 60 dB(A) evening (19.00-23.00hrs)* and night-time (23.00-07.00hrs) at the external façade of each of the proposed dwellings.

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

- The evening standard LAFmax will only apply where the evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.

(D) Where noise mitigation measures are required to ensure compliance with the agreed noise levels e.g. acoustic glazing, noise barrier fencing and ventilation, such mitigation details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development demonstrating how they would mitigate noise to the approved levels together with a timetable for implementation. The approved noise mitigation measures shall be implemented in accordance with the approved timescale and shall thereafter be maintained and retained.

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings from cumulative noise from the existing and proposed industrial, commercial and traffic sources, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 and CDMP3 of the Local Plan and the provisions of the NPPF.

16. Prior to the occupation of each commercial unit, an Odour and Noise Management Plan for any extraction or air conditioning system in that unit shall be submitted to and approved in writing by the Local Planning Authority. The height of each kitchen extraction flue should be a minimum of 1m above the eaves, and the fixings used to attach the extraction flue to the wall of the building shall be designed so as to prevent vibration. The kitchen extraction system shall be designed in accordance with the Department for Environment, Food and Rural Affairs (DEFRA) document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. All extraction systems shall be installed and thereafter maintained in full accordance with these approved plans.

Reason: In order to protect the residential amenities of nearby neighbours in accordance with Policy CDMP1 and CDMP3 of the Wyre Local Plan and the provisions of the NPPF.

17. No industrial or commercial unit shall be occupied until a Delivery Strategy for that unit has been submitted to and approved in writing by the Local Planning Authority. No deliveries (to include waste and recycling collections) shall take place outside of the hours specified by the approved Delivery Strategy.

Reason: In order to avoid an unacceptable impact on residential amenity by virtue of noise and to ensure that highway safety is maintained at all times in accordance with Policies CDMP1 and CDMP6 of the Wyre Local Plan and the provisions of the NPPF.

18. Before any of the commercial elements of the scheme hereby approved are first brought into use, the operating hours of those commercial elements shall first be submitted to and approved in writing by the Local Planning Authority and the commercial use shall thereafter operate within those approved hours and at no other times.

Reason: In the interests of the amenity of nearby residents in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

19. No amplified recorded or live music shall be played in the outside areas of the commercial and industrial uses at any time.

Reason: In order to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan and the provisions of the NPPF.

20. Prior to the commencement of each approved phase of the development, an external lighting scheme and Artificial Lighting Assessment for that phase shall be submitted to and approved in writing by the Authority. The assessment shall demonstrate that any external artificial lighting to be provided would be installed in accordance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and would not be intrusive to residential premises. Light intrusion into the windows of any residential premises shall not exceed 10 lux between 0700 and 2300 hours and 2 lux between 2300 and 0700 hours. The assessment shall also demonstrate that the orientation and luminosity of the lighting would not be detrimental to biodiversity.

Reason: In order to avoid an unacceptable impact on residential amenity and biodiversity by virtue of light pollution in accordance with Policies CDMP1 and CDMP4 of the Wyre Local Plan and the provisions of the NPPF.

21. (a) No part of the development hereby approved shall commence until a scheme for the construction of all site access and the off-site works of highway improvement have been submitted to, and approved by the Local Planning Authority in consultation with the Highway Authority together with a timetable for implementation. The site accesses and off-site highway works shall be constructed in accordance with the approved scheme and implementation programme. The following schemes to be covered by this condition include:

(i) The Main Site access junction on re-aligned A6 - roundabout (serving both the employment and residential elements) as per agreed layout drawing ref: 1808903, dated Feb 2019, Proposed Road Alterations Plan.

(ii) 2 No. Site access junctions onto Nateby Crossing Lane as per agreed layout drawing 1600404

(iii) Interim improvement scheme for A6 Preston Lancaster New Road / Croston Barn Road / Green Lane West / B5272 Cockerham Road / Croston Road Signalised Junction to include upgrade to MOVA and a toucan crossing over A6 south approach as per agreed layout drawing 1600401b

(iv) Interim improvement scheme for A6 Preston Lancaster New Road / Moss Lane / Longmoor lane Priority junction in-line with wider scheme to include pedestrian footway and dropped kerbs as per agreed layout drawing 1600403b

(v) Pedestrian Green Link, crossing at grade (Toucan crossing) over A6 (re-aligned), providing high quality connection for sustainable modes (pedestrian/cycle) to Garstang. Scheme details shall include the standard of the link, width and surfacing together with technical information in regard to drainage and future maintenance.

(vi) Pedestrian footway improvements on A6 (east and west side to Longmoor Lane in the south and Croston Barn Lane in the north) as agreed in layout drawings 1600401b, 1808903 and 1600403b.

(vii) Pedestrian footway improvements and traffic calming and Gateway measures on Nateby Crossing Lane as agreed in layout drawings 1600404 and 1600405a.

(viii) Public Transport facilities to quality bus standard on Croston Road and on the new link between A6 and Nateby Crossing Lane with details of the stops to Quality Bus Standard to be agreed.

(ix) Renewal of the carriageway markings at the Nateby Crossing Lane / Croston Barn Lane junction as agreed in layout drawing 1600405a.

(b) No part of the development hereby approved shall commence until a scheme for the off-site highway works associated with the section of A6 to be downgraded following construction of the site access roundabout and reconfigured links connecting to the existing A6 have been submitted to, and approved in writing by the Local Planning Authority together with a timetable for implementation. These off-site highway works shall be constructed in accordance with the approved scheme and implementation programme. These works include all work necessary to suitably address the proposed downgraded section of A6, any necessary access requirements (services/utilities) and appropriate traffic orders.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site; to enable all construction traffic to enter and leave the site in a safe manner without causing a hazard to other road users and to provide safe access to the site for all users (motorised and non-motorised).

22. The Framework Travel Plan prepared by Hy Consulting and referenced 16004 / March 2016 shall be implemented in full in accordance with the timetable within it unless otherwise approved in writing by the Local Planning Authority. All elements of the Framework Travel Plan shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used for a minimum of at least five years.

Reason: In order to ensure appropriate provision exists for safe and convenient access by sustainable transport modes.

23. The visibility splay identified as that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Nateby Crossing Lane to points measured 120m (for the northerly access) and 90m (for the southerly access) in each direction

along the nearer edge of the carriageway of Nateby Crossing Lane, from the centre line of the access, shall be constructed and maintained at footway / verge level in accordance with a scheme to be agreed in writing by the Local Planning Authority prior to commencement of development. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined 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 adequate visibility splays are maintained at all time in accordance with policy CDMP6 of the Wyre Local Plan.

24. Prior to the commencement of any of the commercial development hereby approved, a fully detailed Parking Management Strategy for that commercial development shall be submitted to and approved in writing by the Local Planning Authority. The management of the car parking and cycle parking at the site shall be fully implemented in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority. The Parking Management Strategy will include an assessment and strategy to ensure adequate parking provision is delivered for all proposed site uses for both car parking and cycle parking.

Reason: To ensure that a satisfactory Parking Management Strategy is implemented for the development. This in turn will ensure adequate parking is provided for all uses so that the access to the site is not restricted, resulting in safety and capacity issues.

25. The car parking provision for each commercial unit as identified in the Parking Management Strategy for that unit shall be surfaced, demarcated and made available for use prior to the that unit being first occupied unless otherwise agreed in writing with the Local Planning Authority. The car parking shall then be available at all times whilst that part of the development is occupied.

Reason: To ensure that there is adequate parking for the development proposed when the buildings are occupied and the site is built out.

26. No commercial unit shall be occupied until space and facilities for bicycle parking have been provided in accordance with the Parking Management Strategy for that unit. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason: To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport.

27. No phase of the development hereby approved shall commence until a pedestrian and cycle signing strategy for that phase has first been submitted to, and approved in writing by the Local Planning Authority. The scheme shall satisfy the needs of all elements of the site and be constructed in accordance with the approved details in a timescale agreed in line with the phasing set out in condition 2, and thereafter retained.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the pedestrian and cycle network are acceptable before work commences on site. Also, in order to provide users of the development with appropriate access to sustainable transport options.

28. As part of any reserved matters application where layout is applied for, green infrastructure shall be provided on site in accordance with the requirements of Policy HP9 of the Wyre Local Plan and any Masterplan approved by the Local Planning Authority for the site. Such green infrastructure shall be constructed in accordance with the approved details and in accordance with a timescale to be agreed prior to commencement of development in line with the phasing set out in condition 2. The green infrastructure shall thereafter be retained and maintained for use by the public in accordance with a scheme which shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of any dwelling on the site.

Reason: In order to ensure adequate provision and delivery of green infrastructure in accordance with the provisions of the NPPF and Policy HP9 of the Wyre Local Plan.

29. No part of the development hereby approved shall commence until a scheme for the construction of the internal link road between A6 Preston New Road and Nateby Crossing Lane and other internal access roads, cycleway and footway networks has been first submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme shall satisfy the needs of all elements of the site and be constructed in accordance with the approved details before the development is occupied or in accordance with a phased delivery programme to be agreed in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and in order to provide a safe access to the site and ensure that users of the development have appropriate access to sustainable transport options.

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

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

31. Prior to the commencement of above ground residential development a scheme to demonstrate how at least 20% of the dwellings shall be of a design suitable or adaptable for older people and people with restricted mobility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, retained and maintained thereafter in accordance with the approved details.

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

Notes: -

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

2. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the County Council at County Hall, Preston PR1 0LD, in the first instance, to ascertain the details of such an agreement and the information to be provided.

3. Traffic Regulation Orders, diversions of Public Rights of Way, Stopping Up of existing highway, changes to public transport scheduling/routing and other activities require separate statutory consultation processes beyond the planning application process. The applicant will be obliged to meet all the costs associated with these of works and ensure that any works which rely upon them do not commence until all legal processes have been satisfactorily completed.

ORIGINAL REPORT FOR 22ND MARCH 2017 COMMITTEE

1.0 INTRODUCTION

1.1 The application is before members for determination for a number of reasons. It is a resubmission of a scheme previously refused by the Planning Committee and its consideration by the Committee has been requested by Councillor Balmain. It is also a major development of strategic importance and is one of a number of applications for major-scale residential development along the A6 corridor. As such, it is officer opinion that the applications that are ready to be determined should be considered together so that issues of cumulative impact and comparisons of sustainability can be given due consideration. This approach is explained in more detail in the introductory report to the agenda which sets out how Lancashire County Council have considered all the current applications within the A6 corridor. That report should be read together with, and taken as a material consideration in conjunction with this report in reaching a decision on the application.

1.2 A site visit is proposed to enable Members to fully understand the proposal notwithstanding the information provided as part of the application, and because the full nature of the site and surroundings cannot be satisfactorily communicated through photographs.

1.3 Members will recall that this application was originally considered at the Planning Committee Meeting on 5 October 2016 but was deferred at your officer's request due to concerns being raised about the position of LCC Highways. It was recommended that determination be deferred and that this application be brought back before Committee Members at such a time when either Lancashire County Council (LCC) had responded to a number of outstanding issues to clarify their position on this application or when all of the applications in the A6 corridor which were at that time pending were ready to be determined concurrently. Lancashire County Council have now responded satisfactorily to the outstanding issues.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application relates to 16.6ha of land that incorporates the A6 to the east and is bound by Croston Barn Lane to the north, the Lancaster Canal to the south and Nateby Crossing Lane to the west. The majority of the site comprises agricultural land. The main body of Garstang lies immediately to the east and south on the opposite side of the A6 and the canal with sporadic development to the north. The Garstang Marina and Bridge House Marina and caravan park lie to the west of the site across Nateby Crossing Lane. There is a triangle of land to the north-east that is bounded by the A6 and Croston Barn Lane but that falls outside of the application site. This land is operated as a logging processing business.

2.2 Nine fields separated largely by hedgerows but with some fencing make up the site which is bounded by hedgerows including sporadic, mature trees. The site slopes gradually down from the north-western corner towards the A6 with an overall level change of some 7m. There is banking along the A6 where it bridges over the former railway line that bisects the site east/west. Adjacent to this line is Nateby Crossing Cottage which falls outside of the site boundary. There are watercourses on site along field boundaries to the south and north-east corners and a pond toward the west of the site south of the railway line.

2.3 The site falls within an area of Countryside as designated on the Proposals Map to the Wyre Borough Local Plan (1999). Approximately two-thirds of the site along the western boundary falls within a Minerals Safeguarding Area. The site falls within flood zone 1 and so is defined as being at low risk of flooding but does include some areas to the west on either side of the former railway line that are identified as being susceptible to surface-water flooding. There is a public right of way running northward from Croston Barn Lane at the north-eastern corner of the site. The site is subject to Tree Preservation Order 15 which was established in 2013 and which covers eleven trees on site. An overhead cable runs north-south toward the eastern boundary and a water main crosses the southern end of the site.

3.0 THE PROPOSAL

3.1 The application seeks outline planning permission for a mixed use development comprising the following:

- up to 269 new dwellings;
- up to 5,532sq m (gross) of class B1a office floorspace;
- up to 3,957sq m (gross) of class B1c light industrial floorspace;
- up to 495sq m (gross) of class A1 retail floorspace to be used as a convenience store;
- up to 300sq m (gross) of class A3 café/restaurant floorspace to be used as a coffee shop;
- associated landscaping and open space;
- a pedestrian/cycle link across the A6 into Garstang; and
- the construction of a new roundabout and configuration of the A6.

3.2 The application seeks outline planning permission with only the matter of access to be determined at this stage. The matters of layout, scale, appearance and landscaping are reserved for later consideration.

3.3 Vehicular access to the site would be taken from the A6 and from Nateby Crossing Lane. The access from the A6 would be via a four arm roundabout formed

as part of a reconfiguration of the road. The northern and southern arms would be the northern and southern branches of the A6. The north-western arm would serve the industrial and commercial area and the western arm would serve the residential areas. Two vehicular access points would be created on Nateby Crossing Lane and these would all serve residential accommodation. It is proposed that a pedestrian/cycle link to Garstang town centre would be created along the existing, disused railway line through to Derbyshire Avenue under the A6. An indicative plan submitted with the application shows combined footway and cycle paths running throughout the site.

3.4 Although layout is not a matter for consideration at this stage, the illustrative layout plan suggests that the residential accommodation would be provided to the south of the existing, disused railway and in the western portion of the land to the north. The employment and commercial provision would be located in the north-eastern area of the site. It is suggested that the residential development would cover some 9.3ha of the site yielding a gross average housing density of 29 dwellings per hectare (dph). The employment and commercial uses would be accommodated on some 3.6ha with the proposed roundabout and pedestrian/cycle link along the railway taking up around 3.7ha. When compared to the previous proposal, this represents a 0.6ha increase in residential land and a 1.5ha reduction in employment/commercial land.

3.5 It is indicated that the residential accommodation would be provided in three different zones. The majority of the area to the south of the railway line and half of the area to the north would be medium density of around 32dph and the area in the north-western corner of the site would be low density housing of approximately 21dph. The applicant has agreed in principle to the provision of affordable housing equivalent to 30% of the total residential development.

3.6 The application has been supported by the following documents:

- Planning statement
- Office impact assessment
- Design and access statement
- Heritage assessment
- Agricultural land classification assessment
- Ecological appraisal
- Tree appraisal
- Air quality assessment
- Noise statement
- Contaminated land desk study report
- Flood risk and drainage strategy
- Transport assessment
- Framework travel plan

3.7 Additional information has been provided since the application was initially submitted including revised plans with amended references, responses to consultee and neighbour comments, an updated retail sequential appraisal and an office impact assessment. None of these pieces of information are considered to have a material impact upon the development proposed and so no further publicity or notification has been deemed necessary.

4.0 RELEVANT PLANNING HISTORY

4.1 14/00458 - outline planning permission refused by Committee for the erection of up to 270 dwellings, 4.68 ha of employment (B1 & B8) uses, a convenience store (up to 375m² sales area) and a coffee shop (up to 235m² sales area). Appeal pending.

5.0 PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1.1 The Framework was published on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The NPPF sets out a presumption in favour of sustainable development (paragraph 14). Sustainability comprises economic, social and environmental dimensions and the planning system is intended to play an active role in the delivery of sustainable development. Local needs and circumstances must be taken into account. Development proposals that accord with the development plan should be approved without delay. Proposals for sustainable development should be supported where possible.

5.1.2 Twelve core planning principles are identified. These include supporting sustainable economic development to meet local need whilst securing high quality design and a good standard of amenity. The different roles and characters of different areas must be considered and Green Belt land must be protected. The planning system must support the transition to a low carbon future by encouraging the use of renewable resources such as renewable energy. Full account of flood risk must be taken. The effective use of land is encouraged and mixed use developments are to be promoted. Heritage assets must be conserved in a manner appropriate to their significance. Patterns of growth must be actively managed to make fullest use of sustainable transport modes.

5.1.3 Section 1 relates to the building of a strong, competitive economy in order to meet the twin challenges of global competition and a low carbon future.

5.1.4 Section 3 seeks to support a prosperous rural economy in order to create jobs and prosperity by taking a positive approach to sustainable new development. The sustainable growth and expansion of all types of business and enterprise in rural areas is to be supported and the development and diversification of agriculture and other land-based rural businesses is to be promoted.

5.1.5 Section 4 promotes sustainable transport and the location of development to maximise use of sustainable travel modes.

5.1.6 Section 6 relates to the delivery of a wide choice of high quality homes. This section expects Local Planning Authorities to identify a five year supply of housing land with an additional 5% buffer to promote choice and competition in the market. Housing applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should deliver a wide choice of high-quality homes, widen opportunities for home ownership through affordable housing provision and create sustainable, inclusive and mixed communities.

5.1.7 Section 7 requires the planning system to secure good design and states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.1.8 Section 8 promotes the creation of healthy communities and acknowledges the important role the planning system can play in delivery.

5.1.9 Section 10 considers the challenge of climate change, flooding and coastal change. Local Planning Authorities are expected to recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. Developers should not have to demonstrate the overall need for such energy. Planning applications for renewable or low carbon energy generating schemes should be approved if the impacts are or can be made acceptable. Inappropriate development in areas of flood risk should be avoided and the sequential test should be applied to direct development away from the areas of highest risk. Where development is necessary, it should be made safe without increasing flood risk elsewhere.

5.1.10 Section 11 aims to conserve and enhance the natural environment. This sections states that impacts on biodiversity should be minimised and net gains provided where possible.

5.1.11 Section 12 seeks to conserve the historic environment. Development that would cause harm to a heritage asset must be weighed against the benefits of the scheme with regard to the level of impact and significance of the asset affected, including its setting.

5.2 NATIONAL PLANNING POLICY GUIDANCE (NPPG)

5.2.1 The NPPG provides advice on Government policy. The sections below are of particular relevance to the application.

5.2.2 Air quality - this section provides guidance on how planning can take account of the impact of new development on air quality with particular reference to the development management process.

5.2.3 Design - this section provides advice on the key points to take account of when considering design.

5.2.4 Ensuring the vitality of town centres - this section explains the need to and ways in which the health of town centres can be safeguarded and clarifies the application and consideration of the sequential and impact tests.

5.2.5 Flood Risk and coastal change - this section expands upon the NPPF and explains the need to direct new development towards areas of lowest flood risk, concentrating on flood zone 1, and ensure that development would be safe and not lead to increased flood risk elsewhere.

5.2.6 Health and well-being - this section sets out the links between health and planning and the need to encourage opportunities for community engagement and healthy lifestyles.

5.2.7 Minerals - this section provides guidance on planning for mineral extraction as part of the plan-making and decision-taking process, including the safeguarding of minerals.

5.2.8 Natural environment - this section explains the key considerations for the protection of landscape value, biodiversity and green infrastructure. Local Planning Authorities have a statutory duty to safeguard protected species and conserve biodiversity and geodiversity. It is acknowledged that a core principle for planning is the enhancement of the natural environment and the reduction of pollution.

5.2.9 Noise - this section explains that account must be taken of the acoustic environment and whether or not an adverse or significant adverse noise impact is likely to arise, and whether or not amenity could be safeguarded. The factors determining noise nuisance are discussed with references to the sources and receptors of the noise. The potential effect of noise nuisance should particularly be considered where new residential development is proposed near to existing commercial uses. Methods to mitigate noise nuisance are set out.

5.2.10 Rural housing - this section makes it clear that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the viability of facilities and services and the broader sustainability of villages and smaller settlements.

5.2.11 Travel plans, transport assessments and statements in decision-taking - this section explains when transport assessments are required and what they should contain.

5.3 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.3.1 The following saved policies are considered to be of most relevance:

- SP13 - Development in the countryside
- SP14 - Standards of design and amenity
- ENV7 - Trees on development sites
- ENV13 - Development and flood risk
- ENV15 - Surface water run-off
- H13 - Open space in new housing developments
- CIS5 - High voltage power lines
- CIS6 - Securing adequate servicing and infrastructure

5.4 EMERGING LOCAL PLAN

5.4.1 A Preferred Options version of the Wyre Core Strategy underwent a public consultation between 2 April and 21 May 2012. The Council is now progressing a single Borough-wide Local Plan document and reconsidering the spatial strategy. The Council consulted on Issues and Options for the new Local Plan between 17th June and 7th August 2015. The Wyre Core Strategy Preferred Options included consultation on a number of Core Policies which will inform policies in the Local Plan. Presently the Core Policies in the Wyre Core Strategy Preferred Options form a material consideration of limited weight in the consideration of planning applications in accordance with paragraph 216 of the National Planning Policy Framework (March 2012).

5.4.2 Relevant policies in the emerging Local Plan include:

- CS1 - Spatial strategy for Wyre: distribution of development
- CS2 - Spatial strategy for Wyre: settlement and centre hierarchy
- CS9 - Strategy for Garstang and Catterall
- CS13 - Sustainable development
- CS14 - Quality of design
- CS15 - Economy, regeneration and learning
- CS16 - Transport, accessibility and movement
- CS18 - Green infrastructure
- CS19 - Biodiversity and geodiversity
- CS20 - Housing mix
- CS21 - Affordable housing
- CS24 - The countryside
- CS25 - Flood risk and water resources

5.4.3 The Wyre Local Plan Issues and Options Paper (2015) identifies the site as potentially being suitable for mixed use development. The site is identified as IO_98. Given that the new emerging Local Plan is at an early stage of development, this listing can be afforded only very limited weight.

5.5 SUPPLEMENTARY PLANNING GUIDANCE

5.5.1 Supplementary Planning Guidance Note 2: 'Trees and development' is relevant.

5.6 JOINT LANCASHIRE MINERALS AND WASTE LOCAL PLAN

5.6.1 Policy M2 is most relevant and states that incompatible development will not be supported on land within a minerals safeguarding area unless the applicant can demonstrate that: the mineral is no longer of value or has been fully extracted; the full extent of the mineral could be satisfactorily extracted prior to development; the development is temporary and would not prevent future extraction; there is an overriding need for the development; the depth of the mineral would make prior extraction unfeasible; or that extraction would cause land stability issues.

5.7 EVIDENCE BASE DOCUMENTS

5.7.1 WYRE AFFORDABLE HOUSING VIABILITY STUDY OCTOBER (2010) - this study identified that the level of viability for residential developments across the Borough could only sustain a maximum of 30% affordable dwellings, although in some areas it would be a lesser percentage.

5.7.2 THE RURAL AFFORDABLE HOUSING NEEDS SURVEY (2015) concludes that there is considerable need for affordable housing across the Borough of Wyre to ensure long-term community sustainability.

5.7.3 FYLDE COAST STRATEGIC HOUSING MARKET ASSESSMENT (SHMA) 2013 - this document was produced for the Fylde Coast Authorities (Wyre, Fylde and Blackpool) to provide evidence as to how many dwellings of different tenures may be needed over the next 15 years and beyond. The report presents an understanding of the sub-regional housing market and identifies a need for new housing across the Fylde Coast. The 2013 Fylde Coast SHMA and Addendums I&II represents the most up-to-date assessment of OAN for Wyre. Addendum II completed in February 2016 takes account of the 2012 Household projections and updated economic growth

projections in the 2015 Employment Land Study Update and Addendum. The SHMA Addendum II indicates that Wyre's OAN lies between 400 - 479 dwellings per annum from 2011 - 2031 with a recommendation that the OAN figure should be at the upper end of the range. The Council has accepted 479 dwellings per annum as the OAN figure for the Local Plan. There is an estimated need for 300 affordable homes per year (over the next 5 years).

5.7.4 WYRE EMPLOYMENT LAND AND COMMERCIAL LEISURE STUDY (2012) - this study considered the prospects for the inclusion of part of the application site in the boroughs proposed future employment land portfolio (Beech House Fields) and discouraged allocation on the basis that the site would require disproportionate infrastructure investment.

5.7.5 THE FYLDE COAST RETAIL STUDY 2011 (as updated in 2013 and 2015) - with regard to rural areas, this study noted that small scale enhancements to foodstore provision on sites that relate well to existing centres and do not undermine their offer may be appropriate. Maintaining the strength of Garstang Town Centre through the provision of between 750sqm to 1,250sq m of additional floorspace was identified as a priority. This study, including the updates, also identified a requirement for the provision of 500sqm to 750sqm net of comparison goods floorspace collectively in lower order centres (neighbourhood, local and district). It recognised that small-scale facilities to meet local, day-to-day, shopping needs are inherently sustainable and that there may be justification for the expansion of existing district and local centres, or the creation of new centres, to meet the needs of new large-scale developments.

5.7.6 WYRE LOCAL RETAIL FLOORSPACE THRESHOLD ADVICE NOTE (2015) - this note requires all planning applications for convenience and comparison goods retail developments exceeding 500sqm gross floorspace outside of defined centres to be accompanied by a retail impact assessment.

5.7.7 LANDSCAPE STRATEGY FOR LANCASHIRE - identifies the site as falling within The Coastal Plain which is made up of six distinct areas. The application site is located in landscape type '15E Forton-Garstang-Catterall'. This area of lowland farmland forms a transition between the fringes of the Bowland Fells and the lowland raised bog of Winmarleigh. It is a gently undulating, rural, farmed landscape.

5.7.8 WYRE SETTLEMENT STUDY (2016) - this study ranks the settlements within the borough according to their economic and social role using four indicators. These are population; the level of services and facilities provided; the accessibility of public transport and the connectivity to other settlements; and the employment opportunities available. These indicators are considered to be central to the notion of sustainability as they reflect the extent to which settlements can be economically and socially self-supporting. The overall settlement rank of the borough is provided in Appendix 5 of that document. Garstang is ranked fourth within the list.

6.0 CONSULTATION RESPONSES

6.1 GARSTANG TOWN COUNCIL - objection on the grounds that the proposal is premature given the lack of capacity on the A6 and the need to locate development in the most preferable areas. Concern is also raised relating to the impact on the A6 in terms of increased traffic and queuing and impact on highway safety; the division of Garstang by the A6 and the impact on the community; the lack of sustainable public transport in place; and the potential for the underpass to be unused because of safety fears. There is also concern over the impact on Garstang town centre and

the increased pressure on existing infrastructure including education and medical care provision.

6.2 CABUS PARISH COUNCIL - objection on the basis of the following: lack of demand; lack of demand for affordable housing; lack of available supporting infrastructure and services including schools, medical facilities, public transport and sewerage; impact on local character; Garstang would be bisected by the A6; impact on Garstang town centre; impact on the highway network through increased traffic and impact on ease of access and highway safety; impact on ecology and trees. It is considered that the roundabout would compromise traffic flow along the A6 and given the impression of a retail park with associated safety implications for pedestrians and cyclists. It is also considered that residents would have to travel for employment thereby increasing reliance on private car use with associated environmental impact.

6.3 NATEBY PARISH COUNCIL - objection on the basis of the impact on the junction of Longmoor Lane and the A6 and the impact on the capacity of the A6 and other local roads through increased traffic. The provision of three-storey houses would not be in-keeping with the character of the area. It is considered that existing infrastructure including medical care provision could not support the development.

6.4 ENVIRONMENT AGENCY - the role of the EA as a statutory consultee in the planning process has changed since the determination of the previous application. No objection is raised subject to the imposition of 4 conditions on any permission granted. The site is located on Principle and Secondary A Aquifers and within a Source Protection Zone 3. The potential impact on controlled waters has been considered. Some areas of the site have been infilled with waste. Further chemical assessment of this is required. There is a potential for landfill gas. The distribution of investigatory boreholes must be sufficient to establish peat and waste distribution. The infilled railway cutting may also be a source of landfill gas. The conditions requested would require a preliminary risk assessment; a site investigation scheme; a detailed assessment based on the results of this; and a verification plan. The disposal of any contaminated soil would be subject to waste management legislation and should be dealt with accordingly. The EA should be contacted for further advice. Depending upon quantity the developer may have to register as a hazardous waste producer. All contaminated materials must be adequately characterised and disposed of and again the EA should be contacted in the first instance. Published guidance is available.

6.5 UNITED UTILITIES - no objection subject to the imposition of three conditions. These would require foul and surface water to be drained on separate systems; require the agreement of a surface water drainage strategy; and require the agreement of a lifetime management and maintenance plan for the approved scheme. The scheme should be designed in accordance with the established sustainable drainage hierarchy. Two large diameter water mains cross the site and access strips of 10m width centred on the pipe must be maintained. The developer must comply with UU standard conditions. Any diversions would be at the applicant's expense. There is an easement through the site. The integrity of this and access to it must not be compromised. Each unit would require a separate meter at the applicant's expense and all fittings must meet current standards. The water mains would have to be extended to serve the site. If a sewer is discovered during construction, a building control body should be consulted. Justification for the conditions has been provided.

6.6 CANAL AND RIVERS TRUST - the NPPF requires local authorities to minimise the conflict between developments and heritage assets. Concerns were

previously raised (under 14/00458/OULMAJ) in relation to the risk of physical damage to the Grade II Listed Cathouse Bridge (no. 64) from both construction and operational traffic. The trust remains concerned that this has not been fully assessed, however, it was previously agreed that a condition would be attached to any permission granted to route construction and delivery vehicles away from the bridge. This condition should be reapplied. The trusts consent would be required for any drainage discharge into the culverts running under the canal and an informative to this effect is requested. The submitted plans indicate a foul pumping station close to the canal and an appropriate condition is required to prevent foul water from entering the canal. The canal is a biological heritage site and the trust does not consider that adequate ecological information has been provided. A survey of aquatic vegetation within the canal is required along with a potential impact assessment based on this information and this should be secured through condition.

6.7 HIGHWAYS AGENCY - no objection. It is noted that the application is a resubmission of application ref. 14/00458 and that no objection was raised against that scheme. Despite the different local road access strategy, a negligible difference in impact on the strategic route network (SRN) is anticipated. In isolation, therefore, this application is not anticipated to have any significant impact on the SRN. However, the cumulative impact of development in the area could be significant and it is understood that this is being considered as part of the local plan process. It is noted that the Local Highways Authority has not objected to the scheme subject to the provision of appropriate mitigation. It is considered that only those vehicle movements associated with the B1, B2 and C3 uses would affect the SRN. It is considered that the resubmitted application would result in 39 fewer AM peak trips and 31 fewer PM peak trips. There is a strategy for the improvement of junction 1 of the M55. Whilst the previous holding recommendation is removed, it is recognised that the cumulative impacts need to be better understood.

6.8 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.8.1 The strategic views of LCC Highways in so far as they refer to the impact of the development, together with other developments currently proposed within the A6 corridor, and the wider strategic requirements for mitigating that impact, are set out in the introductory report to this agenda. The comments set out below address the specific highway and transportation aspects of the application in relation to the following:

- A. The Latest Proposed Main Site Access Strategy;
- B. Specific Comments on all other elements of the submitted Transport Assessment under the following sub-headings:
 - Type of Assessment Undertaken;
 - Committed Development;
 - Traffic Figures;
 - Traffic Growth and Assessment Years;
 - Trip Rates;
 - Distribution;
 - Accident Analysis;
 - Off-site Highway Works Considered;
 - Junction Operational Assessment;
 - Site accessibility;
 - Pedestrian/Cycling Considerations; and
 - Public Transport Considerations.

- C. Internal Site Layout, Parking Standards/Parking Provision and SUDS;
- D. S278 Works;
- E. Planning Obligations (s106 Planning Contributions); and
- F. Recommendation

6.8.2 LCC Highways Development Control provided our detailed statutory comments to Wyre Council on 27th May 2016. These statutory comments are included in Appendix 21 (of the highway response), however until the appeal decision is reached for the purpose of this exercise this resubmission application must be considered equally with the others. The Nateby re-submission site is included in the latest cumulative assessment on the northern section of the A6 corridor.

6.8.3 See previous Statutory Comments set out below

(A) The Latest Proposed Main Site Access Strategy

This development proposal will introduce additional vehicle movements on the local highway network. The A6 is the main north-south arterial route through Wyre linking Preston to Lancaster. The settlements of Catterall and Garstang lie immediately to the east of the A6. In the vicinity of the site the A6 is a wide two lane carriageway, has little frontage development and few junctions. It is subject to a 50mph speed limit and is lit by a system of street lighting. Whilst the A6 is not a trunk road it has many similarities and characteristics to a trunk road and as such the starting point for assessment of impact should be in line with the Design Manual for Roads and Bridges (DMRB) rather than the Manual for Streets (MfS).

The A6 Preston Lancaster Road along the site frontage was built as the Garstang Bypass; subsequently the M6 provided a more strategic level bypass. The section of the A6 along the site frontage is characterised by the two rises created by bridge crossings over the Lancaster Canal (Cathouse Bypass Bridge) and the old railway line. These rises influence the sight stopping distances (SSD) that can be achieved along this section of the A6.

To the north and west of the proposed site are Croston Barn Lane and Nateby Crossing Lane which are unlit rural lanes with a 60mph speed limit.

The current application proposes a new roundabout off a realigned section of the A6 to serve as the main site access for both residential and employment elements of the development site. The proposed main access is shown in Layout Plan 1600402b (dated May 2016). Paragraph 1.1.4 of the TA states that it remains the view of the applicant and the LHA 'that a safe and acceptable means of access was proposed as part of the previous proposals.

However, the roundabout option has been developed by the applicant to specifically address the reason for refusal as quoted on page 4 above.

I have reviewed the proposed main site access on the A6 as now submitted and consider the roundabout to provide an acceptable, suitable and safe means of access to the proposed development site.

I have reviewed the roundabout capacity assessment and consider the proposal will accommodate existing and forecast traffic levels with this development and other

committed developments. The roundabout option will also provide alternative routing opportunities for some existing movements that currently utilise the 6-arm signalised junction to the north and also some movements from Longmoor Lane, the priority junction to the south of the proposed roundabout.

In order to facilitate traffic free pedestrian and cycle movements in an east and west direction, between the site and Garstang, the proposed access layout includes a wide underpass of the realigned section of the A6 on the southwest side of the new roundabout. While I would acknowledge that the use of an underpass can present issues, I consider that the proposed access layout has considered the needs of non-motorised users to provide a choice of options in regard to routing (both with and without an interface with vehicular traffic) and as such demonstrates that suitable routes for sustainable users can be delivered.

In regard to the proposed roundabout access, I would acknowledge that roundabouts can present difficulties for cyclists. However, given the range of routing options available from the network of pedestrian and cycle facilities now proposed (refer to latest Layout plan with pedestrian cycle ramp down from the A6 northbound and southbound carriageways leading on to the shared pedestrian cycle route and the underpass, Plan No. 1600402b and also the latest Indicative Pedestrian and Cycle Routes Drawing No. 2-1003 (Rev B, May 2016), I consider the proposals acceptable. The pedestrian and cyclist measures are agreed and as such it is considered the opportunities for sustainable transport modes have been taken up in line with NPPF.

The proposed access has been the subject of a Stage 1 Road Safety Audit (RSA) and all issues identified have been acknowledged and are to be addressed as part of the detailed design.

A review of the 50mph speed limit on the A6 in the vicinity of the proposed site is warranted should this development be approved, given the extension of the urban environment. The review should be linked to any planning permission through a suitable worded planning condition.

The developer has confirmed their commitment to all measures previously deemed necessary for the original application on this site (PA 14/00458). This included commitment to 'Initiative 1 - A6 Barton to Garstang Sustainable Transport Strategy' that includes for Speed limit review on the A6 to lower to 40mph or 30mph as appropriate. LCC also consider the speed limit review in the section of the A6 from the north side of Croston Barn Road to the south side of Longmoor Lane should be an integral element in any s278 agreement for the detailed design of the proposed main site access. Any reduction in vehicle speeds will bring potential further road safety benefits to the wider local highway network.

The developer's transport consultant has provided details to confirm that the roundabout can be designed to the appropriate design standards (which LCC consider to be DMRB in this location). The detailed design will ensure the appropriate visibility splays and the necessary minimum site stopping distances (considering horizontal and vertical alignment) are delivered.

Pedestrian refuge and tactile paving should be provided to aid movements across all arms of the proposed roundabout.

The on-road cycle lanes should be provided at 1.5m over the length of the junction access works. The detailed junction design should include measures to enhance the

visibility and safety of the on-road cycle lanes. This should include cycle symbol markings, coloured surfacing and signing as necessary.

Appropriate clearway signing should be installed at the proposed A6 access junction.

Any lighting columns currently within the proposed junction envelope on the A6 will need to be removed and a suitable lighting scheme provided. This will be the subject of detailed design.

(B) Transport Assessment

LCC takes its responsibility seriously with respect to the current and future use of the highway network. In reaching our position with regard to this development proposal, LCC have conducted a review of all information presented in the Transport Assessment. This includes all information previously submitted for the refused application (PA No. 14/00458) and re-submitted/updated for this latest application by the developer and also all work progressed by LCC and our colleagues at Highways England in regard to necessary improvement measures in the A6 corridor.

The following comments therefore provide LCC (Highways Development Control) statutory consultation comments in respect of the key elements of the Transport Assessment for this major planning application, including: committed developments; traffic flows and future traffic forecasts; accident analysis; junction modelling and assessment and also accessibility for sustainable modes.

Committed Development - Committed development was included in the TA.

Traffic Figures - The current application provided new traffic count information carried out in December 2015. This would not normally be considered a neutral month and as such LCC have reviewed the latest observed data in some detail.

A further factor that LCC has taken into consideration is the fact that the A6 is a parallel route to M6 and as such is subject to fluctuations that are related to incidents, weather factors etc. that occur on, or influence movement on the M6 Motorway and that can lead to higher observed flows on the A6 during such periods.

LCC carried out a week long Automatic Traffic Count (ATC) survey in April 2016 as a further check on assessment traffic figures. LCC have also considered existing data from 2014 (week long ATC data) as well as the previous 2012 traffic data submitted as part of the original application for this site.

Consideration of all this information has led to the following conclusion: LCC consider the December 2015 turning count data to be at the high end of the expected range that could be considered representative of average peak hour conditions. The ATC data indicates this count falls at the higher end of expected annual day to day and week to week variations observed and as such can be considered a robust basis upon which to assess the local transport network, particularly given the approach that includes consideration for committed developments and traffic growth.

Traffic Growth and Assessment Years - The assessment year 2023 is acceptable. The future year background traffic figures have been subject to TEMPRO/NTM growth factors and the methodology presented in the TA is considered acceptable.

Trip Rates - The TA uses residential trip rates as agreed for the approved Kepple Lane site and these are in line with those rates agreed for major developments within

Central Lancashire. The employment trip rates used are acceptable. I note that the development proposes employment and retail uses which can be considered to support sustainable modes from the residential element. The trigger points for the delivery of the employment/retail uses and residential housing numbers should be covered by an appropriate planning condition to support sustainable development (i.e. delivered part way through the residential phase).

Distribution - LCC have reviewed the updated traffic figures in the TA Addendum and considered the potential impact of the potential routing options that may occur between the site access and the two junctions immediately north and south of the site. The routing choices provide potential options if short term congestion were experienced at any of the adjacent junctions. The traffic distribution has been extended to cover junctions on the A6 that consider the wider network.

Accident Data Analysis - The latest available accident data was presented in the TA taken from LCC's own Mario system which holds the latest 5-year data. This data is continually being updated and therefore the 5-year data set will vary over time. LCC are aware of the occurrence of both serious and fatal accidents on the A6 from north of Croston Barn Lane to south of Longmoor Lane. LCC have reviewed the latest available data and considered both the location of the accidents and causation factors.

Off-site Highway works.

The developer has proposed a number of highway improvement works. However, as full detailed design will be required only an acceptance 'in principle' to proposed layouts can be given, where indicated below. Other proposed works will require further layout details, as noted in these comments for some of the improvement schemes listed under 's278 Highway Works' below.

As well as the main site access the proposed development also includes provision for vehicular, pedestrian and cycle access points onto Nateby Crossing Lane. In addition, as part of the detailed design of the internal development layout, the developer has committed to provide an emergency access point onto Croston Barn Lane from the commercial element.

Further comment on the operational performance of the site access and other junctions within the study area is provided under the section titled 'Junction Operational assessments' below.

Proposed Site Access Junctions onto A6 - The proposed site access junction is dealt with in Section (A) - The Latest Proposed Main Site Access Strategy, as detailed above.

Proposed Access onto Nateby Crossing Lane - Further access to the site is proposed to be taken from two priority junctions onto Nateby Crossing Lane. The latest proposed junction layout drawings and treatment of Nateby Crossing Lane are shown in Drawing No.s 1600404 and 1600405a (dated May 2016). The proposals are agreed 'in principle' subject to detailed design. The visibility splays are based on surveyed 85th percentile speeds which are considerably lower than the derestricted 60mph limit. Given the approach is to adopt a more 'Manual for Streets' approach it is considered appropriate that a scheme providing prominent Gateway measures/treatments is delivered to support the approach proposed. The developer has provided a commitment to these s278 works which should be secured through

an appropriate condition and will include speed limit review and delivery of the appropriate change.

A stated benefit of the north/south link through the site was that it would facilitate movement from existing uses on Nateby Crossing Lane. The junction radii will be provided at 10m. The junction radii at the access from the link road onto Nateby Crossing Lane will be reviewed at detailed design and may require revision as part of safety related design improvements.

The removal of trees/hedges will be required to achieve the required visibility splay from the proposed link road junction onto Nateby Crossing Lane. The developer has indicated this will be done and therefore has stated the visibility splays can be achieved. I am sure the LPA will wish to consider the impact of the proposals on the existing trees and hedgerow.

The developer has acknowledged the need for a suitable lighting scheme to be provided on Nateby Crossing Lane in the area of the proposed junctions including the combined footway/cycleway on the line of the old railway. This will be the subject of detailed design.

The developer has agreed to renew the carriageway markings at the Nateby Crossing Lane/Croston Barn Lane junction.

A review of the 60mph speed limit on the Nateby Crossing Lane and Croston Barn Lane in the vicinity of the proposed site is warranted. The developer would be required to fund speed limit review/consultation and implementation as necessary. This should be conditioned, if the LPA are minded to approve this application.

Junction Operational Assessments - A6 Main Site Access - Proposed New Roundabout Junction. The ARCADY operational assessment indicates the junction will operate well below capacity in all scenarios. The link to Nateby Crossing Lane allows alternative routing for peak within peak traffic scenarios. The proposal will accommodate existing and forecast traffic levels with this development and other committed developments. The roundabout option will also provide alternative routing opportunities for some existing movements that currently utilise Croston Barn Lane and the 6-arm signalised junction to the north of the proposed roundabout and also the Longmoor Lane priority junction to the south of the proposed new site access.

Operational Assessment of Other Junctions on the Local Network - The TA includes information on further junction operational assessment, including:

- A6 Preston Lancaster New Road/Croston Barn Road - signalised Junction;
- A6/Moss Lane/Longmoor Lane;
- A6/Kepple Lane Priority Junction;
- A6/A586 The Avenue Priority Junction;
- A6/Garstang Road.

In addition, the TA addendum also provides the forecast traffic impact at Broughton Crossroads and M55J1.

A6 Preston Lancaster New Road/Croston Barn Road/Green Lane West/B5272 Cockerham Road/Croston Road - Signalised Junction - An 'in principle' scheme is agreed between LCC and the developer as indicated in drawing 1600401a (dated April 2016). This scheme included an upgrade to MOVA operation and the provision

of a Toucan crossing over the A6 south arm. The scheme also indicated that further pedestrian crossing points can be agreed at the detailed design stage. The scheme was also to include consideration for improvement to the existing cycle facilities and vehicle activated queue detection signing on the approach to the signalised junction.

LCC has identified a 'Wider Improvement Scheme' at this junction, as set out under 'Initiative 2'. Therefore, the final agreed scheme to be delivered by the developer, through a s278 agreement, at this junction will need to be of equivalent scale to the 'in principle' agreed scheme, but fully in line with the wider scheme.

HY Consulting have modelled the junction and I have the following comments. At present the all red pedestrian stage is called on very limited occasions during the peak periods. This can be expected to change if this development is approved. The TA models the all red stage every other cycle. This is not unreasonable.

The LINSIG traffic modelling indicates that the overall degree of saturation in both the AM and PM peak drops below zero. In assessing the acceptability of the overall junction operation I have taken into consideration the improvements proposed, particularly to pedestrian and cycle facilities, the introduction of MOVA technology and the robust nature of the assessment.

The provision of MOVA control in addition to further pedestrian facilities and improvements for cyclists, referred to above, go some way to mitigate the impact of the development at this location. The proposed introduction of MOVA at the signals will result in a review of signal equipment requirements and new detection loops, as required.

Moss Lane/Longmoor Lane - The PICADY operational assessment indicates the junction will operate at or close to capacity in the 'with development' scenario. It can be expected that the proposed new link between Nateby Crossing Lane and the A6 will allow alternative routing for peak traffic scenarios.

A6/Kepple Lane Priority Junction - The PICADY operational assessment indicates the junction will operate well below capacity in all scenarios.

A6/A586, 'The Avenue' - Priority Junction - Recent permissions approving development proposals in the Garstang/Catterall area will result in significant additional movements here which will result in the junction operating at capacity at various periods of the day. Therefore any developments that further increase vehicle movements in this location will mean that the junction operates above theoretical capacity, resulting in delay and increased queuing. In addition to this, I have reviewed the most recent accident record at this junction and there has been 12 injury accidents in the last 5 years. There is therefore a need to mitigate the impact of this development at this junction.

A6/Garstang Road - The PICADY operational assessment indicates the junction will operate well below capacity in all scenarios.

Site Accessibility - This development proposal is on the edge of the built environment and the current site has limited pedestrian linkages/connectivity. The 50mph A6 presents a clear barrier to movement; this is a concern. However, it is acknowledged that improvements are proposed. The latest site access layout, Layout Plan 1600402b (dated May 2016) includes a number of further measures to the facilities and route options for pedestrians and cyclists. In particular, the drawing now shows a ramp down to the A6 underpass from both the north and southbound (re-aligned A6

carriageway). LCC has considered true walk distances to local amenities. It is noted that there is no high school in the immediate local area and local primary schools are a considerable walking distance, particularly for young children.

It is considered that sustainable modes will mainly access the town centre via the proposed underpass of the re-aligned section of the A6. The approximate distance to the town centre is 1100m which is beyond the desirable walk distances, which if the development was only for residential would be a concern. However, I note that the development proposes employment and retail uses which can be considered to support sustainable modes from the residential element and does somewhat overcome this concern. However, this does assume that these employment/retail elements will be delivered. Hence, LCC will be requesting a suitably worded planning condition which links trigger points for the employment/retail with the delivery of housing numbers.

Comments on Pedestrian and Cycling Elements within the Transport Assessment - The developer has indicated that a pedestrian crossing facility will be provided on the south arm of the A6 at the A6 Preston Lancaster New Road/Croston Barn Road/Green Lane West/B5272 Cockerham Road/Croston Road - Signalised Junction. This should be a TOUCAN crossing tying in with the extension of the on road/improved cycle facilities and pedestrian provision to be provided at the junction as part of the wider scheme identified by LCC. The latest proposed junction layout drawings onto Nateby Crossing Lane (including revisions to take into consideration previous safety audit comments) are shown in Drawing No. 1600404 (dated Feb. 2016). This drawing also shows the proposed provision in respect of footway/cycleways at the north western edge of the site and at the proposed junctions. All shared footway/cycleways are to be at least 3m in width and where possible 3.5m.

The applicant has agreed that all improvements previously agreed with LCC highways will be delivered as part of this new application. As such, the footpath on west side of A6 will be improved from Longmoor Lane along the A6 over the full site frontage. Improvements to the A6 west footway was accepted by the developer in the designer's response to the safety audit in respect of the previous application. With the upgrading of the west footway, it was also agreed that tactile paving should be provided at the pedestrian refuge north of Longmoor Lane junction. In addition, it was agreed that a suitable dropped kerb crossing is to be provided by the developer to cater for pedestrians from the site to access the nearby commercial properties and Pub/Restaurant. LCC have now identified a wider improvement scheme at A6/Moss Lane/Longmoor Lane and therefore all works agreed will be delivered through a s278 as an initial phase of the wider scheme and hence will require to be fully in line with that scheme.

There are numerous sign poles, lighting columns and other items of street furniture which would obstruct pedestrian movements, particularly in the location of the proposed east footway. All street furniture which would obstruct movement should be relocated as part of the detailed design; this has been accepted by the developer. A S106 funding contribution for improvements to pedestrian and cycle facilities along the A6 is appropriate, should the LPA be minded to approve this development proposal.

A safe pedestrian/cycle route to facilities/bus stops and other amenities has been proposed to go under the realigned A6, making use of the current A6/Nateby Rail Bridge (Bridge Ref 6D1B1). The developer has provided further information to support the proposal and demonstrate at this stage that the route is deliverable. Plans and drawings will need to be submitted to LCC Bridges team for checking and

approval. The link under the new section of A6 and on through the gap to be created at the location of the Nateby Rail Bridge is essential to support sustainable development and its delivery should be a condition of any approval prior to first occupation on site.

A Pedestrian/Cyclist route signing/marketing strategy would provide benefit in guiding pedestrians/cyclists to the safest route under the A6 as an alternative to the A6/B5272/Croston Road signalised junction or pedestrian refuges along this section of the A6.

I would note the need for this development to provide appropriate levels of secure cycle and motorcycle parking and provision for mobility impaired users. Shared pedestrian/cyclist routes through the site, at appropriate widths, should be a fundamental and integral part of the site Master Plan. While the internal layout would be the subject of a Reserve Matters application were the LPA minded to approve, the applicant has provided an 'Indicative Footway/Cycleway Links' Plan (Drawing No. 2-1003, Revision B) which shows a comprehensive network of pedestrian and cycle links can be provided to support sustainable movements.

Public Transport Accessibility and Provision - Improvements to bus services (frequency/routeing) and bus stops (delivered through a s278) to Quality Bus Standard, in line with guidance, will be necessary to support this development. Any service provided should seek to provide a frequent service throughout the day and also consider evenings and weekends to a range of destinations. There are no PT services within desirable walking distances of the centre of the residential dwellings. The Current PT Services on Croston Road is Service 41, Mon-Sat, 60 minute frequency (also evenings) - no Sunday Service. Bus stops on Croston Road are more than 850m from the centre of the main residential area of the site using safe pedestrian routes (and from the periphery much higher). This distance will limit sustainable trips for PT from this site. This would be a concern if improvements were not delivered.

LCC are aware of a number of development proposals in the Garstang area and consider there are a number of options to deliver PT service improvements for the area. LCC will request s106 funding toward Public Transport improvements to serve this development site. The funding will be used to deliver either:

- A shuttle bus service routing through the site via the proposed link road to Garstang Health centre and Primary School on Kepple Lane, the town centre and Croston Road (anti-clockwise or possibly clockwise) It is estimated that such a service will require £120k per annum to operate and should be funded by development for a period of time linking with other opportunities to ensure that the service can be made sustainable. It is usual that funding is requested for 5 years, however, as this site is mixed use it could provide some commercial opportunities post initial pump priming. With this 2.5 years of funds is requested, however this requires the first trigger point for £120k at 50 dwellings occupied, a further £120k at the first anniversary, and the final £60k at the second anniversary. However, as before this does assume that the employment/retail element is progressed prior to the second anniversary.
- The funding for PT services should be flexible in order to be used to fund an alternative/equivalent service improvement, if identified and deemed to be more appropriate.

In order to secure the long term sustainability of the site any service provided/improved needs to be viable once any initial funding period has past. Any revenue generated should be used to extend the service beyond the initial 2.5 year funding period up to 5 years. To support the PT service, new bus stops will be required on the link road through the development (with layby on both sides). In addition, the existing bus stop on Croston Road should be upgraded to Quality Bus Standard (raised kerb and markings, but no shelter) a similar provision will be required on the westbound side. These works must be delivered through a s278 agreement.

Travel Plan - A Framework Travel Plan for the site was developed and revised following comments from LCC's Travel Plan team. The revised Framework Travel Plan now meets LCC's submission criteria. For a development of this size we would normally request a contribution of £24,000 to enable Lancashire County Council to provide a range of services as previously outlined to the applicant, should the LPA be minded to approve. However, given the number of developments coming forward, LCC have agreed to reduce this figure to £18,000.

Funding to support measure/initiatives within the Travel Plan - LCC request that a commitment is made by the developer to ensure suitable funding is made available to be used toward measures/initiatives that may be required if Travel Plan targets are not achieved (to be made available to the developers appointed travel plan coordinator). I would note that this funding is only to be used if the targets are not met and that these funds are not passed to the LPA or the LHA.

(C) Internal Site Layout, Parking Standards/Parking Provision and SUDS

This is an outline application and therefore internal site layout matters would be expected to be dealt with at the reserved matters stage. While LCC acknowledge that this is an outline Application I would note following:

- Adequate No of Parking spaces must be provided for both the residential and commercial elements of the proposed development, in line with agreed standards.
- With regard to driveway and garage dimensions I would note that all integral garages must have internal dimensions of 3m x 6m or they will not be considered part of the parking provision.
- The internal site layout should support the principles of 'Manual for Streets' and LCC's Creating Civilised Streets.
- All internal access issues will need to be overcome to satisfy highway adoption.
- A service strategy should be prepared and agreed
- In line with recent government policy I would expect the development to provide electric vehicle charging infrastructure at appropriate locations.
- I would expect the emergency services to be consulted on the full development proposals and appropriate access/tending arrangements for all elements/areas or an emergency access strategy agreed.
- Full details of proposed carriageway drainage will be required as part of any detailed design
- Any requirement to move statutory undertaker's apparatus will be considered and agreed as part of detailed design.
- The proposed new vehicular link between the A6 and Nateby Crossing Lane should be constructed before first occupation on site.
- Sustainable Urban Drainage Systems (SuDs)

- The application should consider the requirements likely to be asked for in support of a SuDs drainage scheme, if deemed necessary. These considerations may significantly affect the site layout/design to include for the likes of swales, storage ponds etc. to control run off rates in accordance with SuDs guidance.

(D) S278 Works

A detailed list of all measures considered necessary to deliver sustainable development will be set out within the following two sections of these statutory consultation comments, under the headings of '(D) - S278 Works' and '(E) - Planning Obligations (s106 Planning Contributions).

LCC's have previously provided consultation comments to the LPA that set out the local highway authorities (LHA) concerns in regard to the unprecedented number of major planning applications in and around Garstang and beyond (such as North Preston and Longridge area) which will impact on the local highway network and in particular the A6 corridor, particularly around junction 1 of the M55. These previous comments set out the approach LCC considered necessary to support further major developments impacting in the A6 corridor in regard to both the strategic and local network.

A full list of initiatives, as set out on pages 3 & 4 of these statutory consultation comments was developed. It was considered by LCC that these Initiatives could support a finite level of further development within the A6 corridor (including M55 J1).

The developer and their Transport Consultant (HY Consulting) have provided a significant amount of information with the aim to address the concerns highlighted by LCC Highways in regard to development of this site (with consideration for both the previous application PA No. 14/00458 and this new application PA No. 16/00241. In addition to the information contained in the Transport Assessment and Safety Audit Report/Designers Response Report the developer has provided commitment to further sustainable measures (pedestrian, cycling and Public Transport) as well as number of amended and new layout drawings to address identified concerns. All changes proposed are in line with elements of the LCC plan/Strategy of Initiatives for the wider network which was developed in 2015. This plan has been progressed in order to support development in the area (and measures identified by HY Consulting can represent early phases of these wider changes).

In addition, HY Consulting have also carried out a detailed assessment, working closely with LCC highways, to identify an acceptable improvement scheme at the A6/A586, The Avenue junction that LCC consider will support further development.

The developer of this new application has committed to all the previously agreed measures, both s106 and s278 required to support delivery of the wider 'Strategy of Initiatives'. As such, LCC consider this new application can support delivery of the necessary Strategy and is of a scale to be able to deliver the necessary infrastructure and other mitigation measures identified.

S278 Highway Works - Should the LPA be minded to approve this application, a Section 278 Agreement for off-site highway improvements is expected between the developer and the highway authority (LCC). Section 278 agreements (s278) are appropriate where improvements are required in the public highway, paid for by the developer (costs to include design fees, safety audits, amendments to street lighting and traffic signalling equipment and all other risks associated with the highway improvements required by the development so that public funds are not used in the provision of these features).

Any highway improvement schemes agreed 'in principle' will be subject to detailed design. The Trigger points for s278 works will be before commencement of development unless otherwise agreed with LCC and the LPA. Some layout details have been agreed 'in principle' as indicated for each s278 scheme other scheme drawings are still required and yet to be agreed and should therefore be the subject of an appropriate condition.

The s278 works agreed with the applicant are:

- Main Site access junction on re-aligned A6 - Roundabout (serving both the employment and Residential elements)
- As agreed layout drawing 1600402b (revised May 2016)
- 2 No. Site access junctions onto Nateby Crossing Lane. As agreed layout drawing 1600404 Feb. 2016).
- Initiative 2 - Improvement of A6 Preston Lancaster New Road/Croston Barn Road/Green Lane West/B5272 Cockerham Road/Croston Road Signalised Junction
- The scheme includes upgrade to MOVA operation and the provision of pedestrian/cycle facilities across five of the six arms of the junction.
- An 'in principle' improvement scheme had been agreed with the developer prior to the larger scheme being developed. Therefore the final agreed scheme to be delivered by the developer through a s278 will be of equivalent scale but fully in line with the wider scheme. Scheme layout drawing 1600401b (revised May 2016) to be revised in line with wider scheme (the provision of an agreed scheme at this location to be a condition of any approval). Developer to deliver initial scheme through s278 Agreement
- Pedestrian footway improvements on A6 (east and west side to Longmoor Lane in the south and Croston Barn Lane in the north)
- As agreed in layout drawings 1600401b and 1600403b (both drawings revised May 2016).
- Initiative 3 - Improvement of Moss Lane/Longmoor Lane Priority Junction
- Improvements to the deliver pedestrian footway and dropped kerbs has been agreed 'in principle' with the developer prior to the larger scheme being developed. Therefore, the final agreed scheme to be delivered by the developer through a s278 will be of equivalent scale but fully in line with the wider scheme. Developer to deliver initial scheme through s278 Agreement
- Pedestrian Green Link, underpass of A6 providing high quality connection for sustainable modes (pedestrian/cycle) to Garstang. Details of the standard of the link, width and surfacing to be agreed (the provision of an agreed scheme to be a condition of any approval).
- Pedestrian footway improvements and traffic calming and Gateway measures on Nateby Crossing Lane. As agreed in layout drawing 1600405a (revised May 2016).
- Renewal of the carriageway markings at the Nateby Crossing Lane/Croston Barn Lane junction. This was previously agreed with the applicant and will form part of the traffic calming and Gateway measures scheme on Nateby Crossing Lane. As agreed in layout drawing 1600405a (revised May 2016).
- Public Transport facilities to quality bus standard on Croston Road and on the new link between A6 and Nateby Crossing Lane. Details of the stops to Quality Bus Standard to be agreed (the provision of an agreed scheme to be a condition of any approval).

(E) Planning Obligations (s106 Planning Contributions)

Should the LPA be minded to approve this application, it is considered appropriate to seek planning contributions to support improvements to sustainable transport links on the local & Strategic highway network. This funding will be used to implement changes to limit the negative impact of this large development on the existing congested network.

The trigger point for s106 sustainable transport planning contributions should be prior to commencement of development unless otherwise agreed with LCC and the LPA.

The mitigation measures funded by the developer through s106 contributions, include the following:

- Initiative 1 - A6 Barton to Garstang Sustainable Transport Strategy
- Requested Contribution: £20,000 towards wider scheme (Trigger 200th dwelling). The requested contribution reflects that this development will provide pedestrian and cycle measures along the A6 site frontage between Moss Lane and Croston Barn Road
- Initiative 4 - Improvement of A6/A586 'The Avenue' priority junction.
- The wider scheme now identified by LCC includes full signalisation, pedestrian and cycle, gateway and other safety/speed reduction measures.
- An 'in principle' improvement scheme had been agreed with the developer prior to the larger scheme being developed. However, in developing the funding mechanism to support all initiatives and improvements necessary in the corridor it has subsequently been decided that all relevant developments should support s106 contributions to deliver the wider improvement scheme.
- Requested Contribution: £150,000 towards wider scheme (Trigger 100th dwelling)
- Initiative 5 - A6/M55 junction 1, Westbound off Slip Improvement. Additional lane on westbound off slip. Requested Contribution: £250,000 (Trigger 50th dwelling)
- Initiative 6 - A6/M55 junction 1, Eastbound off Slip Improvement. Additional lane on westbound off slip. Requested Contribution: N/A as contribution requested for Initiative 5 (westbound off slip improvement).
- In addition commitment is necessary from the developer to fund mitigation measures through s106 contributions for the following further measures:
 - Funding for Public Transport service improvements, £300,000 (Trigger £120k at 50 dwellings, £120k at the 1st anniversary and £60k at the 2nd anniversary)
 - Travel Plan Support, £18,000 (prior to first occupation).
 - The above funding contribution figures have been accepted by the developer.

(F) Recommendation

LCC takes its responsibility seriously with respect to the current and future use of the highway network. In reaching our position with regard to this development proposal, LCC have conducted a review of all the submitted information presented.

In order for LCC Highways Development Control to have no objection to the proposed development, it is necessary that all three elements on page 5 (Part B) have certainty (as considered by the LHA) of coming forward or are within the gift of LCC/LHA to bring them forward and that they will be available for public use providing intended benefits once delivered forming part of the adopted highway network. It must be noted that this is not the current position.

However, the support and delivery of changes in the vicinity of the M55 junc. 1 could be used to support some further development until a planning decision is made for

M55 junc. 2 which would then release further network benefits. Therefore, as presented this potentially could allow support from LCC for this proposal if taken forward as part of an acceptable strategy that includes satisfying necessary s106 funding requirements. However, it must be stressed that the overall combination of developments that can be supported at this time should not exceed the 176 two way trips at M55 jct. 1.

This development has a two-way impact of 108 trips at M55 Jct.1.

On the above being satisfied, LCC Highways would offer no objection to the proposed development providing that appropriate funding (s106) for sustainable measures is agreed with the county council and secured within a tripartite agreement; that all s278 measures as agreed and detailed above are delivered by the developer in line with agreed trigger points and conditions are agreed (including if necessary the use of Grampian type conditions) and are put in place to ensure these necessary measures are delivered by the developer in line with required trigger points.

6.9 LANCASHIRE COUNTY COUNCIL (EDUCATION) - the scheme would generate a requirement for 102 additional primary school places and 20 additional secondary school places. This would equate to financial contributions of £1,374,402.06 and £406,071.80 respectively. It is proposed that these contributions would be used to expand Garstang Community Primary School and Garstang Academy. This claim would have to be reassessed once accurate bedroom information becomes available.

6.10 LANCASHIRE COUNTY COUNCIL (FLOODING) - the submitted FRA states that surface water would be discharged to the two watercourses within the site. Surface water drainage should be designed in accordance with the established sustainable drainage hierarchy. The applicant has not demonstrated that infiltration is not an option. Surface water should be managed in a sustainable way to mimic natural surface flows as close to the surface as possible and taking flood risk into account. Run-off should be restricted to greenfield rates where practicable. Systems should be designed in accordance with the non-statutory technical standards and the NPPG. It is understood that boreholes and soakaway testing has been carried out but locations have not been provided. A site layout plan should be provided to show any exceedance routes. Flow balancing may be an option and the developer should consider this. In accordance with the Water Framework Directive, development must not result in a reduction in water quality. The developer should contact the LLFA in the first instance for advice to ensure no adverse impact results to the watercourses on site. Published guidance is available. Land Drainage Consent would be required for works or discharge to a watercourse. The grant of planning permission does not constitute the grant of Land Drainage Consent. No works should take place within 8m of a watercourse. Watercourses are particularly valuable for wildlife and the proposals must safeguard biodiversity. Permeable driveways must not be included in hydrological calculations as they can be resurfaced and permeable paving on roads must be agreed with the Local Highway Authority. No objection is raised subject to the imposition of seven conditions and an advice note. These would require development to proceed in line with the FRA; agreement of a surface water drainage scheme; prevention of occupation before drainage is provided; agreement of a management and maintenance plan; agreement of finished floor levels; agreement of a construction surface water management plan; and provision of attenuation prior to development. The informative would relate to Land Drainage Consent.

6.11 LANCASHIRE CONSTABULARY - external doors and ground flood windows should be to PAS 24:2012 or equivalent standard. The underpass could become problematic and so natural surveillance, lighting and clear open views are essential. Anti-vandal features should be used to prevent graffiti. Varied orientation of dwellings along with cul-de-sac creation is welcomed. Footpath links should be avoided. Appropriate lighting and landscaping schemes would be required. In-curtilage parking is recommended. Rear alleyways should be avoided, boundary treatments and gates should be 1.8m high with central bolts and internal cross rails. Meters should be located at the front of dwellings and garages and sheds should not have windows. Parking in the commercial areas should have barriers to prevent congregation out-of-hours.

6.12 GREATER MANCHESTER ECOLOGY UNIT (GMEU) - the ecological impacts of this proposal do not differ significantly from those previously. Whilst some surveys are now quite dated, there have been no material changes to the site or habitats. The ecology report has been updated as has the Masterplan which shows the retention of the majority of UKBAP habitats and individual trees with opportunities for ecological enhancement. The site comprises semi-improved grassland with hedges, trees and ditches of some local conservation value. The survey work undertaken is considered proportionate. The site is adjacent to the Lancaster Canal and is subject to a TPO. The site supports amphibians and has potential to support great crested newts (GCNs) along with nesting birds and foraging and commuting bats. A licence from Natural England would be required in relation to GCNs and the three requisite tests must be passed. With regard to the third test it is noted that no breeding habitat would be lost, the majority of connectivity habitat would be retained, new habitat could be created, and safeguarding methods could be applied. As such, it is considered that the third test could be passed subject to the imposition of appropriate conditions.

6.13 GREATER MANCHESTER ECOLOGY UNIT (GMEU) (cont.) - bat roost potential within the site is limited to a small number of trees. The most important habitat is the hedgerows which will be largely retained and enhanced. Any trees capable of supporting bats must be re-inspected prior to any loss between May-August inclusive. If bats are absent, soft felling should take place late August to early October or March-April. The development is likely to result in the loss of some or all of the waterbodies on site. There should be no net loss of such and so new pond habitat should be provided. There is some potential for impact on nesting birds which must be managed. Overall it is considered that any harm to local habitats would not be substantive and no fundamental objections are raised subject to the imposition of appropriate conditions. These would require the agreement and implementation of a Construction Environmental Method Statement; ensure the protection of Lancaster Canal from run-off during construction; protect trees in accordance with BS5837:2012; require the agreement and implementation of a great crested newt method statement and evidence of a licence; prevent the clearance of trees or vegetation between March-July unless the absence of nesting birds has been demonstrated; agree any external lighting; and require the agreement and implementation of a biodiversity enhancement scheme.

6.14 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE) - a range of conditions were previously agreed in respect of application ref. 14/00458. These have been amended, rationalised and updated as appropriate taking into account changes in legislation and circumstance. Subject to the recommended conditions, no unacceptable impacts are anticipated.

6.15 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AIR QUALITY) - the reliability of the predicted concentrations is questioned as the modelling results have not been verified against monitoring data. However, it is unlikely that the development would cause exceedance of health-based national air quality objectives in the area. The potential impact upon the Broughton Air Quality Management Area has not been considered but is likely to be reduced because of the proposed bypass. Mitigation is readily achievable. Paragraph 35 of the NPPF requires developments to be designed to incorporate facilities for low-emission vehicle. The EPUK & IAQM Planning for Air Quality guidance should be applied. Should planning permission be granted, conditions should be imposed to require dwellings to be provided with electric vehicle charging points and to require agreement of a dust management plan for the construction period.

6.16 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LAND CONTAMINATION) - the information submitted in respect of the previous application has been resubmitted in respect of this application and, based on the comments received previously, it is understood that the applicant has done some but not all of the work required. Ordinarily a desk-top study should be submitted followed, where necessary, by an exploratory investigation. However in this case the applicant has conducted an exploratory investigation but no desk-top study has been provided. A desk-top study is required for review. Without this document it is not possible to fully assess the exploratory investigation report. Notwithstanding this requirement, the exploratory investigation has revealed a need for additional work. In particular, a ground investigation is required along with a period of gas monitoring. It is agreed that benzo[a]pyrene is not a significant risk. Trial pit 10 shows excess lead concentration and so further investigation is required. The boreholes show the land to be made ground but the phase 1 reports identify the site as agricultural land, this should be explained. Standard condition ENV1 should be attached to any permission granted along with standard advice notes EH1, EH2, EH3, EH4, EH5, EH18 and EH20.

6.17 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - no objection. Full surface water details including attenuation must be submitted. The site is in flood zone 1 and so is at low risk of flooding.

6.18 WBC HEAD OF OPERATIONS (PARKS AND OPEN SPACES) - the public open space is reduced from the previous submission and now includes the proposed roundabout and embankments. It is unclear how the corridor proposed would provide useful recreation for residents. The children's play area previously proposed is no longer part of the scheme. An off-site contribution towards the improvement of existing facilities should be considered. The proposed green corridor would be at a lower level than the embankment and roundabout as would the shared footway. Careful consideration must be given to drainage provision in these areas. Details are needed to show how the link path and public open space would be aesthetically linked.

6.19 WBC HEAD OF OPERATIONS (TREES) - there are sixteen trees on site covered by TPO no. 15 of 2013. The information submitted suggests the majority of these would be retained. All high value TPO trees should be retained and losses should be kept to a minimum and must be adequately mitigated. The on-site hedgerows may be 'important'. Removal should be avoided but, if necessary, the importance of the hedgerows must be established. The green corridor and ecological enhancement area are noted. The level of arboricultural detail provided is sufficient. A Tree Protection Plan, Arboricultural Impact Assessment and Arboricultural Method Statement would be required along with details of mitigation and new tree planting.

7.0 REPRESENTATIONS

7.1 Two-hundred and thirty-nine representations have been received including one-hundred and eighty-eight letters of objection and fifty-one letters of support.

7.2 The objection letters raise the following issues:

PRINCIPLE

- Premature in advance of Local Plan/a Local Plan should be in place
- Impact on/loss of Greenbelt
- Cumulative impact with other schemes in the area
- Unsustainable development
- Impact on rural character of area
- Development would be over-intensive and out-of-character with the area
- Development would lie outside of the natural urban boundaries and would be cut off from Garstang by the A6 and prevent community integration
- No need for additional commercial premises (employment or retail)
- Impact on vitality of Garstang from retail development
- Business premises likely to remain empty
- No need for additional housing, excessive provision for this area
- Local people will not be able to afford house prices
- Market and affordable housing should be located close to an employment centre
- Loss of open space
- Loss of agricultural land
- Additional strain on existing infrastructure including doctors, dentists, schools, public transport, parking, leisure provision, open space and utilities
- Scheme should include the infrastructure required in the area, e.g. medical facilities, a school, leisure provision and open space
- The proposal would not benefit Garstang
- Cumulative impact with other developments
- An approval would set a precedent for other development
- Local circumstances have been ignored

LAYOUT

- The proposed density is excessive, the scheme would be cramped and out-of-keeping with the surroundings
- Insufficient landscaping is proposed

VISUAL IMPACT/HERITAGE

- Impact on AONB
- Impact on heritage
- Funds should be made available for future repairs to the Listed bridges necessitated by the increased traffic
- Loss of views
- Loss of Nateby Bridge would affect contours of land, result in loss of open space and visual aspect
- Archaeological impact on existing Roman Road following line of A6
- Three-storey houses would be out-of-keeping with the area
- Visual impact as Garstang is a small market town
- The development is likely to be out-of-character

- Commercial areas would introduce blight through appearance and illuminated signage, again out-of-keeping with character of area

AMENITY

- Noise pollution, particularly from traffic at the roundabout
- Cannot mitigate against noise for existing properties
- Air pollution
- Light pollution
- Vibration
- Increase in dust
- Traffic pollution/fumes
- Noise and disturbance from people using the bridge footpath, the footpath through the housing estate and the underpass, particularly late at night
- Loss of privacy

HIGHWAYS

- Need a comprehensive approach to highway improvement
- Increase of mud on the highway during construction
- A new motorway junction or train station should be provided
- Parking in Garstang town centre is problematic
- Highway safety impact on local roads for walkers, joggers and cyclists
- Existing pavements are substandard
- Existing street-lighting is substandard
- A6 was designed as a by-pass to keep traffic away from local roads, a new by-pass would be needed
- Garstang would be split by the A6
- A6 would prevent pedestrian/cyclist access into Garstang
- The existing roads are inadequate, including A6 and in Garstang
- Existing traffic is high speed and high volume
- Existing canal bridges create narrow roads and are hazardous
- Existing canal bridges generate bottlenecks and noise disturbance and this would increase
- Existing access to site roads and into the flow of traffic is difficult and would get worse
- Residents would be dependent on private car use
- Existing high levels of traffic and congestion on A6 and local roads
- Increase in traffic and congestion on A6 and local roads
- Impact on highway safety, increased potential for accidents
- Accident record is high on the A6
- The development would cause disruption to the A6 and would slow speeds increasing journey times
- The roundabout would be too close to the existing junction
- Access for emergency response vehicles would become more difficult
- The highway proposals are deficient/inappropriate
- The bridges on the A6 cause blind spots for traffic
- The A6 lacks capacity
- The submitted transport assessment is inaccurate and unreliable and based on flawed assumptions
- Potential for use of site as a cut-through and increased 'rat-running' on existing smaller side roads
- Increase in parking pressure and inadequate parking provision
- Inadequate public transport provision in area

- May need to reduce speed limit
- Tunnel proposed for re-opening was filled with cement to prevent the road from subsiding
- Hawthorn Avenue is unsuitable for a cycle route due to the surface

ECOLOGICAL/ARBORICULTURAL/OPEN SPACE

- Impact on wildlife and the natural environment
- Loss of trees, hedgerows and grassland
- Impact on birds and newts
- Light pollution would impact on habitats
- Lack of landscaping and open space

DRAINAGE

- Impact on drainage as there are existing flooding issues
- Cumulative impact on drainage and flood risk from this and other proposed developments
- Existing drainage and sewers would not be able to cope
- Increased risk of flooding
- Risk of surface water flooding
- Subsurface clays mean that existing drainage is poor
- Proposed subway would flood and become impassable
- Increase in hard-surfacing would require new and improved drainage systems
- Fields required to be retained to hold flood water
- Proposed drainage system would be inadequate/inappropriate
- Information submitted in the flood risk assessment is out-of-date, erroneous, inadequate and misleading
- Ainspool Brook is prone to flooding, particularly around Churchtown and not suitable to take surface-water from the development
- Existing capacity levels not considered
- If the existing culvert is not maintained it would lead to flooding of existing homes and compensation claims

CONSTRUCTION

- Damage, disruption and congestion during construction
- OTHER
- Impact on tourism in Garstang
- Impact on property values
- A one-off payment towards infrastructure provision/improvement is insufficient, payments should be ongoing
- Wyre has not agreed its Community Infrastructure Levy
- Potential for commercial competition
- Disturbance during construction
- Structural impact on listed bridges
- Security concern from underpass walkways and potential for litter, anti-social behaviour, noise and graffiti
- The underpass would not be safe, particularly for women
- Increased crime/reduced security
- Removal of existing A6 embankments would facilitate access and trespass into the properties on the eastern side of the A6
- Potential for youths to congregate

- Permitted development rights may enable the character and format of the development and the types of uses to change resulting in impact that has not been properly considered.
- There has been a lack of consideration of impact on neighbouring parishes
- Mandatory impact tests have not been carried out

7.3 Two letters of objection have been received from Ben Wallace MP. One provided a copy of a group representation and reiterating his concerns to the previous application. The second raised additional concerns. Together the following issues were noted:

- Excessive density of development
- Need for high-quality design reflecting local character
- Need to maintain traffic flows along the A6
- Impact on congestion
- The provision of a new roundabout would be contrary to national and regional transport route strategy.

7.4 A letter has been received from Lancashire North Clinical Commissioning Group (CCG) who raise concerns about the planned housing developments along the A6 corridor and the impact that this will have on primary care provision and demand for other health care provision like community services including district nurses. Any substantial increase in population will have a huge impact on these practices. The CCG would expect that prior to any plans to build these houses being progressed, the impact that this would have on the ability to provide appropriate and safe healthcare is fully assessed.

7.5 A letter has been received from Windsor Surgery (Garstang Medical Centre). This provides background information on the impact on Primary Care health services which will occur following the inevitable increase in patient list sizes due to the proposed housing developments around Garstang. There is no further scope for innovative working within its building to free up more space or facilitate increased capacity of work. There is a fear they will be unable to provide adequate care, given their current limits on Primary Care provision. They are aware they will now be hamstrung by the resultant massive increase in list size which will be generated by these housing developments. They would submit that any planning for further housing development should have adequate provision to meet the healthcare needs of the local population. They would support any levy of funding which allowed this to happen in the Garstang area.

7.6 The letters of support comment that:

- Highway issues have been considered
- Traffic in the area is not heavy compared to elsewhere
- The roundabout serving the Barton Grange garden centre works well
- The cycle track is a good idea
- Development should be focused in Garstang
- The scheme would provide an economic boost to businesses and support the town centre
- The scheme would provide affordable housing and enable young people to remain in the area
- The development would provide employment
- The scheme would provide development without impacting upon the historic core of the town

- It would represent beneficial use of derelict land
- The development would be sustainable
- It would encourage investment
- The development would sustain and rebalance the local community
- Represent sustainable development
- It is possible to have development and maintain character
- More residents will help to fund and support local services
- Garstang should be accessible to younger people
- The site is accessible
- The scheme would improve unused landscape and create areas for recreation
- It would have biodiversity benefits

7.7 Two of the representations have been submitted on behalf of the Nateby Fields Neighbourhood Group in the form of detailed reports. The issues raised in these reports are summarised above and addressed within this case officer report.

7.8 One of the representations is a detailed submission by SCP a transport planning consultancy. This has been considered by LCC who

7.9 Members are respectfully reminded that preference for alternative schemes, loss of view, potential impact on property value and matters of commercial competition are not valid planning considerations. Whilst the number of representations received has been stated, Members are respectfully advised that officers are aware that this number includes a level of duplication. Examples would be representations sent in by email with an identical paper copy then received via post, identical letters being submitted by multiple members of the same household, and individual respondents sending in multiple representations.

8.0 CONTACT WITH THE APPLICANT/AGENT

8.1 Dialogue has been maintained with the applicant's agent throughout the application process.

9.0 ASSESSMENT

9.1 The main issues are considered to be:

- Principle of sustainability
- Principle of development
- Housing land supply
- Impact on the countryside
- Loss of agricultural land
- Acceptability of residential development
- Acceptability of industrial development
- Acceptability of commercial development
- Housing mix and density of development
- The impact on local infrastructure and the need for planning obligations
- Impact on existing residential amenity
- Landscape and visual impact
- Heritage impact
- The impact on highway safety
- Ecological and arboricultural impacts

- Flood risk and drainage
- Air quality
- Land contamination
- Other
- Assessment of sustainability and the planning balance

PRINCIPLE OF SUSTAINABILITY

9.1 The National Planning Policy Framework makes it clear at paragraph 6 that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainability comprises economic, social and environmental dimensions. The Framework as a whole sets out a presumption in favour of sustainable development. With regard to planning decision-taking, paragraph 14 explains that this means approving proposals that accord with the development plan without delay or, where the development plan is absent, silent or out of date, granting permission unless either the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or where the Framework specifically indicates that development should be resisted. The three dimensions of sustainability have been considered as part of the assessment of this application as detailed below.

PRINCIPLE OF DEVELOPMENT

9.2 The application site falls outside of the boundary of Garstang and within an area of designated Countryside as identified on the Proposals Map to the adopted Local Plan. Saved Policy SP13 of the Plan is relevant. This policy seeks to restrict development within the Countryside other than that essential in relation to farming and uses appropriate in a rural area; affordable housing provision; the re-use of listed and institutional buildings; conversions; and small infill developments. The intention behind the policy is to protect the inherent rural character and quality of the Countryside by steering development towards existing settlements.

9.3 Whilst Policy SP13 is a saved policy of the Local Plan, it must be considered in light of the National Planning Policy Framework which is a more recent expression of planning policy published in March 2012. The Framework makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. At paragraph 14, the Framework sets out a presumption in favour of sustainable development and states that where relevant policies in a local development plan are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Further into the Framework and with regard to housing delivery, paragraph 49 explains that policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The recently published Wyre Settlement Study places Garstang fourth in the rank of borough settlements and first in the rank of settlements along this A6 corridor. As this ranking is based on considerations of size, accessibility, services, facilities and employment opportunities, it is considered to be a valid indication of sustainability.

HOUSING LAND SUPPLY

9.4 The Framework expects Local Planning Authorities to identify a five year housing land supply plus an appropriate buffer to ensure choice and competition in the market. The housing requirement for the borough originally identified in the

adopted Local Plan was set out in policy H1. This was then superseded by Policy L4 of the North West Regional Spatial Strategy (NWRSS). The NWRSS was revoked in May 2013. As the emerging Local Plan is not yet adopted, there is no up-to-date housing requirement for the borough set out in the Development Plan. The Fylde Coast Housing Market Assessment (SHMA) 2013 and subsequent updates represent the most up-to-date assessment of objectively assessed housing need. The Council has accepted a housing need of 479 new dwellings per annum between 2011 and 2030. Current indications are that Authority is not able to identify sufficient deliverable sites to provide a five year supply of housing land based on this objectively assessed requirement. On this basis, the restrictive approach toward new development in the Countryside as set out in Policy SP13 of the Local Plan must be considered to be out-of-date.

9.5 Paragraph 47 of the Framework makes it clear that one of the government's key objectives is to significantly boost the supply of housing with paragraph 17 noting that every effort should be made to objectively identify and then meet the housing needs of an area. This application proposes the development of up to 269 new homes. This would represent a substantial quantitative contribution towards meeting the boroughs housing requirement and providing new homes in the local area. As such, it is a consideration that weighs strongly in favour of the application.

IMPACT ON THE COUNTRYSIDE

9.6 Notwithstanding the position with regard to housing need, the supporting text to Policy SP13 makes it clear that the overall intention of the policy is to protect the inherent character and qualities of the Countryside. This intention accords with the Framework to the extent that paragraph 17 of the Framework expects new developments to take account of the different roles and characters of different areas, with decision-makers recognising the intrinsic character and beauty of the countryside. However, whilst paragraph 17 expects due consideration to be given to countryside areas, it nevertheless places heavy emphasis on the need for the planning system to proactively drive and support sustainable economic development, including the delivery of new homes, businesses and infrastructure.

9.7 The Council's emerging Local Plan went through a period of public consultation on identified issues and options between 17th June and 7th August 2015 but is still at a relatively early stage of development. Nevertheless, there is an acknowledgement that some development will have to take place on land that is currently designated as countryside around existing centres in order for the boroughs housing needs to be met and sustainable economic growth to be delivered in line with the requirements of the National Planning Policy Framework. It is therefore inevitable that the character of the wider countryside will experience some erosion at the boundaries with urban areas.

9.8 The site does not lie within open countryside and is not remote from an existing centre. Instead it is bounded by the A6 to the east with the main body of Garstang beyond. Nateby Crossing Lane bounds the site to the west with Croston Barn Lane to the north. There is an existing marina complex and caravan park to the west of the site and some, limited development to the south. Whilst the land immediately to the north is largely open, there is some development beyond that in the form of the caravan park and hotel complex that sit between the A6 and Cockerham Road. It is acknowledged that the development proposed is of a major scale that would undoubtedly change the character of the immediate area. However, it would be viewed against the backdrop of the surrounding land uses and road network. As such, the development of the land is considered to represent less of a

clear incursion into open countryside and more of a logical rounding of the settlement of Garstang, with Nateby Crossing Lane defining the western boundary of the town. Extensive areas of open countryside exist around Garstang, particularly to the west and, should the land be developed, the town would still remain as a clearly identifiable urban centre within open countryside.

9.9 When considered in context as outlined above, it is considered that the development proposed would not substantially compromise the wider character and function of the countryside in this area of the borough. It is recognised that the scheme would have a substantial but localised impact on the character of the application site itself and the area immediately surrounding it. This localised impact would weigh against the proposal.

LOSS OF AGRICULTURAL LAND

9.10 The Agricultural Land Classification system splits agricultural land between five grades with grade 3 further subdivided into grades 3a and 3b. Land grades 1, 2 and 3a are considered to be best and most versatile.

9.11 Paragraphs 17 and 111 of the Framework encourage the effective use of land through the re-use of 'brownfield' land that has been previously developed.

Paragraph 112 expects local authorities to take account of the economic benefits of the best and most versatile agricultural land and, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to that of higher quality. The Framework itself does not provide a definition of 'significant development' but, as DEFRA must be consulted on schemes that result in the loss of 20 hectares or more of agricultural land, this can reasonably be considered to be a recognised threshold.

9.12 The application site comprises grade 3 agricultural land. The assessment submitted in support of the scheme is simplistic as it is based purely on observation rather than site investigation. Nevertheless, it reports that the majority of the site is likely to fall within classification 3b. In any event, at 15.62 hectares in area, the application site would fall short of the recognised threshold for a significant development. As such, there would be no requirement for the applicant to demonstrate that the scheme could not be accommodated on land of lesser agricultural quality. Furthermore, the government's aim of minimising the loss of best quality farmland must be viewed in the context of the overall quality and availability of farmland in any given district. There are very large expanses of grade 2 agricultural land to the south and west of the application site and much of the rest of the borough outside of the Bowland Fells and urban areas is grade 3. Consequently, the development of the site would not be significantly detrimental to the borough's supply of quality agricultural land and the loss that would result would not weigh significantly against the proposal. It must be noted that the Framework does not set out a presumption against the development of greenfield sites.

ACCEPTABILITY OF THE LAND USES PROPOSED

9.13 The layout of the site is not a matter for consideration at this stage. Nevertheless, the application seeks outline permission for a range of different land uses as part of a mixed use development. On this basis, and notwithstanding the sites established Countryside designation, the acceptability in principle of these land uses must be assessed.

RESIDENTIAL DEVELOPMENT

9.14 The application site falls within designated Countryside but is otherwise unallocated on the Proposals Map to the adopted Local Plan. As such, it is not safeguarded for a particular use. The site is bounded by roads including the A6 on all sides with the main body of Garstang to the east and low-intensity leisure uses to the west. There are some small scale business and farming operations in the area. A mix of uses, including some industrial and commercial floorspace, is proposed on the site. However, this degree of proximity between different land uses is not unusual within established settlements. Furthermore, paragraph 17 of the Framework, whilst advocating that all new schemes safeguard residential amenity, also promotes mixed use developments that make best use of available land and support patterns of growth that enable fullest use of sustainable transport modes.

9.15 A noise assessment has been submitted as part of the application that considers the potential impact on occupants of the houses proposed from local noise sources, including the A6 which is identified as the primary potential source of noise nuisance. This assessment considers that residential amenity could be adequately safeguarded from general noise sources through the incorporation of normal mitigation measures, such as suitable glazing, at detailed design stage. In order to mitigate potential noise nuisance from the A6, the erection of a solid barrier is recommended. However it is acknowledged that the necessary specifications of such a barrier would be dependent upon the site layout ultimately proposed. Conditions could be attached to any permission granted to require these details to be agreed prior to the commencement of development. The Council's Environmental Protection team has assessed the application submitted and has not raised any objection but has requested the imposition of a number of conditions to safeguard residential amenity. No other constraints are identified that would render residential development fundamentally unacceptable. Consequently, and notwithstanding the sites Countryside designation, residential development of the land is considered to be acceptable.

EMPLOYMENT DEVELOPMENT

9.16 Paragraphs 17 and 18 of the Framework set out the need for the planning system to proactively drive and support sustainable economic growth to create jobs and prosperity. The application proposes 9,489sq m (gross) of employment floorspace over an area of 3.6ha which includes the proposed convenience store and coffee shop. This is a notable reduction from the previous application and would also be restricted to classes B1a and B1c with no research and development (B1b), general industrial (B2) or warehousing and distribution (B8) provision. The 2012 Wyre Employment Land and Commercial Leisure Study recommended the inclusion of the application site in the borough's proposed future employment land portfolio as having potential for mixed use development. It was recommended that half of the site, or approximately 6.8ha, be given over to employment uses. The current application proposes only 3.1ha of employment land which equates to some 19%. Whilst this is less than that recommended by the study, it nevertheless constitutes the provision of valuable employment land and is considered to be acceptable in order to enable the delivery of additional residential development to meet the boroughs housing needs.

9.17 In accordance with the requirements of paragraph 26 of the NPPF, the applicant has submitted an Office Impact Assessment. This has considered the town centres of Garstang, Poulton, Cleveleys, Fleetwood, Kirkham, Lytham, St. Annes, Longridge and Broughton. In all instances it is considered that the lack of a competing office offer in these locations would prevent any unacceptable impacts on

the vitality and viability of the centres. It is also noted that local demands are different in Longridge and that a Local Plan commitment is proposed in Poulton. With regard to Blackpool and Preston, it is noted that in both cases there is a strong, long-term Council commitment to future office development as part of wider regeneration plans for those centres. It is also suggested that the target markets would be different to those of the application site. In light of the above, and notwithstanding the sites inclusion in the boroughs employment portfolio, no unacceptable impacts on surrounding centres arising from the provision of office floorspace is anticipated.

9.18 It is considered that appropriate conditions could be attached to any permission granted and attenuation measures agreed in order to avoid noise nuisance to local residents. Conditions should also be attached to any permission granted to secure the delivery of the employment floorspace. No other constraints that would preclude employment development are identified and so, notwithstanding the Countryside designation, this land use is considered to be acceptable.

COMMERCIAL DEVELOPMENT

9.19 Up to 495sq m of retail floorspace is proposed along with up to 300sq m of café/restaurant. This provision is intended to meet the local shopping needs of the development proposed whilst also providing opportunities for local residents to socialise and interact. In this respect, the provision of commercial floorspace would be in-line with the governments support for mixed use developments as set out in paragraph 17 of the Framework. It would also accord with the requirement set out under paragraph 70 for local authorities to plan positively for the provision and use of shared space, community facilities (including local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other services to enhance the sustainability of communities and residential environments. An integrated approach to the location of housing, economic uses, community facilities and services is advocated to increase opportunities for social interaction and reduce the need to travel.

9.20 Notwithstanding the governments support for mixed use developments, section 2 of the Framework acknowledges the need to ensure the continued viability of existing town centres in order to maintain the sustainability of existing, established communities. Paragraphs 24 and 27 stipulate that main town centre uses must be located in accordance with the sequential test and that proposals that would have a significant adverse impact on the health of existing centres should be resisted. As advocated by the Framework and in the interests of safeguarding the vitality and viability of existing centres in Wyre, the Council has adopted a floorspace threshold for development above which any proposal must be supported by a retail impact assessment. This threshold is 500sqm gross retail floorspace.

9.21 In considering the acceptability of the commercial floorspace proposed, officers have been mindful of the need for a pragmatic approach. Whilst there is no overall quantitative need for additional convenience retail floorspace, it is recognised that small-scale facilities to meet local, day-to-day shopping needs are inherently sustainable. It is also noted that new, large-scale developments may justify the creation of new centres in order to meet the needs they generate.

9.22 Nevertheless, in order for the retail floorspace proposed to be considered acceptable in terms of the NPPF, the requirements of the sequential test must be met and it must be demonstrated that the scheme would not have a significant adverse impact on the health of Garstang Town Centre. The applicant has undertaken a review of comparable, available sites within or on the edge of the town centre and

identified only one unit. However, as this is restricted to A4 use it is not considered suitable for the development proposed. No other sequentially preferable sites within the catchment area are identified and officers are not aware of any alternative options. On this basis the sequential test is passed and the principle issue becomes one of impact.

9.23 Paragraph 26 of the NPPF requires the submission of a retail impact assessment for retail developments in excess of 2,500sq m or any locally set threshold. In April 2015 the Council adopted a local threshold of 500sq m, above which a retail impact assessment is required. The applicant has confirmed that the area of retail floorspace proposed as part of this application would not exceed 495sq m. As such, no retail impact assessment is required. Given the limited scale of retail development proposed, it is likely that it would serve a predominantly local, walk-in catchment. As such, no unacceptable impacts upon the health or viability of Garstang Town Centre or any other established shopping centres are anticipated. On this basis, the retail floorspace proposed as part of the scheme is considered to be acceptable.

HOUSING MIX AND DENSITY OF DEVELOPMENT

9.24 The application is for outline planning permission only with the details of the layout of the site to be considered at a later date as a reserved matter. However, the submitted Design and Access Statement presents the constraints and opportunities relating to the site and explores potential design solutions. An indicative masterplan has been provided to indicate how the development could be delivered.

9.25 Parameters of scale for the different land uses proposed have been provided. The site covers an area of 16.6ha. Approximately 9.3ha would be residential. Some 3.6ha would be given over to employment and commercial uses with a further 3.7ha taken up by the proposed highway improvement works and the pedestrian/cycle route and green corridor along the existing, disused railway line.

9.26 It is proposed that up to 269 homes could be accommodated on the site. Whilst not a matter for agreement at this stage, a mix of house types and tenures is proposed. This is considered to be acceptable in principle and would accord with the requirement of paragraph 50 of the Framework for local authorities to deliver a mix of house types, sizes and tenures to meet local demand. Final details of housing mix would be agreed as part of a future reserved matters application should this proposal be supported.

9.27 The existing housing stock in Garstang is dominated by detached and semi-detached properties with relatively small pockets of terraced homes and apartments. The majority of properties benefit from reasonably sized gardens. The average housing density in the area immediately to the east of the A6 from the application site is approximately 30 dwellings per hectare. The provision of up to 269 homes over an area of 9.3ha would generate a housing density of some 29 dwellings per hectare on the application site. This is considered to be reasonable. Furthermore it is noted that areas of differing densities are proposed to give the scheme a more organic feel and better reflect the variation seen within the main body of Garstang.

9.28 As previously stated, this is an application for outline planning permission that only seeks to agree the matter of access at the current time. In basic terms, this means that the applicant wishes to establish the principle of development on the site, and that the means of access shown would be acceptable to serve up to 269 new dwellings and the other uses proposed. The details of the layout of the development

are not a matter for consideration at this stage. Consequently, whilst the indicative information provided at this stage is considered to be acceptable, the details of layout and final housing numbers, mix and density would be a matter to be agreed at reserved matters stage.

INFRASTRUCTURE AND OBLIGATIONS

9.29 A development of this scale would typically generate requirements for affordable housing, education provision and public open space. It is acknowledged that the development will have implications for health infrastructure but at present there is no mechanism adopted by the CCG that identifies the requisite health infrastructure needs arising from development nor how that can be equitably funded by developers in accordance with National Planning Practice Guidance and the CIL Regulations.

9.30 Paragraph 50 of the Framework expects local authorities to identify affordable housing needs in their area and then set policies to meet this need on site unless off-site provision or a financial contribution can be robustly justified. There are no saved policies in the adopted Local Plan that relate to affordable housing provision. However, the Council has undertaken an affordable housing viability study that has revealed a 30% rate of provision to be financially viable within the borough. This level of provision is considered to be appropriate as part of the proposed development and the applicant has indicated agreement in principle. As this is an outline application that does not seek to establish a final housing total or mix, the details of the necessary affordable housing provision cannot be considered at this stage. A condition would therefore need to be attached to any permission granted to secure an appropriate scheme of affordable housing provision.

9.31 Lancashire County Council, as Local Education Authority, has calculated that the development proposed would generate a requirement for an additional 102 primary school places at a cost of £1,374,402.06 and 20 secondary school places at a cost of £406,071.80. It is proposed that these additional places would be provided through the expansion of Garstang Community Primary School and Garstang Community Academy. These calculations may change once accurate bedroom information becomes available. Financial contributions toward education provision are ordinarily secured through a section 106 legal agreement and, should the Committee be minded to support the proposal, officers would seek to complete such an agreement before a formal decision is issued.

9.32 Policy H13 of the adopted Local Plan requires public open space to be provided within new residential developments and stipulates a rate of provision of 0.004ha per dwelling. This scheme proposes up to 269 new homes which would equate to a public open space requirement of 1.08ha. Whilst layout is not a matter for detailed consideration at this stage, the indicative plans provided with the application show sizeable areas of ecological enhancement land and it is evident that the requisite amount of public open space could be provided on-site alongside the built development proposed. As such, it is considered that the requirements of Policy H13 could be met.

IMPACT ON EXISTING RESIDENTIAL AMENITY

9.33 As set out above, and notwithstanding the countryside designation of the site, the land uses proposed are considered to be acceptable in principle. It is considered that conditions could be attached to any permission granted that would

prevent noise and odour nuisance from the proposed employment and commercial uses from having an unacceptable impact on the amenities of nearby neighbours.

9.34 The illustrative layout plan supporting this application shows linear public open space along the old railway line from Nateby Crossing Lane to the A6, with a combined footway/cycleway through to Derbyshire Avenue. This route would utilise the existing railway bridge that passes under the A6 and directly link the site to the public open space on Derbyshire Avenue. Concerns have been raised that this link would lead to a loss of privacy and noise disturbance for existing residents in the area of the underpass link. The footway/cycleway proposed would link through to existing highway that is already open to public access. Consequently, whilst the level of pedestrian and cyclist traffic may increase, this is an inevitable result of development and it is not considered that the Council could reasonably resist the proposal on this basis.

9.35 Scale and layout are not matters for consideration at this stage and it is recognised that the application site is separated from the main body of Garstang by the A6. There is a residential property immediately adjacent to the site but the Council has adopted standards, as set out in supplementary planning guidance, that stipulate the minimum separation distances that must be achieved between properties in order to safeguard residential amenity and these could be secured at reserved matters stage. As such, no unacceptable amenity issues are anticipated.

LANDSCAPE AND VISUAL IMPACT

9.36 Paragraph 109 of the Framework states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Paragraph 17 expects decision-makers to recognise the intrinsic character and beauty of the countryside. The site currently comprises undeveloped agricultural land and falls within National Character Area 32: Lancashire and Amounderness Plain and within landscape type 15d: The Fylde Coastal Plain as identified in the County Council's Landscape Strategy for Lancashire. The area is characterised as a relatively flat to gently undulating patchwork of pasture and arable fields defined by clipped hawthorn hedges, with blocks of woodland, drainage ditches and many man-made features evident. The landscape is typical of post-medieval enclosure and is distinctly rural. It is noted that the landscape characteristics of the site are not unique within the wider area.

9.37 No landscape and visual appraisal has been submitted with the application. However, it is evident that the site includes features of landscape significance including ditches and historic field boundaries marked by established trees and hedgerows. The submitted Design and Access Statement notes that existing trees and hedgerows would be retained wherever possible as part of the development. This would accord with the Landscape Strategy for Lancashire and could be secured as part of an agreed site layout at reserved matters stage should the scheme be supported. Nevertheless, should development take place, the open character of the site and any landscape value would be lost.

9.38 The site is relatively flat and is bound by rural roads to the west and north and by the A6 to the east. The canal runs to the south. The development proposed would be clearly visible from the canal and all approaches and would form a dominant part of the local landscape. It is acknowledged that it would have a significant, albeit localised, visual impact. However, from the open countryside to the west the development would be viewed against the backdrop of the A6 and the main body of Garstang. There is already limited development to the south of the canal and

the west of Nateby Crossing Lane. As such, the context of the site is one of an urban fringe location.

9.39 The design of the proposal is not a matter for detailed consideration at this stage. The submitted Design and Access Statement indicates that the scheme would be sensitively designed to be in-keeping with existing properties in the area and that the features of greatest landscape value would be retained as part of the scheme. As previously set out, the scale, layout and appearance of the development would be agreed at reserved matters stage should outline permission be granted. On this basis, given the location of the site adjacent to the A6 and the main body of Garstang, and given its limited inherent landscape value, it is not considered that the visual impact of the proposal would be sufficiently detrimental to the wider landscape so as to weigh heavily against the application. Members are respectfully reminded that the potential for loss of view does not constitute a valid reason for refusal.

HERITAGE IMPACT

9.40 The Lancaster Canal runs immediately to the south of the site. The bridge that carries Nateby Crossing Lane over the canal is called Cathouse Bridge (no. 64) and is a grade II Listed Building. The Cathouse By-Pass Bridge (no. 63B) carries the A6 over the canal and is not listed. The impact of the proposal on this heritage asset and the canal has been considered as part of this application in accordance with paragraphs 128-138 of the NPPF and the duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.41 It is noted that canals typically pass through both urban and rural areas and this inherent linking of place is a key aspect of their character and function. Whilst Cathouse Bridge would have once sat in isolation in open countryside, the encroachment of suburban housing in recent years has eroded this historic rural setting. It is recognised that canal-side residential development is not an unusual in the area. Given the separation between the edge of the development site and Cathouse Bridge and the potential for intervening landscaping to be provided, it is considered that the appearance and significance of the designated heritage asset would be sustained with no further erosion of the setting. In order to ensure that no unacceptable impact results, a landscaping scheme to include the provision of heavy standard trees along the southern boundary of the site would be required in order to screen the bridge from the buildings on site. Any other boundary treatments, such as fencing, would need to reflect the rural character of the site in appearance.

9.42 The Canal and Rivers Trust have raised concern over the potential for physical damage to bridge no. 64 from traffic and previously requested additional information from the developer to assess this potential impact and demonstrate that adequate protection would be provided. However, as this bridge already forms part of the public highway, this was not considered to be necessary and the applicant instead proposed the imposition of a condition to any permission granted that would require construction traffic to access the site from the A6. The Canal and Rivers Trust has confirmed that this would be acceptable. As such and subject to the imposition of suitable conditions on any permission granted to protect the canal from damage and contamination and require appropriate planting, no unacceptable impacts on the value of the local heritage assets are anticipated.

IMPACT ON HIGHWAY SAFETY

9.43 Vehicular access to the site is proposed to be from three access points. The main point of access would be a new, four-arm roundabout on the A6 immediately to

the north of the former railway line. The existing A6 would form the eastern arms of this roundabout with two spurs giving access to the west into the site. The more northerly of these would serve the proposed employment area with the remaining spur providing residential access. This last spur would bisect the site and create a vehicular access through to Nateby Crossing Lane. This junction on Nateby Crossing Lane would be the second vehicular access point to the site with the third further to the north on Nateby Crossing Lane. Pedestrian/cycle access points would be available into the site from Nateby Crossing Lane at the point of the former railway line and to the south near to the canal. Pedestrian/cycle access points to the proposed employment area are also indicated on Croston Barn Lane and the A6. It is considered that the through-road would improve links to the Garstang and Bridge House Marinas, thereby reducing traffic on the Nateby Canal Bridge and Croston Barn Lane. The existing railway line would be converted into a pedestrian/cycle access path with a subway under the A6 linking to Derbyshire Avenue to the east. This would improve links between the site and beyond into Garstang.

9.44 The matter of site layout is not for consideration at this stage and so the details of the road network within the site are not subject to assessment as part of this application. These would be considered by Lancashire County Council as Local Highway Authority at reserved matters stage through the assessment of layout. Suitable parking provision for the development could also be secured at this stage.

9.45 A transport assessment has been submitted and is considered to be based on robust data. The methodology and modelling of traffic growth is suitable. The residential trip rates used are in-line with those used on other applications and the employment trip rates used are acceptable. The consideration of traffic distribution takes the wider network and junctions along the A6 into account. As such, no objection is raised against the information submitted.

9.46 With regard to highway capacity and safety, concerns were initially raised in respect of the previous application ref. 14/00458/OULMAJ. Similar concerns were also raised in respect of two other major-scale applications pending consideration at that time at Joe Lane and Daniel Fold Lane in Catterall (refs. 14/00561/OULMAJ and 14/00681/OULMAJ). In response, Lancashire County Council as the Local Highway Authority developed a scheme of highway improvement works that would extract additional capacity from the road network and therefore adequately mitigate the increase in traffic generated by the scheme. As members will be aware, planning permissions have since been granted at Joe Lane and Daniel Fold Lane but the previous scheme on the application site was refused. Whilst the proposals at Joe Lane and Daniel Fold Lane would take up part of the additional capacity that would be created through the highway improvement works identified by Lancashire County Council, some additional capacity would remain.

9.47 Members will be aware that there is considerable pressure for new residential development within the A6 corridor evidenced by what has already been approved within the last few years and the current number of applications as listed in Table 1 of the introductory report to this agenda. Following the refusal of the previous application on this site and in recognition of this pressure, LCC has undertaken a review of the previous 2015 junction modelling (J1 M55). Further analysis has taken place since November 2016 which has allowed LCC to review their position in regards to the impact of development on this junction. It is LCCs current position that a limited amount of development may be able to be accommodated (equating to 176 two way trips at J1) subject to contributions to improve that junction. Funding has already been committed from two previously approved major developments and developments approved now will contribute towards the present shortfall. LCC

confirm that there is further limited capacity within the corridor that can support the application proposal but where resolutions to grant planning permission would result in committed development that would result in a cumulative number of two way trips exceeding 176 at J1 of the M55, then that development should only be approved subject to the grant of planning permission for J2 of the M55 and the Preston Western Distributor Road (PWD).

9.48 It is understood that the highway improvement works required to maximise the available capacity at J1 of the M55, and to maximise sustainable travel along the A6 corridor, are yet to be fully detailed but have nevertheless been identified in the form of six initiatives that have been agreed in principle with Highways England. These initiatives have been set out in the introductory report and have been costed. They were originally developed in 2015 in response to the initial applications at Joe Lane, Daniel Fold Lane and Nateby Crossing Lane and have been further developed to increase the available capacity within the A6 corridor. To ensure that for each approved development, the requisite contribution to one or more of the identified initiatives are fairly and reasonably related in scale and kind and related to the development itself, LCC are now proposing that the details of the contributions and initiatives to which the contributions should be made, are calculated once the applications have been determined by members to ensure that each scheme is acceptable having regard to risk, deliverability, phasing of development, and trigger points.

9.49 It is acknowledged that local residents have raised concerns in relation to highway safety in relation to the local network, particularly for pedestrians and cyclists. Subject to the necessary highway works identified as part of the six initiatives, it is considered that all of the local junctions that would be affected by the scheme, including those at the signalised junction to the north, the Moss Lane/Longmoor Lane junction and the A6/A586 junction, would operate within capacity. The new roundabout proposed on the A6 would provide an acceptable, suitable and safe means of access to the site and would provide alternative routing options for some motorists using the signalised junction to the north. Whilst it is recognised that roundabouts can present difficulties for cyclists, adequate alternative routing options would be available and so the proposals are considered to be acceptable. It has been confirmed that the roundabout could be designed to provide appropriate visibility splays and the necessary site stopping distances. The two priority junctions proposed on Nateby Crossing Lane are also judged to be acceptable in principle and it is considered that appropriate solutions could be agreed at detailed design stage. Speed limits in the local area will have to be reviewed. Subject to appropriately worded conditions to agree the details of the access points, no unacceptable impacts on local highway capacity or safety are identified.

9.50 The A6 is acknowledged as a clear barrier to movement and sustainability is a key consideration. Measures to improve connectivity between the site and local facilities in Garstang are proposed, principally among which is the proposed pedestrian and cycle underpass beneath the A6. Other highway improvement works to improve and encourage sustainable travel are proposed as are the development of a Framework Travel Plan and the improvement of public transport facilities. The provision of new and upgraded bus stops would be required and a shuttle bus or other equivalent solution would be required to link the site to Garstang, including the medical centre and primary school on Kepple Lane. To maximise the sustainability of the proposal, it is considered that the underpass and link road must be delivered prior to first occupation, and that the delivery of the retail and commercial uses be phased appropriately as they have the potential to reduce the need to travel. Shared pedestrian and cycle routes would be required through the site and would be agreed

as part of layout at reserved matters stage should outline permission be granted. Adequate estate roads and parking provision could also be secured at reserved matters stage.

9.51 It is acknowledged that the development proposed would increase traffic on the local and wider highway network. To mitigate this impact, a range of highway improvement works and initiatives have been identified by Lancashire County Council as the Local Planning Authority. These would be secured as appropriate through S106 and S278 legal agreements. Subject to these measures, it is not considered that the scheme would have an unacceptably impact on highway capacity or safety on either the local or wider network. As set out above, it is considered that the means of access proposed to the site would be acceptable, suitable and safe. Paragraph 32 of the NPPF makes it clear that development proposals should only be refused on transport grounds where the residual cumulative impacts are severe. In light of the above, and subject to the necessary legal agreements and conditions set out below, it is not considered that the scheme would have a severe impact upon the safe operation of the highway network. As such, it is not felt that the application could reasonably be refused on highway grounds.

ECOLOGICAL AND ARBORICULTURAL IMPACT

9.52 The site comprises mostly poor, semi-improved grassland with hedgerows and ditch field boundaries and some mature trees. The latter are of some local nature conservation value. The ecological information submitted is considered to be acceptable. The site is adjacent to the Lancaster Canal Biological Heritage Site. It supports amphibians and has the potential to support great crested newts, nesting birds and foraging and commuting bats.

9.53 As the site includes suitable terrestrial habitat for newts, and as a breeding population exists within 500m, a Natural England licence would be required for the works proposed. It must be shown that the development is in over-riding public interest, that there is no satisfactory alternative, and that the derogation that would result would not be detrimental to the maintenance of the species. With regard to the first test, it is acknowledged that the Council cannot demonstrate a 5yr supply of housing land as required by the NPPF and that the development proposed would make a substantial quantitative contribution towards meeting the borough's housing requirement. As such, the scheme is considered to be of over-riding public interest. The applicant has argued that there are no other comparable sites available for development and, even if there were, the borough would still be in a position of housing need. Consequently, there are no satisfactory alternatives. Greater Manchester Ecology Unit has considered the third requirement. It is noted that the habitat lost would be small and sub-optimal; there would be a relatively low risk of direct harm; the majority of hedgerows that offer potential shelter could be retained; new habitat could be created; and tried and tested methods exist for excluding amphibians from development sites. On this basis, it is felt that the third test could be satisfied. In light of the above, it is considered there is no reason to believe at this stage the application is unlikely to meet the tests for development with regard to great crested newts. A condition should be attached to any permission granted either requiring this licence or requiring confirmation that one is not necessary.

9.54 The hedgerows on site are the most important features for bats. The scheme proposes the retention of most of the hedgerow habitat and further hedgerow could be created. This will ensure the retention of the main habitat. Before any trees are removed, the absence of bats and birds must be confirmed by a suitably qualified ecologist and the trees must be soft-felled. Replacement planting

would be required to compensate for the loss of any trees or hedgerows. Replacement planting should also be provided along the railway line. This could be secured as part of the agreement of landscaping at reserved matters stage. There should be no net loss of waterbodies on the site and a condition could be attached to any permission granted to this effect. The ecology and quality of the canal and the watercourses on site must be protected.

9.55 A number of conditions have been recommended for attachment to any permission granted in order to protect the biodiversity of the site during both the construction and operation of the development. Additional conditions are proposed to enhance the biodiversity of the site in accordance with the requirements of the NPPF. Given the nature of the site and subject to the imposition of these conditions, it is considered that the development would not have any unacceptable ecological or arboricultural impacts.

FLOOD RISK AND DRAINAGE

9.56 The application site lies within Flood Zone 1 and therefore has a low probability of flooding but areas of the site, particularly to the north-east, are susceptible to surface water flooding. As the site exceeds 1ha in area, a flood risk assessment (FRA) has been submitted. There is no requirement for the applicant to demonstrate accordance with the sequential or exceptions tests with regard to flood risk. The Environment Agency, United Utilities and Lancashire County Council as Lead Local Flood Authority have considered the application and have not raised any objection subject to the imposition of appropriate conditions on any permission granted to require the agreement of foul and surface water drainage strategies. These strategies should be based on sustainable drainage principles and should include measures to prevent pollution of existing watercourses.

AIR QUALITY

9.57 The submitted air quality assessment has been considered by the Council's Environmental Protection team and, based on the information provided, it is not considered that air quality would represent a constraint to development. It is requested that conditions be attached to any permission granted to require the provision of electrical vehicle charging points and the agreement of a dust management plan to ensure that dust generation does not compromise air quality or affect residential amenity. As the Council does not have an adopted planning policy relating to electrical vehicle charging points, it is not considered that a condition requiring such provision could reasonably be imposed. A dust action plan has been requested. Subject to this condition, no unacceptable impact on air quality is anticipated.

LAND CONTAMINATION

9.58 The applicant has submitted a report detailing the findings of an exploratory investigation of the site but has not provided an initial desk-top report for review. The information submitted has been considered by the Council's Environmental Protection team but it is not possible for the exploratory investigation report to be fully assessed in the absence of a desk-top study. In any event, the investigation has revealed a need for additional work to be carried out. On this basis it is recommended that a condition be attached to any permission granted to require the submission of a desk-top study into land contamination and an exploratory investigation report as revealed to be necessary. Some of the work carried out to date would partially satisfy the requirements of any such condition. Subject to the

imposition of this condition, it is considered that any potential issues relating to land contamination could be adequately addressed and resolved.

OTHER ISSUES

9.59 In respect of mineral safeguarding, the site has been investigated and it is understood that the mineral resource on site comprises sand and gravel. Policy M2 of the Minerals and Waste Local Plan for Lancashire is only permissive of development in mineral safeguarding areas where it can be proven that the mineral is no longer of value; has already been extracted; could be extracted prior to development or post development; where extraction would be unfeasible or unsafe; or where there is an over-riding need for the development.

9.60 Lancashire County Council as the Local Minerals and Waste Authority has assessed the application and the information submitted. It is considered that, by virtue of the quantity of over-burden present, the quantity of sand and gravel available, and the depth of the resource, extraction would not be commercially feasible. Furthermore, and as set out above, it is considered that there is an over-riding need for the development proposed. Consequently, the scheme would not conflict with Policy M2 of the Minerals and Waste Local Plan.

9.61 It is noted that over-head power cables crossing the site. Policy CIS5 of the adopted Local Plan prohibits developments that would be regularly occupied under high voltage power lines. The lines crossing the site are supported on wooden frames rather than metal pylons and are at a lower level. They are understood to be for local distribution rather than long-distance transmission. On this basis, Policy CIS5 is not considered to constitute a valid reason for refusal.

ASSESSMENT OF SUSTAINABILITY AND THE PLANNING BALANCE

9.62 The issues set out above have been considered as part of an assessment of the overall sustainability and planning merits of the development proposed. The different economic, environmental and social dimensions of sustainability have been taken into account as part of this appraisal.

9.63 The land is not safeguarded for employment uses and the loss of agricultural land that would result is not considered to weigh heavily against the proposal. Whilst part of the site forms part of a Minerals Safeguarding Area, the extraction of the mineral resource is not considered to be commercially viable and the need for the development proposed would out-weigh the loss of access to this resource. Some employment land would be developed that would contribute towards economic growth and the support of a strong and competitive economy. This provision would be in accordance with the Council's published evidence relating to the delivery of sufficient employment land to meet the boroughs needs and so weights clearly in favour of the scheme. Employment would be created through the construction process and future residents would support local businesses and public services.

9.64 The site is not designated for its landscape or environmental value. It is considered that existing biodiversity could be adequately protected and that biodiversity enhancement could be delivered as part of an approved development. The proposal would have a detrimental impact on the character of the immediate area but limited weight is accorded to this impact in the overall planning balance for the reasons set out above. The quality of water resources could be satisfactorily safeguarded and adequate drainage could be provided. It is acknowledged that natural resources would be used as part of the development process. No

unacceptable impacts on air quality as a result of atmospheric pollution are anticipated, and it is felt that adequate safeguards could be achieved against any potential land contamination.

9.65 The proposed development would represent an extension to Garstang. The Wyre Settlement Study of 2016 has produced a ranking of all of the settlements within the borough based on their population, accessibility, facilities, services and employment opportunities. Garstang is ranked fourth and this placement is considered to be a valid indication of the extent to which the settlement is an economically and socially sustainable location for new development. The 1999 Local Plan identified Garstang as the primary main rural settlement and this town is now identified as a key service centre. Garstang is the only key service centre within the A6 corridor. As such, of all the settlements in this area, Garstang in itself is considered to be most able to sustain new development.

9.66 The provision of up to 269 new homes would make a substantial quantitative contribution towards meeting the borough's housing requirement and this weighs heavily in favour of the proposal. Affordable housing equivalent to 30% of the total residential development would be provided along with an appropriate level of public open space in accordance with the Council's requirements. Financial contributions towards local education provision would be sought in order to expand Garstang Community Primary School and Garstang Community Academy and thereby meet the additional need for school places generated by the development. It is considered that the heritage assets in the area could be suitably safeguarded and that no unacceptable impacts on those assets or their settings would result from the development.

9.67 A mix of uses is proposed. This would support the development of an integrated, balanced and healthy community by meeting basic needs within the local area and providing opportunities for social interaction. It would also assist in reducing the need to travel and would therefore be inherently sustainable in accordance with paragraph 17 of the NPPF which advocates the promotion of mixed use developments. However, it is recognised that the connectivity and public transport services between the site and the services and facilities in Garstang are currently poor and that pedestrian movement is compromised by the A6. It is acknowledged that residents would generally have to travel for goods, services and employment and would be predominantly dependent on use of the private car. This justifies the need for works to improve both the capacity of the local and strategic highway network and the provision for sustainable travel modes.

9.68 It is recognised that capacity issues exist at junction 1 of the M55 and that this is a limiting factor on development that can be supported within the A6 corridor. However, a range of improvement works have been identified to both the local and strategic highway network in order to increase capacity, avoid undue delay and congestion, and improve facilities for travel by sustainable modes. The available capacity has been identified to be 176 two-way peak hour traffic impacts before junction 2 of the M55 and the Preston West Distributor (PWD) Route is committed. The level of development proposed by this application equates to 108 two-way traffic impacts. The site is on the edge of Garstang, which is considered to be the most sustainable settlement to support new development within the A6 corridor. It is considered to be the joint second most sustainable option in terms of location of all of the schemes proposed within the A6 corridor. When viewed in isolation and cumulatively with the other applications being recommended for approval, it could be supported to come forward on an unrestricted basis i.e. before junction 2 of the M55 and the PWD Route is committed. Please refer to the introductory report for further

detail. It is judged that safe and suitable access to the site could be provided. No unacceptable impacts on the highway network are anticipated. Consequently, the scheme in itself is considered to be socially sustainable.

10.0 CONCLUSION

10.1 In light of the assessment set out above, and subject to the imposition of the conditions and planning obligations suggested within the report, the development proposed is considered to be in accordance with the aims and objectives of the NPPF and Development Plan and is therefore acceptable. No other material planning considerations have been identified that would outweigh this view and so outline planning permission should be granted.

10.2 A full list of conditions will be presented to members on the Update Sheet. Based on the officer recommendations of all items within this Committee Agenda, members are advised that this application would not be subject to a Grampian style condition in relation to Junction 2 of the M55 and the Preston Western Distributor route being committed before this development could come forward.

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 (as updated)

12.1 That members resolve to grant outline planning permission subject to the application not being called in for consideration by the Secretary of State and subject to conditions and a S106 legal agreement to secure appropriate financial contributions towards local education, sustainable travel and highway improvement works, and that the Head of Planning Services be authorised to issue the decision following confirmation from the Secretary of State that the application is not to be called in for his determination and upon the agreement of heads of terms with regard to the contributions towards the highway initiatives and local education provision to be determined by Lancashire County Council in its capacity as Local Education Authority and Local Highway Authority and the satisfactory completion of the S106 agreement.

UPDATE (1) TO ORIGINAL REPORT PRESENTED AT 22ND MARCH 2017 COMMITTEE

Representations

This application was due to be considered by the Planning Committee in October 2016 but was deferred.

Prior to the Committee meeting, the Nateby Fields Neighbour Group submitted a report raising the following issues:

Highways

- Baseline data, including traffic counts and accident records, is flawed and incorrect
- The proposed roundabout would be unsafe
- A dangerous rat-run would be created through the site
- Local junctions could not accommodate the development
- Safe pedestrian access could not be achieved
- LCC response falsely implies that a road safety audit has been done for the whole application

Impact on Garstang Town Centre

- The submitted office impact assessment is flawed
- No sequential test has been applied
- Permitted development rights would allow the offices to change to retail

Drainage

- Drainage proposals are inadequate
- Increased risk of flooding from surface-water

Officer response: Lancashire County Council (LCC) was asked for a response in relation to the highway comments. LCC has confirmed that the data upon which the submitted transport assessment and their consultee response have been based is suitable and robust. The acceptability of the roundabout access is reiterated. The access road that would be created through the site would be designed to appropriate standards and would be safe for expected traffic. The mitigation measures detailed in the Committee report that are identified as being necessary are expected to deliver improvements at nearby junctions. The proposed new route beneath the A6 would improve pedestrian access and further improvement will be provided through the identified mitigation and at detailed design stage. LCC's response is clear with regard to the Road Safety Audit that has been carried out and it is considered that this piece of work is in accordance with relevant guidelines. LCC confirm that their assessment is robust and that their advice is in-line with the NPPF.

With regard to the impact on Garstang Town Centre, this is covered in the Committee report. The applicant has provided additional information to confirm that there are no sequentially preferable locations within or on the edge of Garstang Town Centre that could accommodate the quantum of office floorspace proposed. As such, the sequential test is met. Members are respectfully advised that no permitted development rights exist that would allow office floorspace to be converted to retail floorspace. The drainage issues raised have been covered in the Committee report.

On the evening before the Committee meeting scheduled in October 2016, a report of objection was submitted by SCP transport planning consultants. This report identified issues in relation to three local junctions and alleged that the draft Committee report misrepresented the LCC position. The report argued that the highway impacts of the scheme would not be properly mitigated and that the proposal would present a serious risk to highway safety.

Officer response: This report has been considered by LCC Highways and a response has been provided. This response notes that LCC have suitably reviewed the submitted Transport Assessment (TA) and the information presented, and that a suitable response with due regard to the NPPF has been provided. It is suggested

that SCP misrepresented or misunderstood the LCC position. The author criticises aspects of the submitted TA but has replicated those elements in his own TA in respect of another scheme in the A6 corridor. It is suggested that the strategy put forward by LCC is misunderstood or misrepresented. SCP acted as transport consultants in respect of a scheme at Daniel Fold Lane in Catterall in 2015 which supported this general strategy. LCC maintain that the TA submitted is acceptable as a whole. The concerns raised in respect of the local junctions are not agreed or accepted. It is noted that the modelling criticised by SCP has been used by them in respect of another scheme within the corridor (16/00230/OULMAJ). It is further suggested that SCP failed to fully appreciate the approach taken by LCC. It is stated that the LCC stance was correctly represented in the report to Committee. The response concludes with a reiteration that LCC identify no outstanding issues in relation to this application.

Officers are aware that a further letter has been sent to the Chairman of the Planning Committee on behalf of the Nateby Fields Neighbourhood Group. This letter raises the following issues:

- The application should not be determined until a decision is issued in relation to the ongoing appeal against application ref. 14/00458/OULMAJ;
- The applicant's deny that the roundabout proposed as part of this scheme is any safer than the previous access arrangement proposed under application ref. 14/00458/OULMAJ and refused by the Committee;
- The car park to the Bellflower is used as a rat-run and this would be exacerbated by the proposal;
- A rat-run would be created through the development proposed in the form of the link road between the A6 and Nateby Crossing Lane;
- The submitted information is incorrect, traffic volumes are increasing;
- The footpaths along the A6 do not meet Design Manual for Roads and Bridges standards;
- Danger of flooding due to inadequate attenuation;
- Retail provision on the site would increase with impact on Garstang Town Centre;
- Inconsistency in the application of planning policy following the refusal of a scheme of three dwellings;
- The scheme would increase congestion.

Officer response: Members are respectfully advised that the current application is entirely separate to that previously refused under application ref. 14/00458/OULMAJ and that it would not be lawful to refuse determination of the current application pending the determination of a separate appeal. The current application must be determined on its own merits. The evidence presented by the applicant's to the ongoing appeal was in support of that scheme and must therefore be considered in context. The Committee is respectfully reminded that the current scheme has been considered in detail by professional officers and that Lancashire County Council in its capacity as Local Highway Authority has raised no objection subject to adequate highway improvement initiatives being secured as set out in the main report. The existing highway conditions have been taken into account as part of the assessment process and a comprehensive scheme of improvement works is proposed as detailed in the introduction to the agenda. The matter of drainage has been addressed in the main report. Any additional retail units proposed on site would require planning permission. A development of 3 dwellings is not considered to be comparable to a scheme including 269 dwellings and so no inconsistency in policy application is acknowledged.

Four further representations have been received raising the following issues:

- Insufficient highway arrangements to support the scheme;
- Insufficient provision for pedestrians and cyclists;
- Inadequate car parking within Garstang to accommodate the cumulative level of development proposed;
- Use of the Bellflower pub car park as a cut-through
- Increase in congestion;
- Funding would be needed to upgrade nearby junctions;
- Impact on infrastructure, particularly medical services;
- Provision of affordable housing;
- Impact on the character of the town;
- The recommendation in respect of this application is inconsistent with that for application ref. 16/00230/OULMAJ (land south of Gubberford Lane);
- Insufficient weight has been given to the existing local plan.

Officer response: The recommendations in respect of this application and that at Gubberford Lane are justified in the relevant officer reports. It is not considered that this scheme would result in any material coalescence between the settlements of Garstang and Nateby. The other issues, including the assessment of the proposal against planning policy, have been addressed in the officer report and above and so no further comment is offered.

UPDATE (2) TO ORIGINAL REPORT PRESENTED AT 22ND MARCH 2017 COMMITTEE

Education contributions

Final consultee responses have been received from Lancashire County Council (LCC) in its capacity as Local Education Authority (LEA). These stipulate the following contribution requirements / named infrastructure projects (assessment for all applications being considered on 22.3.17 provided, that relating to the 16/00241/OULMAJ application is below):

Primary school requirements - 102 places, £1,374,402.06, Garstang Community Primary School

Secondary school requirements - 40 places, £812,143.60, Garstang Community Academy

Officer Response:

The figures quoted (for all the relevant A6 applications) represent 'point-in-time' calculations that include certain assumptions based on the outline nature of the majority of the applications. They have been calculated based on the order in which LCC re-assessed the applications. For example the application re-assessed first by LCC treats none of the other applications as committed developments whereas the application re-assessed last by LCC treats all of the other applications as committed developments. Officers are therefore concerned that there are inconsistencies between the figures quoted and that the applications haven't been treated fairly.

For example, in Bowgreave the application for 49 dwellings (15/00928/OUTMAJ) generates a requirement for nearly £400,000 towards both primary and secondary places whereas the application for 46 dwellings (15/00420/OUTMAJ) does not require a contribution despite the number of units and location of the sites being very

similar. The application at the golf club for 95 dwellings (15/00891/OUTMAJ) generates a significantly smaller contribution requirement than the scheme for 49 units. Furthermore, the secondary school identified is in Broughton despite the three schemes being in very close proximity to Garstang Community Academy, however it is understood this is likely to be because the number of applications that LCC have already named as contributing towards Garstang Community Academy has already reached five and therefore alternative schools are identified in order to be CIL compliant.

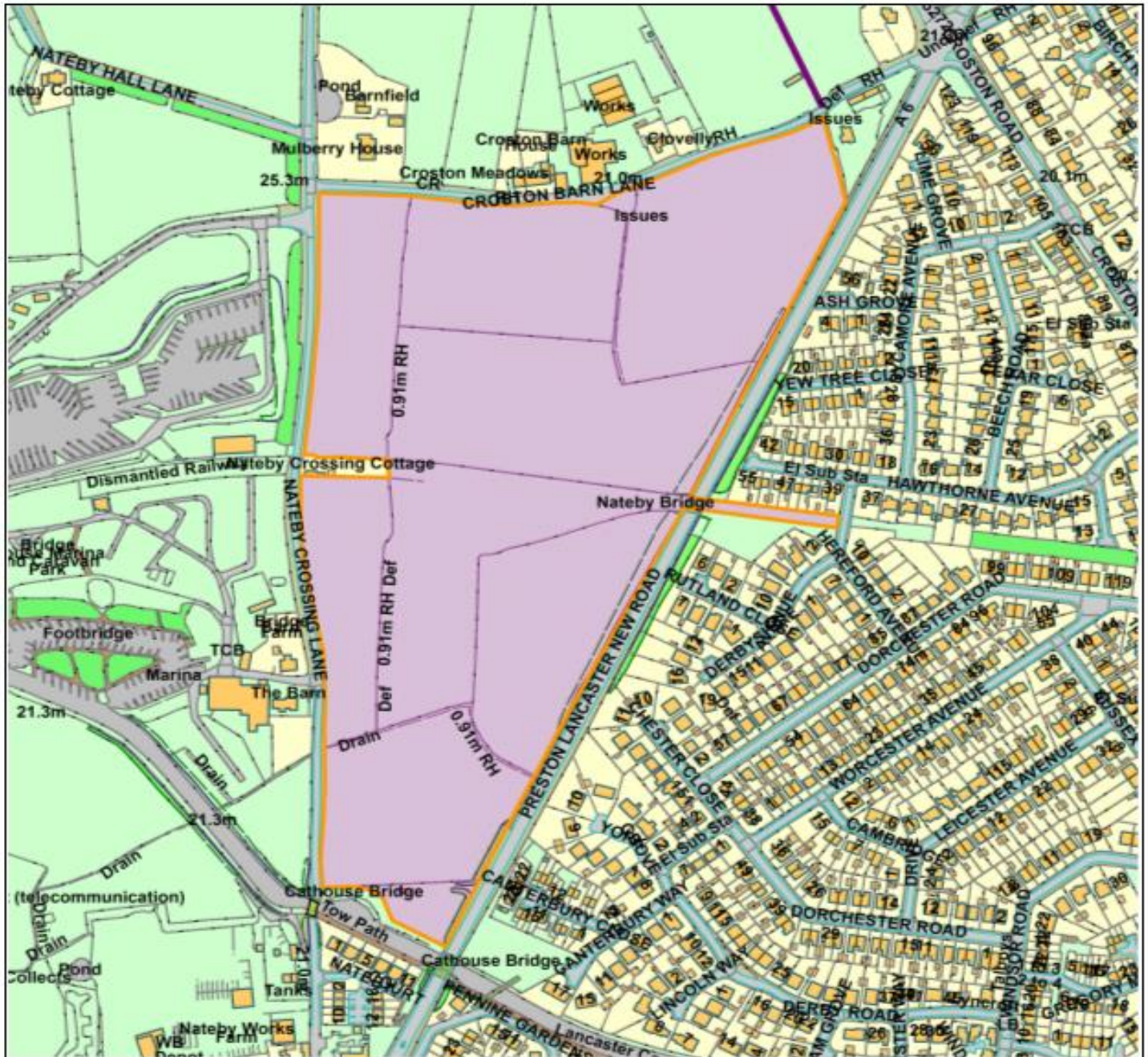
Members will be aware that the potential cumulative impact arising from the level of development proposed has caused particular problems for LCC in its capacity as the Local Highway Authority (LHA). These issues have led LCC to devise a bespoke approach to the calculation of contributions as set out in detail in the Committee agenda. To reflect this approach, of those applications being recommended for approval, the recommendations to Members authorises the Head of Planning Services to issue the decision upon the agreement of the contributions towards the highway initiatives to be determined by LCC as the LHA (once they know which applications Members have resolved to permit) and the satisfactory completion of the s106 agreement.

Notwithstanding the position of LCC as local education authority, on the basis of Counsel advice received in connection with the highways issue, it is considered that the same approach should be taken with regard to education contributions to ensure that all schemes make an equitable contribution towards local education provision at the most appropriate schools. It is felt that the levels of contribution and identification of the most appropriate schools can only be reasonably determined once it is known which schemes are to be supported by Members. This assessment would be in accordance with LCC's standard Education Methodology and the CIL Regulations in terms of naming of infrastructure. In the event that a different approach is to be taken the applications would be brought back to Committee.

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Planning Committee

16/00241/OUTMAJ Land to the west of the A6 (Preston/Lancaster New Road)



Scale: 1:4576

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Committee Report

Date: 06.05.2020

Item Number 02

Application Number 18/00540/FULMAJ

Proposal Proposed residential development of 16 dwellings, public open space, landscaping and associated infrastructure with vehicular access taken from West End

Location Land South Of West End And Pinfold House Great Eccleston

Applicant Mr R Lever

Correspondence Address c/o Frost Planning Limited
Mr Andy Frost Drumlins 57 Chelford Road Prestbury Cheshire
SK10 4PT

Recommendation Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Miss Lucy Lowcock

1.0 INTRODUCTION

Site Notice Date: 16/6/18 and 5/3/20

Press Notice Date: 18/7/18 and 4/3/20

1.1 This application is brought to Planning Committee at the request of Councillor Sue Catterall. A site visit is recommended to enable the decision makers to consider the site in context.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The site area is 1.36ha. The application site is land that is situated on the southern side of West End, Great Eccleston. It is within the settlement boundary and is part of the wider Local Plan site allocation SA 3/3 (Mixed use development). The site is in Flood Zone 1. There is a Public Right of Way outside the western boundary of the site that links West End with the wider footpath network.

2.2 The site is grassed with a dense area of trees and hedgerows in the centre, and trees and hedgerows to the boundaries. There is a ditch to the southern and eastern boundaries of the site. There are trees with tree preservation orders (TPOS) on the site. The site is relatively level with some areas of higher ground to the rear of Pinfold House and the properties on West End.

2.3 The site includes Pinfold House to the North, which is a detached two-storey dwelling and its garden. This property is rendered with a slate roof. Adjacent to this is

the Pinfold, a Grade II Listed Building, which is an enclosed area with a stone wall. There is a brick building attached to this with a pitched slate roof.

2.4 Outside the north-west boundary is a builder's yard. There are also residential properties adjoining the site to the north-west and north-east. The Dimples fronts onto the site. Properties on West End have their rear elevations and gardens facing the site. There are other residential properties to the east, which have long back gardens adjoining the site. Beyond the southern boundary are open fields and the Dovecote, which is a Grade II Listed Building and Scheduled Monument.

3.0 THE PROPOSAL

3.1 Proposed is full planning permission for the erection of 16 residential dwellings on the land. This will also include the provision of open space, landscaping and associated infrastructure, with access taken from West End.

3.2 The access from West End would pass between Pinfold House and the Grade II Listed Pinfold. The existing brick building attached to the Pinfold would be demolished. A new internal access road would lead to the dwellings, with a shared driveway off here to serve plots 2 and 3. All properties, with the exception of the affordable housing, would be served by detached garages. All would be served by drives, except for plots 7 and 9, which would have off-road parking to the front.

3.3 5 house types are proposed; Windsor (5 No.), Ellwood (3 No.), Belfry (3 No.), Winchester (1 No.) and the affordable housing 3B5P (4 No.). These would be laid out around a cul-de-sac, with all properties facing into the site and comprising a mixture of render and brick materials. Grey roof tiles are proposed. The Windsor property would be two and a half-storey with accommodation in the roof. Front and rear flat roof dormers would be provided. The ridge height would be 9.9m and the eaves 5.8m. The house would have a pitched gable roof and a gable feature to the front elevation. This would be a five bedroom property. There would be 2 variations of the Ellwood House type, which would be a bungalow. This would have a pitched gable roof with a ridge height of 5.4m and general eaves height of 2.4m. This house type would have 2 bedrooms. The Belfry would be a 5 bedroom property over 3 floors. Accommodation would be provided in the roof, with front and rear dormers. This house would have a ridge height of 9.5m and eaves of 5.8m. It would have a gable pitched roof. Double bays are proposed to the front elevation. The Winchester would be a two-storey detached dwelling with 3 bedrooms. This would have a pitched roof with a ridge height of 8.7m and eaves of 5.2m. There would be an open sided porch to the front elevation. The affordable housing (3B5P) would comprise two-storey semi-detached dwellings with pitched gable roofs. The ridge height would be 8.5m and the eaves 5m. These would be provided with an overhanging canopy over the front door and brick detailing. Each affordable property would have 3 bedrooms.

3.4 The detached garages would be either single or double with pitched roofs. The single garage would measure 6m x 3.1m internally and would have a gable roof. Two types of double garage are proposed, of either gable or hipped roof design. These would measure 6m x 6m internally.

3.5 The proposal would involve retaining the majority of existing areas of trees and boundary hedgerows, with some removal to accommodate the development (see tree section of this report for further detail). Native and ornamental tree planting is proposed, particularly in the front gardens and on the open space. Grassed areas would be provided to the open space. A footpath is proposed from the site to link to the Public Right of Way at the western side of the site. A 2.4m high brick wall is

proposed to the rear of plots 2 and 3. A 1.8m brick wall is proposed to enclose the gardens of plots 1 and 5, and also to either side of the proposed footpath and the garden of the existing house Pinfold House. To the boundary with the builder's yard, a 1.8m high closed board acoustic fence is proposed. 1.8m high fences are proposed between the rear gardens of the properties. The boundary to the field to the south and west is to be reinforced with native species hedgerow planting and a post and rail fence.

3.6 It is proposed to discharge surface water to the ditch to the south-west corner of the site, via pumped discharge. A pumping station is proposed with the equipment below ground and enclosed in a fenced off area. It is proposed that foul would discharge into the combined sewer. Ground and finished floor levels are shown on the outline drainage proposal. This shows the land levels to be retained as existing.

4.0 RELEVANT PLANNING HISTORY

4.1 19/00860/OULMAJ - Land South Of A586 and North West Of Copp Lane - Outline application for the erection of up to 350 dwellings, 1 hectare of employment land, a medical centre, a school, village hall and convenience store (all matters reserved) - Pending Consideration

4.2 06/00153/FUL - Building Yard, South of West End - Demolition of existing buildings and erection of single storey office and workshop building - Approved

4.3 84/00511 - Pinfold House - Two storey side extension to form garage with bedroom over - Approved

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

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

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

- SP1 Development Strategy
- SP2 Sustainable development
- SP7 Infrastructure provision and developer contributions
- SP8 Health and well-being
- CDMP1 Environmental Protection
- CDMP2 Flood risk and surface water management
- CDMP3 Design
- CDMP4 Environmental assets
- CDMP5 Historic Environment
- CDMP6 Accessibility and transport
- HP1 Housing Land Supply
- HP2 Housing Mix

- HP3 Affordable housing
- HP9 Green infrastructure in residential developments
- SA3 Mixed Use Development
- SA3/3 Land West of Great Eccleston, Great Eccleston

5.1.3 National planning policy allows local authorities to confirm their annual five year housing land supply through the publication of an Annual Position Statement (APS). In line with the process established by National Planning Practice Guidance, the Council published the APS to the Planning Inspectorate on 31 July 2019. The Planning Inspectorate has now confirmed that Wyre has a 5 year housing supply of deliverable housing sites for one year, i.e. until 31 October 2020. The APS forms the most up to date position on the five year housing land supply.

5.2 NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019

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

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

- Section 2. Achieving sustainable development
- Section 5. Delivering a sufficient supply of homes
- Section 8. Promoting healthy and safe communities
- Section 9. Promoting sustainable development
- 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
- Section 16. Conserving and enhancing the historic environment

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 SPG2 Trees and Development

5.3.2 SPG4 Spacing Guidance for New Housing Layouts

5.4 THE NATIONAL PLANNING PRACTICE GUIDE (2019)

5.5 THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (PLBCA) S.66 AND S.72

5.6 HISTORIC ENGLAND, 'THE SETTING OF HERITAGE ASSETS, HISTORIC ENVIRONMENT GOOD PRACTICE ADVICE IN PLANNING NOTE 3 (SECOND ADDITION)

5.7 THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

5.8 THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

6.0 CONSULTATION RESPONSES

6.1 GREATER MANCHESTER ECOLOGY UNIT

6.1.1 The submitted survey is appropriate and no further surveys are required. Two trees on the site have been shown to support bat roosts. Although it is proposed that these trees be retained, they are close to the built development footprint (particularly the tree closest to the proposed access road). If in the future at any time it does become necessary to remove these trees to facilitate any approved development then mitigation and compensation for bats will need to be provided to avoid any possible harm to bats. All UK bats and their roosting places are legally protected.

6.1.2 Boundary habitat features will need protection during construction. Tree losses should be compensated. Require control of Japanese Knotweed.

6.1.3 No vegetation/tree removal should take place during the nesting bird season.

6.1.4 A precautionary pre-construction survey for Badgers is recommended. If Badgers are found then works a Method Statement will need to be prepared giving details of measures to be taken to avoid any possible harm to Badgers.

6.1.5 Supports the provision of bird nesting and bat roosting boxes.

6.2 GREAT ECCLESTON PARISH COUNCIL

6.2.1 Raised issues with the application, including dangerous access, impact on The Pinfold, there is no pavement at this section of the road, houses appear to be three-storey and out of keeping. Questions if complies with the Local Plan.

6.2.2 Further comments 30/3/20. Concern about strain of extra housing on drainage.

6.3 HISTORIC ENGLAND

6.3.1 Taking into consideration the supporting documentation assessing the heritage significance and impact of the proposals, Historic England has no objections to the application on heritage grounds.

6.4 LANCASHIRE COUNTY COUNCIL (ARCHAEOLOGY)

6.4.1 No objection but recommends consult Historic England and that the construction management plan should set out how the Pinfold is to be protected during the demolition of the adjacent building.

6.5 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.5.1 Response to original scheme: Suggest tweaks to the initial access arrangements. Require bus-stop upgrades. Given the scale of the development it is

not considered essential that any cycle upgrades are provided by the developer. If this proposal was allowed to come forward without the master planning exercise being undertaken it could affect the ability for the site to meet the full quantum of housing identified in the emerging local plan. The layout is acceptable. Car-parking levels are acceptable. The site layout plan shows trees to be planted outside the service strips whereas the landscaping plan shows trees within the service strip at plots 8 & 9 and up to the service strip at a number of locations. If the roads are to be offered for adoption trees must be removed from the service strip and where adjacent to the services strip restrained to prevent root encroachment through the service strip. Requires conditions about a construction environmental management plan, scheme for the construction of the site access and off-site highway works, and street management. Informative recommended about highways consent.

6.5.2 Response to revised scheme for 16 dwellings – support the application subject to imposing a number of planning conditions. Considers that the proposal complies with Part 1 of the masterplan. Not concerned with traffic from 16 dwellings. Access arrangements acceptable. May require a low-level junction table, which can be resolved through a S278. Although footways between the site and the centre are narrow, consider that there would not be a severe impact. Local bus-stops will need to be upgraded as part of off-site highway works. The layout is acceptable and the roads adoptable, except the private drives to plots 1-3 and 7-10. Conditions required for a construction environmental management plan, construction of the site access and off-site highway works, management of streets and an informative about a highways legal agreement.

6.6 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.6.1 No comments received

6.7 LANCASHIRE COUNTY COUNCIL (UBLIC RIGHT OF WAY OFFICER)

6.7.1 No comments received

6.8 LANCASHIRE COUNTY COUNCIL (SCHOOL PLANNING TEAM)

6.8.1 LCC will not be seeking a contribution for primary school places. However, as there is an application that is pending a decision that could impact on this development should it be approved prior to a decision being made on this development the claim for primary school provision could increase up to maximum of 4 places.

6.8.2 LCC will be seeking a contribution for 2 secondary school places. This would result in a claim of £48,370.32. To date LCC has not named the school infrastructure project, which will be reported on an update sheet.

6.9 NHS FYLDE & WYRE CLINICAL COMMISSIONING GROUP (CCG)

6.9.1 The CCG has assessed the implications of this proposal on delivery of general practice services in Great Eccleston and is of the opinion that it will have a direct impact which will require mitigation with the payment of an appropriate financial contribution. Applying the CCG methodology results in a claim for £9,660 towards new infrastructure (new practice premises in Great Eccleston).

6.10 THE RAMBLERS

6.10.1 No comments received

6.11 UNITED UTILITIES

6.11.1 The proposals are acceptable in principle. The drainage should be carried out in accordance with the FRA. Recommend a condition on a sustainable drainage management and maintenance plan.

6.12 WYRE BC CORPORATE DIRECTOR ENVIRONMENT (PARKS AND OPEN SPACES)

6.12.1 The plant sizes, species and choice appear satisfactory. Will a management plan and a management committee be formed? Requires illustration of open space design, including pathways, furniture and features.

6.13 WYRE BC CORPORATE DIRECTOR ENVIRONMENT (TREE AND WOODLAND OFFICER)

6.13.1 Agrees with the observations made within the tree survey undertaken. The Tree Survey, Arboricultural Implications Assessment, Tree Removals, Retention and Protection Plan need to be followed.

6.13.2 Considers the trees to be removed to be suitably mitigated by new tree planting. Plant Schedule details, soft landscape elements, species choices, sizes are agreeable but density need refining and the specifications outlining methodology are absent. Retention of H23, T33 and additional tree planting to western and southern boundaries welcomed.

6.14 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.14.1 Initial objection about surface water drainage. Based on the submission of further information there is no objection, but requires a condition for full surface water drainage plans to be submitted, including the management/maintenance of the surface water pump and a plan to redirect water away from properties in case of pump failure. No surface water should discharge to the foul or combined system. Applicant to prove connection to watercourse.

6.15 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY)

6.15.1 Initial response required a noise assessment and a condition about an artificial lighting assessment.

6.15.2 Further response following submission of noise - Environmental health accept this and require the mitigation measures set out in the noise assessment to be conditioned. Require a condition about delivery hours. Supports the use of a construction management plan condition.

6.16 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION)

6.16.1 No objections. Recommend a watching brief condition.

6.17 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (WASTE MANAGEMENT)

6.17.1 No comments received

7.0 REPRESENTATIONS

7.1 19 objections have been received in total with the concerns summarised as follows:

- highway safety concerns from new access
- loss of the visual street diversity
- increase in pedestrians using West End
- concern that the developers intend to demolish Pinfold House
- piecemeal development
- village is already full
- flooding issues
- tree planting should be substantial
- substantial harm to the designated heritage asset 'The Dovecote'
- breach of Human Rights as will not be able to farm their field
- Objection to the removal of trees.
- objector owns T32 and T33 and will not allow their removal
- three storey houses inappropriate
- there should be protection of existing hedges and ditch to southern boundary
- detrimental impact on local bird and wildlife
- impact on local amenities
- Pinfold House, gardens and Victorian outbuilding which attaches to the Grade II Pinfold enclosure is not within site SA3/3
- old brick building next to the Pinfold should be preserved
- requires masterplan for whole site
- detrimental impact on character of area
- concern for educational and medical needs
- heritage statement contains errors e.g. height of Pinfold walls
- noise/rattling from raised junction
- new access and radii are not wide enough

7.2 2 letters of support have been received, summarised as follows:

- new residents will contribute to local businesses
- sensible provision of three bungalows
- will contribute to Wyre's housing numbers

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Revised landscape and tree removals plans 15/4/20

8.2 Revised plans 18/2/20 – revised scheme from 13 to 16 dwellings to include affordable housing and revised housing mix.

8.3 Revised drainage strategy and design and access statement 20/9/19

8.4 Revised elevations 19/7/19

- 8.5 Revised plans 4/9/18
- 8.6 Revised supporting documents on ecology 18/6/18

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Infrastructure Provision
- Response to Climate Change
- Housing Mix
- Visual Impact / Design / Impact on the street scene
- Impact on Heritage Assets
- Impact on Residential Amenity
- Impact on Highway Safety / Parking
- Flood Risk and Drainage
- Trees and Ecology
- Contamination

Principle of development

9.2 The application site falls within the settlement boundary of Great Eccleston and is allocated within the Adopted Local Plan as part of a wider allocation for mixed development (Site SA3/3). Policy SP1 of the Adopted Local Plan directs new development to within the settlement boundaries and states 'development within settlement boundaries will be granted planning permission where it complies with the other policies of this Local Plan'. Therefore, in principle, development of the land is acceptable subject to compliance with other Local Plan policies. As this land is part of a Local Plan allocation, the loss of agricultural land at this site has already been considered and accepted.

9.3 Site allocation SA3/3, which covers the majority of the site except the site frontage where the site access is proposed, allocates land for housing and employment. This sets out a housing capacity of 568 dwellings and an employment capacity of 1 hectare. Land to the east of Copp Lane (which falls within allocation SA3/3) has full planning permission for 90 dwellings (phase 1) and a further 93 dwellings (phase 2). There is a current pending outline planning application on land between Copp Lane and the A586 (also falls within allocation SA3/3) for the erection of up to 350 dwellings, 1 hectare of employment land, a medical centre, a school, village hall and convenience store (all matters reserved). Netting off these committed and pending applications still leaves available capacity for residential development. In any event this capacity is a minimum figure which could be exceeded subject to compliance with other plan policies. Notwithstanding a third party objection about the village being full, as the site is part of an allocation for development in the Adopted Local Plan, it has been identified as being necessary to help deliver Wyre's housing needs over the plan period and follows the development strategy of the Local Plan.

9.4 Site allocation SA3/3 contains a number of Key Development Considerations (KDCs) which are policy requirements that have to be satisfied. KDC1 states 'this site is to be brought forward in line with a masterplan to be produced covering the whole of the site. The masterplan must be agreed by the Local Planning Authority prior to the granting of planning permission for any part of the site'. There is

an approved Masterplan (Part 1) for Great Ecclestone which provides a framework for how the site will be developed. Part 1 was formally approved by Cabinet on 4 December 2019. The proposal would be in line with this Part 1 masterplan in terms of land use and design principles including scale and density. Specific matters relevant to the masterplan are subsequently discussed in each section of this report. Part 2 of the Masterplan will provide detail on the delivery of important infrastructure such as the new spine road and community hub. Work on the Part 2 document is currently underway. As this application site does not require access from the spine road, which would serve the rest of the allocation, and the applicant agrees in principle to the provision of a contribution towards the community hall payable in line with the delivery mechanism to be set out and agreed in Part 2 of the masterplan, it is considered that the proposal can be brought forward for determination now as it is considered that it would comply with the intended principles of Part 2 of the masterplan. The application will be subject to a Section 106 legal agreement for the community hub contribution, alongside other infrastructure contributions set out below, with the section 106 agreement to be finalised following approval of Part 2 of the masterplan to reflect the approved delivery mechanisms contained therein.

9.5 Policy SP2 of the Adopted Local Plan requires sustainable development and sets out a number of matters to assess this against, including those that are relevant in this case; ensuring housing provision meets the needs of all sections of the community, provision of strategic and local infrastructure and services, ensure accessible places and minimise the need to travel by car, reduce and manage flood risk, protect and enhance biodiversity, landscape and cultural heritage and green infrastructure assets, and achieve safe and high quality designed local environments which promotes health and well-being. The site is within walking distance of bus-stops and the services and shops of Great Ecclestone, which is a rural service centre. There will be a link to a Public Right of Way that will connect to new facilities proposed under application no. 19/00860/OULMAJ and the rest of the mixed development allocation. Overall, the site is considered to be suitably accessible, and should reduce the need to travel by car for daily needs. Matters relating to other sustainability elements are discussed below, where no significant issues are raised. Overall, the proposal is considered to meet the sustainable development goals of the Local Plan.

Infrastructure Provision

9.6 Policy SP7 of the Adopted Local Plan requires the provision of contributions towards infrastructure and in some cases new infrastructure on site. This includes affordable housing, green infrastructure, education and health care provision. Relevant consultees have provided advice on the contributions required. Policy HP3 of the Local Plan requires new residential development of 10 dwellings or more on greenfield sites to provide 30% affordable housing on site. Exceptionally where it has been demonstrated that on-site provision is not appropriate, a financial contribution of broadly equivalent value will be required to be paid to the council to support the delivery of affordable housing elsewhere in the Borough. In this case, 4 no. semi-detached 3 bed houses are proposed as shared ownership affordable tenure, which equates to 25% provision. The remaining provision is proposed as a financial contribution amounting to £57,340. This provision of 25% affordable housing on-site and a financial contribution is considered acceptable in this case, due to the site access capacity constraints meaning that the provision of a greater number of housing units on site would not be appropriate and the aim to keep the development low density in line with the masterplan. Affordable housing would be secured in an s106 agreement.

9.7 LCC school planning seek a contribution for 2 secondary school places. This would result in a claim of £48,370.32. This will ensure that the development supports education in the area. It is understood that if the larger application pending consideration (reference 19/00860/OULMAJ) were to be approved prior to this application, this could alter the contribution required. At the present time, this adjacent application is still pending, therefore the above contribution is correct. LCC have been asked for the named project for the contribution which will be reported on an update sheet. The requisite education contributions would be secured in a s106 agreement.

9.8 The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation with the payment of an appropriate financial contribution of £9,660 towards new infrastructure (new centre practice in Great Ecclestone). This will mitigate for the increased demand for medical services from this development. The requisite health care contributions would be secured in a s106 agreement.

9.9 In accordance with Policy HP9 of the Local Plan residential development resulting in a net gain of 11 dwellings or more will be required to make appropriate provision of Green Infrastructure. This should be provided on site. Developers must provide details of its long-term management. The number and bedroom mix of houses proposed produces a Green Infrastructure requirement of 0.17ha. This proposal will create public open space (POS) on-site equating to 0.19ha to be provided in 3 separate areas. The council's parks and open spaces team have been consulted on the planning application and accept the details submitted. The provision and management of the open space would be secured in a Section 106 legal agreement. Details of the design of the open space, including furniture and paths can be agreed through a planning condition.

Response to Climate Change

9.10 Policy SP2 of the Local Plan requires proposals to demonstrate how they respond to climate change. This proposal will involve some tree removal, but will propose new tree planting to the satisfaction of the council's tree officer (see tree section below). The site is also in an accessible location, which should enable the occupants to access shops and services on foot or via cycle and public transport, thereby reducing car usage. A condition is to be imposed requiring the provision of an electric vehicle charging point for each dwelling in accordance with Policy CDMP6 of the Local Plan. Information from the applicant states that these are included as standard. The submitted drainage strategy states that rainwater harvesting is likely to be suitable, working alongside any attenuated system. Also, peak rates of run-off will be restricted to the existing greenfield run-off rate and storage will be provided up to and including the 1 in 100yr storm event plus an allowance of 40% increase for climatic change. This can be considered as part of the agreement of the drainage details. Solar panels are an optional extra and can help a property to run more efficiently. Information provided by the applicant states 'the majority of our suppliers are now sending products out with minimal packaging. This is helping reduce waste. Quite a few materials are now being sourced locally and this is reducing the amount of carbon being produced by wagons on the road. Also, materials are being ethically and carefully sourced. For example, timber is being sourced and supplied from FSC Approved manufacturers. Any waste that does occur is being sent to a local transfer station where at least 95% of it is being recycled. This is reducing the amount of waste being sent to landfills. Sub-Contractors use calculations to ensure that all the products / sanitary ware that goes into the properties is efficient and doesn't require high levels of water and / or energy. There are also additional items that can be

added which help reduce the water / energy usage, i.e. restrictors on taps / showers, energy efficient thermostats, boilers and radiators'. It is considered that this application demonstrates an adequate response to climate change based on current knowledge.

Housing Mix

9.11 Policy HP2 of the Local Plan requires an appropriate mix of housing in terms of size, type, tenure of housing, which accords with the most up-to-date Strategic Housing Market Assessment (SHMA). The proposal includes an appropriate amount of affordable housing as discussed above. The housing mix on the site would be 3 x 2 bedroom bungalows, 5 x 3 bedroom dwellings and 8 x 5 bedroom dwellings. The proposal is weighted towards larger detached properties, so would not comply with the housing mix directed by the SHMA. However, the specifics of this proposal with the capacity restrictions on the proposed access (see highways section below) and the requirement for it to be low density, mean that a greater number of smaller dwellings could not be provided. The applicant has revised the scheme to include the affordable semi-detached dwellings and a smaller detached dwelling, so that balanced against the site restrictions this is considered to be acceptable in providing a mix of housing sizes and types to widen the choice of housing types available.

Visual Impact / Design / Impact on the street scene

9.12 Policy SA3/3 of the Adopted Local Plan requires development to 'provide an 'organic' extension to the village'. It should utilise important key vistas into the adjoining open countryside and provide a rural transition zone between the development and the wider countryside'. This requirement is for the whole allocation and so the proposal should be assessed in this context. The site forming this planning application is the closest part of the allocation to the existing built development of Great Eccleston. It will adjoin existing residential properties and a builder's yard. The dwellings adjoining the site vary in their designs, but mainly comprise two-storey dwellings. The masterplan for the Great Eccleston allocation sets out that the development of the application site should be low density. Being adjacent to the existing built form, it is considered that the proposal will form the 'organic' extension to the settlement required by the Local Plan. Following the principles set out in the masterplan, the proposal will not form piecemeal development, but will be integrated with existing and proposed built form and infrastructure. The details of this consideration are set out below.

9.13 Layout and density – the properties would be in a cul-de-sac arrangement. The site area is 1.36ha and with 16 dwellings proposed, will form a low density development. There would only be three properties immediately adjacent to the southern boundary with their side elevations facing this boundary, so this will assist in the development appearing as a low density transition zone next to the adjacent countryside. The land beyond the south-western side of the site is also part of the housing allocation, and so it is considered acceptable to have the higher density development along this boundary. With the exception of plots 7 and 9, each property would have its own drive and off-road parking. This will help to ensure that the appearance of the street-scene is not dominated by cars, with parking off the street and to the sides of properties where possible. Garages would generally be set to the rear of properties, to prevent those forming dominant features in the street-scene. SPG4 sets out guidance for new housing layouts. The minimum separation distance between side elevations should be 2m (1m either side of the party boundary). The proposal will comply with this guidance and in many instances exceed it, so that the proposed dwellings will not appear overly cramped. On roads with footpaths, the

minimum distance from the front building line to the boundary should be 5m, unless the form of the housing layout justifies a reduction. Most of the properties proposed will be set back 5m from the adjacent road or footpath. Plot 1 will come closer to the road, however, this property is angled so that it will not face onto the road, and so it is not considered that it would be overbearing in the street-scene. Plot 16 also comes within a minimum of 2m from the footpath. Being a bungalow that is of relatively low height and also that there would be a lack of a distinct building line at this part of the street, it is not considered that this building will be overbearing or obtrusive in the street-scene. Overall, the properties will be adequately set back from the road, to present an acceptable layout. Policy CDMP3 of the Local Plan requires the provision of safe and secure environments. This proposal would present adequate opportunities for surveillance of the street, with properties looking out onto the street.

9.14 Scale – the scale of the proposed properties range from bungalows to two-storey properties with dormers in the roof. The maximum roof height would be 9.9m. Forming a relatively self-enclosed development, it is not considered that the scale of dwellings proposed would be out of keeping with the character of the area or visually prominent. The adjacent properties on West End are two-storeys high and there are a variety of property heights in the settlement of Great Ecclestone. The land to the rear of Denrock is slightly raised over the rest of the site, and two bungalows are proposed to be sited in this location. This will help to keep the development as low as possible. The scale of the development satisfies Part 1 of the Masterplan as well as policy CDMP3.

9.15 Design – all development is expected to be a high standard of design in accordance with Policy CDMP3 of the Adopted Local Plan. It is considered that each property type proposed is suitably designed, with features that are in proportion and symmetrical, and with some visual interest, including bay windows, dormers, porches and brick details. The dormers would be small-scale features that would not dominate the roofs. The final materials to be used can be agreed through a condition, however, the plans show a range of materials including brick and render, to give visual interest. The garages are considered to be suitably designed with either hipped or gable roofs. The design of the development satisfies Part 1 of the Masterplan as well as policy CDMP3.

9.16 Landscaping – there is substantial existing vegetation and trees to most of the site boundaries. This is to be retained and enhanced. It will provide significant screening of the development from wider viewpoints and prevent the development standing out in the wider area. A landscaping plan has been provided, and this is generally agreed by the council's tree officer and parks manager. A planting specification has been provided on the plan, however, this does not set out the arrangement or plant numbers, therefore a condition will be required for the final landscaping details to be agreed. Overall, however, it is considered that the development can be suitably landscaped to ensure a high standard of appearance. A condition can be used to agree the details of the furniture and paths on the open space, to ensure that this is visually acceptable. The landscaping satisfies the general landscape framework in the masterplan and satisfies CDMP3 and CDMP4.

9.17 Boundary treatments – a plan has been provided showing the proposed boundary treatments. 1.8m high fencing is proposed to the rear gardens, which would be typical and visually acceptable. A condition can be used to prevent the erection of boundaries between the dwellings and the highway, so as to retain the open front/side gardens and high standard of design. 1.8m brick walls are proposed to some rear/side gardens. These would be visually acceptable and would provide some visual interest to the street-scene. The materials would match those of the

dwellings and can be conditioned. A 1.8m high acoustic fence is proposed to the boundary with the builder's yard. This would be visually acceptable. To the rear of plots 2 and 3, a 2.4m high wall is proposed. This would be acceptable in this siting and would not be prominent in the street-scene. It is proposed to fence off the proposed pumping station, with the equipment below ground. With suitable planting and landscaping it is not considered that the fencing should stand out as obtrusive in the street-scene. A condition can be used to agree the details of the fencing and the final appearance of the pumping station.

9.18 Waste – each property would have the ability to store bins down the side or in the rear gardens, therefore this would be well screened and would not be unsightly in the street-scene.

9.19 Land levels – a topographical survey of the existing site has been provided. The site is relatively flat, sloping up gently from the road and with some areas of higher ground to the rear of Pinfold House and the properties on West End. The submitted drainage strategy shows the existing land level retained, so significant land level alterations will not be required. As the drainage details are to be finalised through a condition, it is considered appropriate to require the final land and property levels to be agreed through a condition. The generally flat nature of the site however, should contribute towards the dwellings not standing out in the wider area.

Impact on Heritage Assets

9.20 Policy CDMP5 of the Adopted Local Plan aims to protect, conserve and where appropriate enhance the historic environment. The site is adjacent to two heritage assets, The Pinfold and The Dovecote. A heritage statement has been submitted and this is considered to contain sufficient information to assist the assessment of the impacts on the heritage assets. The Pinfold would be adjacent to the entrance of the site and currently adjoins a brick building, which would be demolished. The Dovecote is in the wider fields to the south, and the site forms a backdrop to this asset. Historic England, the council's conservation officer and Lancashire Archaeology have been consulted for professional advice on this matter. Historic England have no objections and the conservation officer comments that the proposal will 'preserve the appearance and setting of the nearby listed buildings, the Dovecote (which is also a Scheduled Monument) and the Pinfold. It is therefore considered to be in conformity with S.66 of the PLBCA'. Furthermore the conservation officer comments that the proposed design for the new dwellings and the site layout is sympathetic and appropriate to the area. The Pinfold will be retained and the proposal will open up this asset so that it is more visible in the street and it will provide a landmark for those entering the development and into Great Eccleston. The building adjoining this would be demolished. As professional advice presents no objections to this demolition, this is considered to be acceptable.

9.21 Lancashire Archaeology have no objections to the proposal, however, recommend that a construction management plan should include consideration of how the building adjacent to the Listed Pinfold will be demolished. This can be dealt with through the construction management plan condition proposed. It is not considered that there would be harm to the setting of the Listed Dovecote. Historic England state 'the impact of the development upon the setting of the scheduled monument has been mitigated through the development being contained fully within the field parcel to the west of the field containing the monument. The retention of existing field boundary hedges and trees with infilling and reinforcement as necessary will provide screening to minimise the visual impact of the development upon the dovecote, particularly views across the field to the west of Copp Lane'. The

vegetation to the boundary with the field in which the Dovecote is sited will be retained and enhanced, which will provide a clear barrier from the proposal and significant screening. It is considered that the character of the setting of the Dovecote will be preserved.

Impact on residential amenity

9.22 Light – the proposed dwellings would all be at sufficient spacing from each other to ensure adequate light to each property and follow the principles of SPG4, which includes separation distances of 21m where front elevations are directly facing each other and 13m between rear and side elevations for two-storey development. Where properties are staggered, the projections beyond each other would not result in an unacceptable loss of light or overbearing. Plot 5 is staggered in front of plot 4 by around 11m with a 5m gap between the properties. However, in this case it is not considered that plot 4 would have a sense of being overly enclosed, not having properties to its other sides and being to the south of plot 5, therefore still obtaining direct sunlight throughout the day. In terms of the relationship with existing dwellings outside the site, these would all meet the separation distances set out in SPG4 for rear to rear and side to rear relationships to avoid an unacceptable loss of light.

9.23 Overlooking – within the site each property would meet the required separation distances of 21m between main windows, or where this is reduced an angled view is provided that would avoid unacceptable overlooking. Certain side windows directly facing each other on the properties would be required to be obscure glazed to prevent overlooking. This can be suitably conditioned. The rear gardens would be adequately screened by 1.8m high fencing, and no main window would be closer than 10.5m to a neighbouring rear garden. Considering neighbours outside the application site, where there would be a direct view between the main elevations of plot 15 and the Dimples, a separation distance of over 21m would be provided, which will ensure that there is not unacceptable overlooking. Plot 1 would be around 18m from the rear of Pinfold House, which is less than the normal 21m, however there would be a significant angle between the properties so that this distance would not result in unacceptable overlooking between windows. The garden of this neighbour would be around a minimum of 10m away from the closest window in plot 1, which would be acceptable with the angled view and a greater distance would be provided from the other windows in the dwelling. No main windows would face the rear of Denrock. There would be an angled view of the very end of this neighbour's rear garden from plot 1. The angle and fact that this is the part of the garden furthest from the existing house, is considered sufficient to prevent unacceptable overlooking of this neighbour's outdoor amenity space. However, it is considered that the second floor rear dormer window on plot 1 serving the master bedroom should be obscure glazed, as this will prevent a sense of overlooking to the neighbour due to the height of this window looking down. Also the eastern side windows in plot 1 will need to be obscure glazed as they would directly face Denrock. This will be acceptable, as these are secondary windows and/or there is an alternative window serving the rooms that they serve. A 1.8m high fence will be required to the boundaries with Denrock, Bella Vista and The Cott. This can be conditioned. A 2.4m high wall is proposed to the rear gardens of plots 2 and 3 and this would provide adequate privacy to the neighbours to the rear.

9.24 There is an existing builder's yard adjacent to the northern boundary of the site. The council's environmental protection department have been consulted on a noise assessment that has been submitted in relation to this. This is advised to be acceptable, provided that mitigation in the form of an acoustic fence is implemented. This has been shown on the boundary treatments plan and could be conditioned. A

condition about delivery hours during the construction period has also been advised and this could be included within the construction management plan to be agreed, which would also control matters such as construction hours and the location of any materials compound.

9.25 Each of the proposed dwellings would have main rooms served by a window giving outlook and light. The properties would either have 10.5m long back gardens, or equivalent private garden space, providing adequate outdoor amenity space to each dwelling.

9.26 A neighbour has commented that their human rights will be breached as they will not be able to farm their field adjacent to the development. A residential use is considered to be compatible with the use of an adjacent field for agricultural purposes. This is a common situation in many rural areas, where housing is sited next to agricultural fields. There should not be unacceptable harm to neighbouring amenity from the use of the adjacent field for typical agricultural activities. Therefore, it is not considered that the proposal would result in unacceptable harm to the amenity of the occupants of the proposal, or for the continued operation of existing agriculture.

Impact on Highway / Parking

9.27 The residential development will be accessed from a new access point created off West End, between Pinfold House and the Pinfold Grade II Listed Building. LCC Highways have been consulted for professional advice on this matter and consider the proposal to be acceptable in terms of traffic generation and highway safety. A number of neighbour objections have been raised to the proposed access. However, this is agreed in principle in the masterplan. The number of dwellings to be served has been restricted and it will not provide vehicular access to the wider Masterplan area. As LCC Highways agree to the number of dwellings proposed to be served by the new access, there are no highway safety concerns. The details of the site access and off-site highway works can be agreed through a planning condition. Conditions will also be required about the provision of a construction management plan and a plan for the management of the streets. The proposed road layout is considered to be acceptable.

9.28 Policy SA3/3 requires pedestrian and cycle connectivity within and where possible outside the allocation site. There will be connectivity to the wider allocation and the proposed services via a new path and link to the Public Right of Way. The provision of the vehicular access to West End would also enable additional pedestrian and cycle links from the main Masterplan area to High Street. Although footways to the centre are narrow, LCC Highways advise that this will not have an unacceptable impact based on the low speed of the road and that there have not been past recorded accidents.

9.29 Parking standards are set out in Appendix B of the Local Plan. Typically, 3 off-street spaces are required for larger properties and 2 spaces required for 2 or 3 bedroom properties. The proposal would meet this provision with private driveways, parking spaces and garages. The proposed garages would meet the minimum size requirements to provide parking space. The garages at plots 2, 5, 13, 14 and 16 would need to be conditioned to be for vehicle parking only, as there would be insufficient drive space to provide all of the required parking. A condition can be used to ensure that the parking and turning is laid out as shown.

Flood Risk and drainage

9.30 The site is in Flood Zone 1, which is the lowest risk area for flooding. The council's drainage engineer has been consulted on the application and has no objections, but has requested information on how the proposal will connect to the local watercourse network. This has been confirmed and the drainage engineer has no objections to this. Allocation SA3/3 requires 'residual surface water should drain into the River Wyre via Thistleton Brook and existing watercourses'. A condition will be required to agree the drainage details and to ensure that the most sustainable drainage option is utilised. United Utilities and the council's drainage engineer also recommend a condition on a sustainable drainage management and maintenance plan, and this is considered to be reasonable. As this application is a major category application, a flood risk assessment has been provided. There are no objections to this from the relevant consultees. The Lead Local Flood Authority at Lancashire County Council have been consulted on the application but have not commented. Overall, based on the comments from the relevant professional consultees, it is not considered that there would be an unacceptable flood risk from the proposal.

9.31 A Sequential/exception test is not required because the site is in Flood Zone 1, which is at the lowest risk for flooding.

Trees and ecology

9.32 There are trees on site, including those with Tree Preservation Orders on individual trees and groups. Some trees are proposed to be removed to facilitate the development, as shown on the tree removals plan. Some trees have been recommended to be felled in the tree survey, due to their poor condition. The council's tree officer has been consulted on the application and agrees with the observations made within the tree survey undertaken. The Tree Survey, Arboricultural Implications Assessment, Tree Removals, Retention and Protection Plan need to be followed and this can be conditioned to be implemented. This will ensure that the trees and hedges to be retained will be adequately protected during the construction works. New tree planting will be provided in accordance with the provided landscaping scheme and the tree officer advises that this will adequately mitigate for the removal of trees. Further detail is required on the landscaping including planting densities and arrangements and this can be agreed through a condition.

9.33 Ecology reports have been submitted with the application and Greater Manchester Ecology Unit (GMEU) have been consulted for professional ecology advice. GMEU advise that the reports have been carried out by a suitably qualified ecologist. There are no objections and no further surveys are required before deciding the application. Two trees on the site have been shown to support bat roosts. The trees are to be retained, but if they were ever to be removed, then mitigation and compensation for bats would be required. The boundary habitat features will need suitable protection during construction and this will be ensured though the tree protection condition mentioned above. Some trees will be lost and new tree planting is recommended (see paragraph above on trees). The invasive plant Japanese Knotweed has been recorded growing on the site boundary, it is therefore recommended that this plant be controlled as part of groundworks. The details of a scheme for this to be agreed could be conditioned. A condition could be used to prevent demolition/vegetation/tree works during the bird breeding season, so as to protect nesting birds. A precautionary pre-construction survey for badgers is recommended, which can be agreed through condition. Bat and bird boxes are proposed to be erected and these could be conditioned to be implemented through a habitat creation scheme. Recommendations are set out in the submitted bat survey

and these can be conditioned to be implemented. To protect bats, a condition can also be used to control external lighting, so that it would not disturb bat habitats.

9.34 Policy SA3/3 states that ‘the site is located within 3.5km of Morecambe Bay European protected nature conservation site and home owner packs for future home owners highlighting the sensitivity of Morecambe Bay to recreational disturbance will be required’. This is also a requirement of CDMP4 and can be conditioned to be implemented.

Contamination

9.35 A report on contamination has been submitted and the council’s environmental protection department have no objections to this, however, a condition for a watching brief is recommended. This would be appropriate, so as to protect the environment and human health.

Other Issues

9.36 A Public Right of Way is adjacent to the application site. The Ramblers and the Public Right of Way Officer at Lancashire County Council Highways have been consulted on the application but have not commented. An informative can be added to any permission granted, so that the applicant is aware that the grant of planning permission does not authorise the blocking up of a Right of Way. The proposal will not adversely affect this existing PROW, in accordance with Policy CDMP6 of the Adopted Local Plan.

9.37 Some neighbours have commented that they would not allow for the removal of certain trees, raising questions of their ownership. This is a private matter between the parties involved, however, an informative can be added so that the applicant is aware that if any of the works were to encroach onto neighbouring property then the owners’ consent would be required.

9.38 The proposed development constitutes Schedule 2 development according to the definitions listed in the Environmental Impact Assessment (2017) Regulations (EIA), as it cumulatively with the rest of the housing/employment allocation includes more than 150 dwellings and exceeds a development area of 5ha. Based on the characteristics of this proposal, information provided, consultation responses and assessment that there would not likely be significant environmental impacts, it is concluded that an EIA assessment is not required. There would not be significant impacts on natural resources, waste, pollution and nuisances, human health, water resources, biodiversity, landscape, cultural heritage, transport routes or adjacent land uses.

9.39 A neighbour has commented that it is intended to demolish Pinfold House. This is not shown on the plans and therefore is not under consideration as part of this planning application.

10.0 CONCLUSION

10.1 It has been assessed that the proposed development of 16 dwellings on this land, which is within the settlement boundary and part of a wider allocation in the Adopted Local Plan for housing and employment development, would be acceptable. The proposal would be in accordance with the approved Part 1 masterplan for the wider allocation and the section 106 agreement to be completed would ensure it is compatible with the Part 2 masterplan which is currently being drafted in terms of

contributions to the provision of a community hall. This Section 106 legal agreement would also secure the appropriate provision of affordable housing and green infrastructure, and contributions towards school places and health infrastructure in line with the Local Plan requirements. The overall scheme is considered to be suitably designed and forms a low density development that would integrate well with the existing developed form in Great Ecclestone. It would respect the existing heritage assets adjacent to the site. The proposed dwellings would have adequate levels of amenity and would not be harmful to the amenity of existing neighbouring properties, complying with the principles set out in SPG4 and policy CDMP3. A new access would be provided onto West End to serve the site and based on professional highways advice from Lancashire County Council, these access arrangements are considered acceptable. Some improvements to bus-stops would be required which would be secured by condition. It is not considered that the proposal will be harmful to biodiversity or trees and would involve additional habitat features and tree planting. All other relevant planning matters have been assessed to be acceptable. Overall, the proposal has been assessed to comply with the NPPF and the relevant policies of the Adopted Local Plan subject to a section 106 legal agreement and the imposition of a number of conditions.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant full planning permission subject to conditions and a S106 legal agreement to secure Affordable Housing and Green Infrastructure provision and appropriate financial contributions towards local education, health care and community hall infrastructure. That the Head of Planning Services be authorised to issue the decision upon the satisfactory completion of the S106 agreement.

Recommendation: Permit

Conditions: -

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 31 05 2018 including the following plans/documents:

- Illustrative street scenes Drg No 02 REV E
- Street scenes/sections Drg No 10
- Proposed site location plan Drg No 00 Rev B

- Boundary treatment & materials layout Drg No 03 Rev H
- Tree removals, retention and protection Dwg No 02 Rev E
- Proposed garage details Drg 07
- Proposed garage details Drg 05 Rev B
- Proposed garage details Drg 06 Rev B
- Ellwood_Floor Plans & Elevations_Plot 13 Dwg HT_04-REV_02
- Ellwood_Floor Plans & Elevations Dwg HT_03-Rev_02
- Proposed Belfry House Type CB/XXXXX/009 REV B
- Winchester_Floor Plans & Elevations Dwg - HT_07
- Windsor_Elevations Dwg HT_06 - Rev_02
- Windsor_Floor Plans HT_05 - Rev_02
- 3 bed Semi Detached_Elevations Dwg - HT_08
- Proposed boundary treatment details Drg No 04 Rev B
- Planning layout Drg No 01 Rev K

- Arboricultural survey 18/10/17
- Arboricultural Impact Assessment (DEP Landscape Architecture Ltd June 2018)
- Bat survey report June 2018
- Executive statement February 2020

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

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

3. Prior to the commencement of the development hereby approved, a Landscape and Habitat Creation and Management Scheme, 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
- Hedgerow planting
- Bolstering of existing hedgerows
- Bird Boxes
- Bat Boxes/bat features in buildings

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.

4. Within the time period of 3 months prior to commencement of development hereby approved, a pre-construction survey for badgers which establishes the presence or otherwise of this species shall be carried out, submitted to and approved in writing by the Local Planning Authority. If the presence of this species is confirmed to be present the report shall include a method statement and mitigation measures, including timescales, to avoid and/or mitigate any possible harm to the species.

Those approved method statement and mitigation measures shall then be fully implemented.

Reason: To prevent possible harm to ecology if the development were commenced without the necessary protections and 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.

5. Prior to the commencement of development hereby approved (including demolition, ground works, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved in writing by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The development shall be carried out strictly in accordance with the approved scheme.

Reason: Such a scheme was not submitted with the application but is necessary 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.

6. The development hereby approved shall be implemented in full accordance with the bat survey report submitted with the planning application [June 2018] including all the mitigation measures set out in Section 5.0 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.

7. No tree felling, tree works, vegetation removal, demolition, 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/demolition, 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 .

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

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

9. Prior to the installation of any external lighting associated with the development hereby approved, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: 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.

10. Prior to the commencement of the development hereby approved, 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 and shall be based on the principle of discharge into the watercourse at the south west corner of the site.

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.

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

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

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.

12. 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 including deliveries for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays
- d) contractors' compounds and other storage arrangements
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period
- (f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (h) external lighting of the site during the demolition / construction period
- (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (j) recycling/ disposing of waste resulting from demolition / construction work
- (k) measures to protect watercourses against spillage incidents and pollution
- (l) protection of the adjacent Grade II Listed Pinfold during demolition and construction phases

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).

13. Prior to the first occupation of any dwelling hereby approved the off-site works of highway improvement [namely, Upgrading of nearest eastbound and westbound bus stops, and Site access and junction treatment at site access / High Street / 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 and to encourage sustainable travel in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

14. a) Prior to the first sale or occupation of any dwelling on the site, whichever is the sooner, 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).

15. The development hereby approved shall not be first occupied or brought into use until the parking/turning area(s) shown on the approved plan [Planning layout DRG No. 01 Rev K] has been laid out, surfaced and drained. The parking/turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

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

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

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

17. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any

Order revoking or re-enacting that Order with or without modification), the garage(s) to plots 2, 5, 13, 14 and 16 hereby approved shall be retained solely for the housing of a private motor vehicle associated with the residential occupation of the property and shall be used for no other purpose without express planning consent from the local planning authority, and at no time shall any works be undertaken that would prevent it from being used for that purpose without 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).

18. 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, fascias, guttering 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).

19. No development approved by this permission shall be commenced until details of the proposed ground, slab and finished floor levels have been 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, and a satisfactory impact on neighbouring residential amenity 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.

20. The approved boundary treatments (Boundary treatment and materials layout Drg No 03 Rev H and Proposed boundary treatment details Drg No 04 Rev B) shall be completed to each plot before the dwelling on that plot is first occupied. The approved details 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).

21. 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 express planning permission from the local planning authority.

Reason: To safeguard the appearance of open plan development and in accordance with Policy CDMP3 of the Adopted Wyre Local Plan 2011-31.

22. (a) No retained tree/hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

In this condition "retained tree/hedgerow" means an existing tree/hedgerow which is to be retained in accordance with the approved Arboricultural Survey (18/10/17), Arboricultural Impact Assessment (DEP Landscape Architecture Ltd June 2018), and Tree Removals, Retention and Protection Plan (DWG No 02 Rev D); and paragraphs (a) and (b) shall have effect until the expiration of 1 year from the date of the occupation of any part of the development for its permitted use.

Reason: In the interests of visual amenity and to ensure that trees are not felled unnecessarily 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.

23. The measures contained within the approved Arboricultural Survey (18/10/17), Arboricultural Impact Assessment (DEP Landscape Architecture Ltd June 2018), Tree Removals, Retention and Protection Plan (DWG No 02 Rev E) and executive statement table 2 (February 2020) with respect to those trees/hedgerows shown as being retained shall be implemented in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree/hedgerow" means an existing tree/hedgerow which is to be retained in accordance with the approved plans and particulars.

Reason: In order to protect trees/hedgerows 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.

24. Prior to first occupation of any dwelling hereby approved, an acoustic fence to be sited as shown on boundary treatment and materials layout (Drg No 03 Rev H) and constructed from continuous, imperforate material with a minimum mass of 12 kg/m² and to extend from the ground to the stated height with no gaps (in the case of timber fencing, close-boarded or overlapped timber panelling), shall be erected, unless an alternative specification is submitted to and approved in writing by the Local Planning Authority prior to first occupation. The approved acoustic fence 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).

25. No dwelling hereby permitted shall be occupied unless or until the pedestrian/cycle link approved onto the adjacent public right of way (as shown on Planning layout Drg No 01 Rev K) has been constructed and built up to the site boundary. This pedestrian/cycle link shall thereafter be maintained and remain open and unobstructed at all times.

Reasons: To ensure that the development provides appropriate connections and sustainable linkages to neighbouring development and the wider highway network in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

26. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

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

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

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. Whilst a planting specification has been provided, this is insufficient as it does not set out the arrangement or plant numbers.

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

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

28. An electric vehicle recharging (EVCP) scheme shall be submitted for all dwellings, unless it is demonstrated that such provision of EVCP is not practical due to 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).

29. Prior to the first occupation of those dwellings to which this condition relates, the window(s)/glazing serving the ensuite and utility rooms in the side elevation(s) of plots 2 and 3, eastern side windows and rear dormer window serving the master bedroom in plot 1, and side elevation windows in plots 4, 5, 6, 12, 13, 14 and 15 shall be:

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

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

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

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

30. Prior to the commencement of the development hereby approved, details of a scheme for the installation of furniture and pathways to the approved open space, including their siting, design and materials, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of any of the dwellings on site, or otherwise in accordance with a timetable of implementation to be agreed in writing with the Local Planning Authority prior to first occupation.

Reason: To ensure the provision of appropriate open space in accordance with Policy HP9 of the Adopted Local Plan and the NPPF.

31. Prior to the commencement of works on any proposed pumping station, a plan indicating the position, design, materials and type of boundary treatment of the pumping station to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be maintained and retained.

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

Notes: -

1. It is an offence to disturb, harm or kill any species specifically protected under the Wildlife and Countryside Act 1981. In the event of any such species being unexpectedly encountered before and during site clearance or development work,

then work shall stop immediately until specialist advice has been sought from a suitably qualified Ecologist regarding the need for additional survey(s), a license from Natural England and/or the implementation of necessary mitigation measures.

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

3. The grant of planning permission does not authorise any closure, obstruction or diversion of a public right of way. Any proposed stopping-up or diversion of a public right of way should be the subject of an Order under the appropriate Act and Lancashire County Council should be contacted for advice in the first instance.

4. This grant of planning permission will require an appropriate legal agreement to be entered into with Lancashire County Council as the Local Highway Authority. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. Before any works begin Lancashire County Council should be contacted to ascertain the details of such an agreement and the information to be provided by telephoning 0300 123 6780 or writing to Lancashire Highways Services, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.

Planning Committee

18/00540/FULMAJ - Land South of West End and Pinfold House



Scale: 1:2288

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 2
Date	20 April 2020
SLA Number	100018720

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Committee Report**Date: 06.05.2020****Item Number 03****Application Number** 19/01232/FUL**Proposal** Single storey rear extension, two-storey side extension and conversion of garage into a garden room.**Location** 14 Garratt Close Poulton-Le-Fylde Lancashire FY6 7XG**Applicant** Mr And Mrs Sykes**Correspondence Address** c/o Mr Christopher Hewitt
The Tardis 21d Freckleton Street Lytham St Annes FY8 5DY United Kingdom**Recommendation** Permit**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mrs Andrea Stewart****1.0 INTRODUCTION**

1.1 This planning application is presented before planning committee at the request of Cllr Le Marine. In the event that a site visit is not possible site photos / video will be made available.

Site Notice Date: 10.01.20

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is located on a recently completed housing estate located off Station Road in Poulton. The semi-detached house is to the northern cul de sac end of Garratt Close. To the south of the dwelling beyond the front elevation is a pair of garages, one for use by the owners of 14 Garrett Close. Further beyond the garages to the south is an area of open space area with a number of trees with tree preservation orders attached. To the northern rear boundary of the site is a sheltered housing complex of flats. To the east of the application site and large side garden of 14 Garrett Close abuts the rear gardens of dwellings on Moorland Gardens.

3.0 THE PROPOSAL

3.1 This planning application is for a single storey rear extension, two-storey side extension and conversion of the existing garage into a garden room. The single storey rear extension would extend the full width of the main rear elevation (6.1m) and project 3m from the existing rear elevation. A flat roof is proposed over the extension with a height of 3.2m. The two storey side extension is a single storey side extension with living accommodation within the roof space and projects 1.8m beyond

the existing front elevation, 5.4m beyond the side elevation and has a depth of 8.8m. The side extension has a pitched roof with eaves height of 3.1m and ridge height of 7.4m. A gable would be formed to the eastern elevation. A 1.8m wide flat roofed dormer is proposed to the front roof slope. Materials for the extensions and dormer would match the existing dwelling. The proposal also involves the conversion of the existing garage to the south of the dwelling into a garden kitchen area with bi folding doors being installed to the northern elevation. A new 2.1m high brick wall would link this building with the main dwelling.

4.0 RELEVANT PLANNING HISTORY

4.1 10/00855/NONMAT - Non-material amendment to application 10/00855/REMMAJ for alterations to house types and amendments to the footprints/site layout - Accepted

4.2 10/00855/DIS - Discharge of conditions 1, 2 and 4 relating to planning application 10/00855/REMMAJ - Accepted

4.3 10/00855/REMMAJ - Reserved matters application for residential development comprising of 81 dwellings with associated roads, parking and open space (relevant outline application 07/00599/OUTMAJ) - Approved

4.4 10/0074/FULMAJ - Application for a new planning permission, in order to extend the time limit for implementation of permission reference: 07/00599/OUTMAJ - Approved

4.5 07/00599 Outline application for residential development comprising of 83 dwellings with associated roads, parking and open space. Permitted.

5.0 PLANNING POLICY AND OTHER MATERIAL CONSIDERATIONS

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:

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

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

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 Extending Your Home Supplementary Planning Document:

- Design Note 1 General Design Principles
- Design Note 2 Single Storey Side Extensions
- Design Note 4 Single Storey Rear Extensions
- Design Note 6 Dormers and Roof Extensions
- Design Note 8 Front Extensions

5.3.2 Trees and Development Supplementary Planning Guidance

6.0 CONSULTATION RESPONSES

6.1 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION)

6.1.1 Conditions are requested to ensure appropriate gas and vapour protection measures are installed to protect the health of the occupiers.

6.2 WBC PARKS AND OPEN SPACES MANAGER (TREES)

6.2.1 When considering potential impacts on present tree cover under Area 4 of the Poulton le Fylde 1968 Tree Preservation Order, this proposal falls outside of the influencing distance. As such no tree protection measures to advise on.

7.0 REPRESENTATIONS

7.1 12 objection letters have been received from neighbouring properties 8-12 Moorland Gardens with the following concerns:

- detrimental impact on residential amenity
- overlooking
- loss of light
- light pollution
- further excavation will be detrimental impact on nearby structures
- overbearing/ shadowing /claustrophobic impact
- increased noise and disturbance
- increased flooding
- overdevelopment

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Contact with the applicant to allow access to the site to assess the planning application. Various contact with the agent to request amended drawings showing a

reduction in the size and position of the extensions and to remove a small rear dormer and to agree extended decision dates.

9.0 ISSUES

9.1 The main issues in this application are as follows:

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

Principle of development

9.2 Extensions to an existing property within its curtilage are acceptable in principle. Other relevant policy matters are set out below.

Visual Impact / Design / Impact on the street scene

9.3 The NPPF along with adopted WLP31 policy CDMP3 requires new development to be of good design. For householder extensions, guidance on good design is set out in the Council's Supplementary Planning Document 'Extending your Home'. Design Note 1 'General Principles' requires proposals to complement the architecture of the original property, to appear subordinate to the original property and to not form an overly dominant feature.

9.4 The proposed side extension would project 1.8m forward of the main front elevation of the dwelling and the width is more than half the width of the existing dwelling. However, importantly the proposed extension would have a lower eaves and ridge height to give it a subordinate appearance. Furthermore the subject property is a corner plot and the extension would be positioned in the large side garden of the dwelling behind the existing garage which would provide some screening. The proposed dormer is modest in scale and would match an existing front dormer on the dwelling. The pitched roof would also match the existing dwelling, albeit lower in height. The side proposal would be in proportion and scale to the main dwelling and is of an acceptable design.

9.5 The proposed rear extension has a flat roof which is different to that of the pitched roof to the main dwelling but the rear extension is not located in a visually prominent position and to the rear of the dwelling existing high fencing assists in screening the proposal. The design and scale of the proposal is acceptable.

9.6 The alterations to the garage involving inserting bi folding doors into the north facing elevation would not be visible from the street scene. Similarly a new 2.1m high brick wall link this building with the main dwelling would have limited visual impact.

9.7 The proposals are not considered to be visually detrimental or out of character with the existing dwelling or area and the proposed materials are considered to be acceptable and match the existing dwelling.

Impact on residential Amenity

9.8 To the east of the application site are terraced dwellings at Moorland Gardens and the rear gardens and elevations of some of these dwellings would face the proposed extensions. A number of objections have been received from the residents of these dwellings.

9.9 The closest part of the proposed side extension (NE corner) would be positioned 10m to the nearest ground floor part of the neighbouring dwellings to the east and 13m from the first floor of these dwellings. However the majority of the separation distance would be greater than this because of the angled footprint of the extension in relation to these properties. To overcome the Council's concerns about this relationship, amended plans have been received reducing the height and footprint of this extension. The Council's published guidance for new housing layouts requires a distance of 12m for rear walls facing single storey side walls and 13m for facing two storey walls. A one and a half storey wall could reasonably be required to be 12.5m away. The distance from the centre first floor rear elevation of 11 Moorland Gardens is 13m (and 10m from the ground floor) and from the centre rear elevation of 10 Moorland Gardens is 15m. Whilst it is accepted that there is a slight shortfall in respect of number 11, due to the side and rear walls of the extension splaying away from the rear of these properties, and not sitting directly in front of the full width of the rear boundary of no. 11, this helps to reduce the size and mass. The rear of the properties on Moorland Gardens would retain light to the south and the existing two storey dwelling at the application site already reduces light from the west. The scale of the side extension is not going to significantly reduce this further. On balance there is not considered to be a detrimental impact from loss of light or overbearing impact into the rear of these properties including rear garden areas.

9.10 Glazed doors are proposed at ground floor in the eastern elevation of the side extension. Due to the separation distance and high solid screen fencing along the boundary there would not be a detrimental impact from overlooking. A rear rooflight (serves a dressing area to a bedroom) is proposed in the roof slope. There is no requirement for this to be obscure glass as the height to the underside of the window is 2m above the first floor level of the room therefore there would not be a detrimental impact from overlooking. The front dormer in the side extension would not overlook any nearby residential properties.

9.11 The rear extension would be positioned 12m to the nearest ground floor part of the neighbouring dwellings. This would satisfy the published guidance for new housing layouts as being a generally acceptable distance. Its flat roof design helps to reduce the size and massing further. The rear extension would not reduce light of neighbouring properties to an unacceptable level or have an overbearing impact. Due to the existing boundary treatment there would not be a detrimental impact from overlooking from glazed doors to the southern and eastern elevation.

9.12 The rear extension would project 3m beyond the main rear wall of the attached dwelling to the west (12 Garratt Close) along the side common boundary. This part of the proposal complies with the Council's Supplementary Planning Document 'Extending your Home' and does not reduce light to an unacceptable level or have an overbearing impact. No windows are proposed in the western elevation of the rear extension facing this property.

9.13 The existing garage would be converted into a garden room/kitchen with additional windows/doors to the northern elevation but the existing boundary screening would assist in avoiding overlooking from these windows. There would not be a detrimental impact from overlooking. A condition can be added to ensure this use remains ancillary to the main dwelling.

Impact on Highway / Parking

9.14 The proposal involves conversion of the existing garage at the property to a garden room therefore the loss of a car parking space. However there remains sufficient off road car parking spaces at the site. The property is located in a sustainable location close to Poulton Town Centre whereby no more than 2 parking spaces would be required and can be provided. The proposal would not have a detrimental impact on highway safety or parking and satisfies policy CDMP6 of the WLP31.

Other matters

9.15 Flood Risk/Drainage - The application site is not located in an area that is at risk of flooding as shown on the Environment Agency flood maps. A number of nearby residents have raised concerns regarding additional surface water flooding into adjacent gardens. However the drawings show drainage into existing drains at the site and due to the scale of the proposal it is not considered that it would significantly increase flooding at the site or to adjacent dwellings.

9.16 Trees - To the south of the dwelling outside the curtilage of the site is an area of open space with a number of trees which have tree preservation orders attached. Due to the separation distance (approx. 11m) from the trees and with the garages positioned in-between, there would not be a detrimental impact on these trees.

9.17 Contamination - The Council's Environmental Health Officers have asked for three conditions to ensure the proposed extensions would have appropriate gas and vapour protection measures installed (a requirement of the original estate development). Subject to these conditions there would be no detrimental impact on the health of the occupiers in accordance with policy CDMP1 of the WLP31.

9.18 Damage to neighbouring property from excavation works is not a material planning consideration and is a private matter.

10.0 CONCLUSION

10.1 The proposals are of acceptable design and are not visually detrimental to the character of the area or the existing building, or detrimental to residential amenity. Other matters identified can be controlled by condition. The scheme satisfies planning policy and guidance. It is therefore considered that Planning permission should be granted subject to conditions.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions.

Recommendation: Permit

Conditions: -

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 13.12.19 including the following plans/documents:

- Location plan received on 13.12.19
- Revised GF plan and front elevation drawing ref: 1067.03d received on 14.04.20
- Revised FF plan and side and rear elevations drawing ref: 1067.04e received on 22.04.20
- Revised garage and west elevation drawing ref: 1067.05d received on 11.03.20
- Revised front and side elevation drawing received on 11.03.20

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

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

3. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used for the existing building in form, colour, and texture.

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

4. The development shall incorporate gas protection measures equivalent or higher than NHBC Amber 2 classification and to those incorporated into the design of the existing property; the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. These measures shall include as a minimum, a well-constructed ground slab, a 2000g gas & vapour resistant membrane, minimum (ideally none) penetration of the ground slab by services, and passive ventilation to the underside of the building. Validation of the agreed gas / vapour protection measures will be required on completion of the works.

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).

5. The development plot has a no-dig capillary break layer laid at 600mm below ground level for the purpose of preventing soil mixing. Any likely compromise of this layer must be supported by a written strategy submitted to and approved in writing by the Local Planning Authority in advance of any ground works commencing, outlining the measures to be employed to address any potential risks to construction site personnel, or to existing and future receptors.

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).

6. The applicant shall undertake a watching brief during the course of the development works. The watching brief shall be undertaken by a suitably qualified person, with any significant contamination discovered, reported immediately to the Local Planning Authority. The findings of the watching brief shall be reported in writing and submitted to the Local Planning Authority for approval, prior to occupation of the extensions.

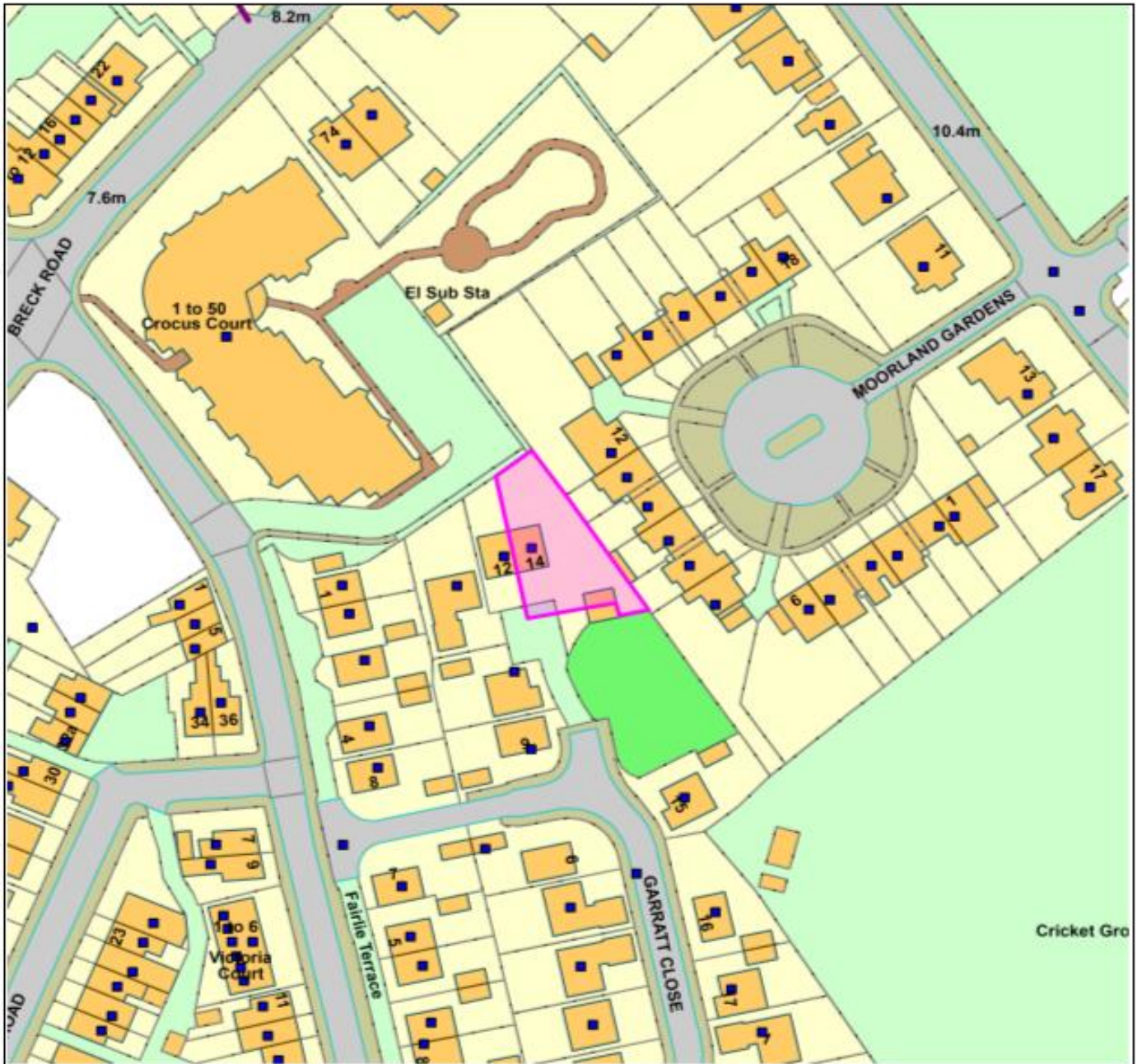
Reason: The footprint of the proposed development is within the immediate vicinity of an area of infilled ground. The nature of the fill is unknown. Works are therefore required in the interests of public safety and in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

7. The use of the garden room shall be restricted to purposes which are ancillary to the main use of the dwelling and shall not be used as a separate unit.

Reason: To prevent the over-development of the site in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

Planning Committee

19/01232/FUL -14 Garratt Close Poulton



Scale: 1:1144

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 3
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