



Emergency Powers Non-Executive Decisions Agenda

Wyre Borough Council
Date of Publication: 14.07.2020
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Emergency Powers Non-Executive Decisions meeting on Wednesday 22 July 2020 at 10.00 am 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. Confirmation of the minutes

(Pages 3 - 10)

To confirm as a correct record the minutes of the Emergency Powers Non-Executive Decisions meeting held on 03 June 2020.

4. Appeals

(Pages 11 - 32)

The Schedule of Appeals lodged and decided between 15th May- 30th June 2020, is attached.

5. Planning applications

Background Papers:

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

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

appropriate for the historic applications specifically referred to in the reports

8. Any additional information specifically referred to in each report.

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

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

- | | | |
|-----|--|-----------------|
| (a) | Application A- Land 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. | (Pages 33 - 66) |
| (b) | Application B- 29 Coronation Road, Thornton Cleveleys, Lancashire, FY5 1DQ (20/00429/FUL)
Change of use of existing bungalow into a childrens care home and works to building including roof lift, single storey rear link extension and addition of pitched roof to existing garage. | (Pages 67 - 78) |
| (c) | Application C- 55 Quail Holme Road, Knott End-On-Sea, Poulton-Le-Fylde, Lancashire, FY6 0BT (20/00370/FUL)
Hip to gable roof alteration, front and rear dormers, front porch and single storey rear extension to replace conservatory. | (Pages 79 - 88) |

Please note:

There is a slight amendment to the arrangements for external speakers, under the emergency power provisions for planning committee matters, for this meeting.

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 10am on 21st July 2020.

Individuals, who have successfully registered, should ensure that their comments are made by 09:00 on the 22nd July 2020 and should be sent to the Democratic Services Officer.



Emergency Powers Non-Executive Decisions Minutes

The minutes of the Emergency Powers Non-Executive Decisions meeting of Wyre Borough Council held on Wednesday 3 June 2020 via Remote Access.

Councillors present:

Councillors Moon (Chair) and Ballard

Officers present:

Garry Payne, Chief Executive
David Thow, Head of Planning Services
Lyndsey Hayes, Planning Development Manager
Carmel White, Solicitor
Emma Keany, Democratic Services Officer

No members of the public or press attended the meeting.

8 Declarations of interest

None.

9 Confirmation of the minutes

The minutes of the Emergency Powers meeting, which dealt with decisions normally reserved for Planning Committee, held on Wednesday 6 May 2020 were confirmed as a correct record.

10 Appeals

That the position regarding the appeals, as set out on pages 33-37 of the agenda reports pack, be noted and that any Member requiring any further details or clarification on any appeal, should contact the relevant Case Officer.

11 Planning applications

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

Application A- Royal Oak, 64 Breck Road, Poulton-Le-Fylde, Lancashire, FY6 7AQ (19/01292/FULMAJ)

The application was brought to the meeting for determination at the request of Councillor Henderson and due to the fact that applications for development on the site had been previously determined by the Planning Committee.

The site was familiar to all as the site location was adjacent to the Wyre Council Civic Centre. Prior to the meeting, site photographs were also distributed to further assist with the understanding of the proposal and its impact.

An update sheet with additional information was published on the council's website and made available at the meeting, this information had only become available after the original agenda was published. The attendees considered the update sheet, which included amendments to consultation responses.

Councillors Ballard and Moon considered the application and discussed their views with the officers. They also took on board the views shared to them, prior to the meeting, by Councillors Le Marinel, I Amos and R Amos.

The Chief Executive confirmed he had considered all of the points raised and subsequently he decided that the application be **approved (as per the recommendation)** under the provisions of the Town and Country Planning Act 1990, subject to the conditions as set out below.

Conditions:

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 23/12/2019 including the following plans/documents:

- Site Location Plan
- Proposed Site Plan (Revised) Drawing Number SP-0001 P1
- Planting Plan Drawing Number 199.4.02
- Landscaping Proposals Details Drawing Number 199.3.01
- Hardworks Plan Drawing Number 199.4.03
- Ground Floor and Site Plan Drawing Number GA-0001 P1
- First and Second Floor Plan Drawing Number GA-0002 P1
- Roof plan Drawing Number GA-0004 P1
- Sections Plan Drawing Number SC-0001 PL
- Proposed North and Southern Elevations Drawing Number EL-0001 Rev P2 (Revised)
- Proposed East and Western Elevations Drawing Number EL-0002 Rev P2 (Revised)

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

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

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

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

4. 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).

5. No development above ground level shall be commenced until full soft landscaping specifications and schedules (including plant size, species and number/densities) (in accordance with Drawing Number 199.3.01) have been submitted and agreed in writing by the Local Planning Authority.

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)

6. The hard landscaping works shall be carried out in accordance with the approved details (Drawing Number 199.4.03) prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

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

7. The development hereby approved shall not be first occupied or brought into use until the parking / turning area(s) and Cycle Store shown on the approved plans (Site Plan Drawing Number SP-0001 P1 and Ground Floor and Site plan Drawing Number GA-0001 P1) 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).

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

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

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

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

9. Prior to first occupation of any dwelling hereby approved, the site access and off-site works of highway improvement [namely, the reinstating and provision of a 2m wide footway across the site frontages of Breck Road and Station Road] shall

be carried out, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall be carried out in accordance with any alternative approved timetable for implementation.

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

10. Prior to the commencement of development a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan.

The scheme details shall include, as a minimum:

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

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

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

Reason: To promote sustainable development using appropriate drainage systems,

ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water runoff 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 development details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

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

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

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

12. Prior to the first occupation or use of the development hereby approved, the 7 first floor windows on the western elevation (Serving the hallway) shall be:

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

The window(s) (including any subsequent repaired or replacement window) shall be

maintained and retained thereafter in accordance with this detail.

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

13. 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).

14. The development hereby permitted shall be designed so that the level of noise emitted from the site does not exceed the following levels as assessed in accordance with British Standard 8233 (2014) and WHO guidelines (or any subsequent replacement national standards / guidance) when measured at nearby noise-sensitive premises:

- 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)*

*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.

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

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

15. Prior to the installation of any external lighting associated with the development hereby approved, a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that light intrusion into the windows of any sensitive premises will not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3). The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (or any subsequent replacement guidance).

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

Reason: To safeguard residential amenity and in the interests of public safety in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

16. The existing access into the development site shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular

crossing shall be reinstated in accordance with the Lancashire County Specification for Construction of Estate Roads prior to the first occupation of any part of the development hereby approved.

Reason: To limit the number of access points and to maintain the proper construction of the highway in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

Notes: -

1. Due to the proximity of the site to a Major Accident Hazard Pipeline and a Low Pressure Gas main, the applicant/developer is advised to contact National Grids Plant Protection Team on 0800 688 588 or e-mail address plantprotection@cadentgas.com prior to any development commencing including demolition works.

2. The applicant is advised that the new site access, and off site highway works will need to be constructed under a section 278 agreement of the 1980 Highways Act. 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 is advised to contact LCC Highways before works begin on site.

The meeting started at 2.00 pm and finished at 2.31 pm.

Date of Publication: 08 June 2020

APPEALS LODGED AND DECIDED

Appeals Lodged between –15th May – 30th June 2020

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
19/01228/FUL	Torbant Lodge Brick House Lane Hambleton Poulton-Le-Fylde Lancashire FY6 9BG	Removal of existing residential caravan and erection of one dwelling	Committee	Written Representations	26 th May 2020
19/00151/FUL	Poulton Plaiz Holiday Park Garstang Road West Poulton-Le-Fylde Lancashire FY6 8AR	Demolition of existing barn and house to allow for the siting of 11 timber lodges	Delegated	Written Representations	1 st June 2020
19/01030/FUL	18 Lynwood Drive Stalmine-With-Staynall Poulton-Le-Fylde Lancashire FY6 0PZ	Two storey side extension (over part of an existing garage), side dormer and single storey rear extension	Delegated	Fast Track Appeal	15 th June 2020
19/00636/OUT	Land North Of Woodlands Wallace Lane Forton Preston Lancashire PR3 0BB	Outline application for the erection of 1no. detached dwelling with access applied for (all other matters reserved)	Delegated	Written Representations	24 th June 2020

Appeals Decided between – 15th May – 30th June 2020

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
19/00565/FUL	Willow Trees Cart Gate Preesall Lancashire FY6 0NP	Change of use from agricultural land to caravan storage, provision of landscaping and installation of electronic security gate.	Delegated	Dismissed	26 th May 2020

18/00232/NOCOMP	99 Fleetwood Road Poulton-Le-Fylde Lancashire FY6 7NU	Non-compliance with approved plans of first floor extension	N/A	Allowed	11 th June 2020
18/00902/FUL	Pointers Grove Yard Taylors Lane Pilling Lancashire PR3 6AP	Erection of three industrial units (use Class B1/B8) (resubmission of 17/00785/FUL)	Delegated	Dismissed	15 th June 2020
19/01168/FUL	1 Bolton Avenue Poulton-Le-Fylde Lancashire FY6 7TW	Proposed repositioning and extension of side/rear perimeter fence to the height of 1.8m (part retrospective)	Delegated	Dismissed	23 rd June 2020



Appeal Decision

Site visit made on 20 May 2020

by **Paul Singleton BSc MA MRTPI**

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 26 May 2020

Appeal Ref: APP/U2370/W/20/3244933

Willow Trees, Cart Gate, Preesall, Poulton-le-Fylde FY6 0NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs John Bradley against the decision of Wyre Borough Council.
 - The application Ref 19/00565/FUL, dated 10 June 2019, was refused by notice dated 23 August 2019.
 - The development proposed is change of use from agricultural to caravan storage; planting of 50m of native species hedgerow and supplementary planting of fruit trees; and installation of electronic security gate.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following my review of the written statements I requested additional information concerning an earlier planning permission and a Certificate of Lawfulness of Existing Use that are referred to in those submissions. That information was provided on 30 April 2020 and I have had regard to this in reaching my decision.

Main Issues

3. The main issues are:
 - a) Whether the proposed use would be appropriate within the open countryside; and
 - b) The effect on the character and appearance of the site and its surroundings.

Reasons

Whether proposed use appropriate in the countryside

4. The appeal site comprises a small paddock which is located immediately to the south of, and shares an access with, a larger area of land and buildings within the appellants' ownership and control. It lies outside of the settlement limits of Preesall in an area designated as open countryside within the Wyre Borough Local Plan 2011-2031 (LP). LP Policy S4 states that the open and

rural character of the countryside will be recognised for its intrinsic character and beauty and imposes strict controls on new development within this area.

5. Part (2) of the policy states that, within countryside areas, permission will only be granted for new development for a strictly limited range of purposes including:
 - (a) agriculture ... and the diversification of agricultural businesses in line with Policies EP8 (Rural Economy) and EP10 (Equestrian Development); and
 - (h) the expansion of businesses in rural areas in accordance with Policy EP8.
6. The proposal derives no support from Part (2)(a) of Policy SP4 since there is no existing agricultural business either on the appeal site or the appellants' larger land holding. In November 2015 the Council issued a Certificate of Lawfulness (Ref:15/00571/LAWE) in respect of the agricultural use of the appeal site and a former pig rearing building immediately to the north. The certificate reflected the appellants' evidence that, over the previous 10 years, that land had been used for pig and sheep rearing and for the fattening of cattle. This evidence also showed that, in February/March 2015 the cattle had been replaced by two pigs for the appellant's own consumption. Note 1 to the Certificate expressly states that it does not certify that the appeal site and adjacent building form part of an agricultural unit for the purposes of the Town and Country Planning (General Permitted Development) (England) Order 2015.
7. I saw no evidence of grazing taking place on the appeal site at the time of my visit and I note that the appellant's Design and Access Statement describes this land site as "*semi-waste ground*". The appellants' statement confirms that other grazing land within their ownership is let to a tenant. Whilst the appellants may derive some income from this source the grazing use does not form part of their own business activities at the site. The larger site was previously used for intensive pig rearing but that use ceased in or around 2008. The very limited agricultural activities which the appellants now undertake themselves do not, in my view, constitute an agricultural business.
8. Alongside the pig rearing activities, the appellants built up an ancillary operation involving the collection and storage of food wastes (waste oils and fats) to be used as pigswill. The pig rearing operation subsequently became unviable and has ceased but the collection and storage of waste oils and fats has continued. The delegated officer report refers to this as a recycling business but, as the waste materials are taken elsewhere for recycling, the use might more accurately be described as a waste transfer operation.
9. The evidence shows that it is these commercial activities that form the principal land use of the larger area of land in the appellants' ownership (excluding the grazing land let to others). This was accepted by the Council in its decision, in December 2012, to grant permission (Ref:12/00696/FUL) for the subdivision of a workshop (located in the central part of the larger site) to form a smaller workshop and new residential accommodation within a 'live work' unit. Condition 3 of that permission restricts occupation of the dwelling to a person solely or mainly employed in managing or operating the '*commercial business*' at the site.

10. The appellants state that other minor operations, including small machinery repairs, vehicle repairs, and caravan repairs and maintenance have taken place alongside the waste oils and fats business and that 2 caravans have been stored over the winter period for the last 10 years. Their statement asserts that all of these activities form the commercial business referred to in Condition 3 of that permission. However, that does not appear to have been the Council's understanding. The officer report on the 2012 application refers only to the existence of the waste oils and fats business and "*some agricultural activity*" at the site. There is no express planning permission for these other activities and there may, therefore, be a question as to whether they form part of the lawful use of the other land owned by the appellants.
11. There is a trailer and one caravan stored on the appeal site but the lawful use of the site, as established by the Certificate issued in 2015, is for agricultural use only and does not include any commercial or storage use. The appeal proposal would have the effect of displacing that agricultural use and introducing a new storage use on the land.
12. Whether all the activities at the site are treated as one business for tax and accounting purposes is not relevant when assessing whether the proposal is an expansion of the existing commercial business. In land use planning terms, the key issue is whether there is any functional relationship between the proposed activities and the existing business. In this case the proposal is for a simple open storage use. It would not be dependent upon or make use of the workshop facilities within the live work unit and would have no functional relationship with the existing commercial operations. Accordingly, I agree with the Council that the proposal is for the establishment of a new, stand-alone business rather than the expansion of an existing rural business. The proposal does not, therefore, fall within the exception set out in part (2)(h) of Policy LP Policy SP4 and would conflict with that policy.
13. I do not agree that paragraph 83(b) of the National Planning Policy Framework (Framework) provides any support for the proposal as suggested by the appellants. As there is no existing agricultural business at the site the first part of sub-paragraph (b) is not relevant. In addition, I do not consider that the proposed use can sensibly be regarded as being one of the "*other land-based rural businesses*" referred to in paragraph 83(b). No definition of this term is given in the Framework but it is reasonable to regard this category as including land uses that have an operational need for or which derive a particular benefit from a rural location. This might, for example, include equine stabling and outdoor recreational uses, but does not, in my view, extend to include caravan storage which could equally well take place on an industrial or other urban site.
14. Accordingly, I find that the proposal conflicts with LP Policy SP4 which seeks to protect the countryside for its intrinsic character and beauty and to place strict controls on new development in the countryside.

Character and appearance

15. The appellants state that majority of caravans and campers using the 16 spaces would be taken out of storage during March to October, thereby suggesting that only a small number of caravans or vehicles would be present over the summer months. However, as suggested by a third party objector, the main reason that owners would be likely to pay for remote

storage would be because they are unable to store their caravan, camper or motorhome securely at home. Most of those stored at the site may not be moved over the winter period. However, over the summer months, the probability is that owners would collect their vehicles as and when they wish to go away and return them to the storage site when they come back from their trip. It is, therefore, reasonable to assume that many of the caravans and campers/motorhomes would be on the site for much of the year.

16. My assessment is that, while the ditch along its southern edge serves as a physical boundary to the site, it does not form a visual boundary, being entirely lost in views into or out of the site. With only a low post and rail fence between the ditch and the adjacent paddock to the south, the appeal site has a very open aspect with long views across gently rising agricultural land to a group of trees on the horizon and to some of the properties on Park Lane to the south west.
17. In combination with the visual screen provided by the rear wall of the former pig building, this open aspect results in the site having a stronger visual relationship with the open land to the rear of the appeal site than with the group of buildings to the north. The trees/shrubs that run in a line parallel to the southern boundary are of limited height and are sufficiently spaced so as not to enclose the site visually. These are not identified on either the existing or proposed site plan and it seems that the majority of these would be removed as part of the proposed development.
18. As most caravans and campers/motorhomes are white or of light colour, they would stand out against the darker background of the wall to the rear of the former pig building. Due to this light colouring, their height of say 2.5 to 3 metres (m), and the number of such vehicles proposed on the site they would be readily visible and prominent when seen from the south. As noted in the appellants' visual assessment a grouping of such vehicles would be likely to have a stark appearance in the landscape. I accept that no nearby visual receptors are likely to be adversely affected. However, the proposal would have a significant adverse effect on the character and appearance of the landscape and would introduce a strong urban element into the existing open aspect of this part of the designated countryside.
19. The site is well screened by existing vegetation along its eastern boundary and the appellants propose to plant a new, native species hedge along the southern boundary. An assessment of landscape and visual impacts has been provided but this does not adopt the standard approach of assessing those effects at Year 1, when new planting is likely to be immature, and at a much later date when that planting has matured. In my assessment the proposed hedge would need to reach a height of 3.5m or so in order to provide an effective screen and is likely to take some years to reach that height. In the intervening period the proposal would have a significant adverse effect on the landscape of the local area.
20. The proposal to use native species should be welcomed in terms of the potential biodiversity benefit. However, the resultant leaf loss during winter would be likely to reduce the effectiveness of the hedge as a visual screen to a material degree. As all of the storage spaces would be occupied over the winter period the effectiveness of the proposed mitigation is likely to be limited. Alternatively, a dominance of evergreen species in the proposed

hedge would not be in keeping with the surrounding natural landscape. I find that, on balance, the caravan storage use would have an adverse effect on the character and appearance of the site and its surroundings, notwithstanding the mitigation proposed. The proposal does, therefore, conflict with Local Plan Policy CDMP3, which requires that all development should respect and enhance the character of the area, and Policy SP4, which seeks to protect the open and rural character of the countryside.

Other Matters

21. I note the concerns raised in third party representations about the traffic generated by the proposed use and flood risk but agree that the proposal would not give rise to unacceptable effects in respect of these matters. I consider that the site access is suitable for the intended increased usage subject to the improvements recommended by the local highway authority.
22. The proposal would generate additional income for the appellants. However, this would be a wholly private benefit that does not outweigh the conflict with the development plan.

Conclusions

23. For the reasons set out above I conclude that the appeal should be dismissed.

Paul Singleton

INSPECTOR

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Appeal Decision

Site visit made on 21 May 2020

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2020

Appeal Ref: APP/U2370/C/19/3242359

Land at 99 Fleetwood Road, Poulton-le-Fylde, Lancashire FY6 7NU

- 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 Little Explorers Nursery and Forest School Carleton against an enforcement notice issued by Wyre Borough Council.
- The enforcement notice, numbered PLG/6/113, was issued on 14 November 2019.
- The breach of planning control as alleged in the notice is:
Without planning permission, the erection at first floor level of screening approximately 1.8 metres in height to the northern boundary and to the southern boundary and to the eastern boundary of the existing flat roof to the rear elevation of the detached building on the Land (shown edged in blue on the attached plan) to create an enclosure ("the Screening").
- The requirements of the notice are:
Take down/demolish the Screening in its entirety (for the avoidance of doubt including, but not by way of limitation, any and all supporting posts) and remove it from Land.
- The period for compliance with the requirements is twenty eight days.
- The appeal is proceeding on the grounds set out in section 174(2) (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed and the enforcement notice is upheld as varied in the terms set out below in the Formal Decision.

Ground (f)

1. Planning permission¹ was granted 14 August 2017 for the 'Conversion of rear first floor flat roof to outside play area for children'. The rear first-floor flat roof of the appeal property is currently being used as an outdoor play area for children, similar to the development granted planning permission. The approved development included an obscure glazed with steel posts enclosure. There is no dispute between the parties that planning permission 17/00564/FUL remains extant. The constructed development has a plastic cladding enclosure with clear glazed windows.
2. Section 173 (3) of the Town and Country Planning Act 1990 as amended (the Act) states that 'An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes...'. Purpose (a) under Section 173 (4) is 'remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by

¹ LPA ref: 17/00564/FUL

discontinuing any use of the land or by restoring the land to its condition before the breach took place.'

3. The requirement of the subject enforcement notice seeks the removal of the screening, which would remedy the breach of planning control. However, it is necessary to consider whether the steps required are excessive (section 174(2)(f) of the Act). The extant planning permission could be implemented, which would likely have less of a detrimental effect on the operation of the business, i.e. the use of the area could be retained as an outside play area. Altering the existing screening to bring it in accordance with the approved development would have the same effect of remedying the breach as seeking its removal altogether by making it comply with the terms (including conditions and limitations) of a planning permission.
4. Therefore, the requirements of the enforcement notice are excessive as there is a reasonable, less onerous, alternative. I shall therefore vary the notice to include the alteration of the screening to comply with the extant permission as an alternative to the existing requirement.

Ground (g)

5. This ground of appeal is that the period for compliance is unreasonably short. The period for compliance is 28 days. The appellant makes a number of arguments as to why this period of compliance is unreasonable, although I note that no alternative period has been suggested. These arguments include the difficulty in arranging tradespersons to remove the screening just prior to Christmas. However, due to the timing of the appeal, this is no longer a critical issue. The appellant also argues that there are health and safety factors to take into account due to the nature of the business.
6. The construction of screening does not appear to be overly complex or heavily engineered. It seems to me that it would only likely take a matter of a few days, as contended by the Council, to remove it. However, it would potentially have a significantly adverse effect on the operation of the business, particularly if it was carried out when children are on the premises as there would be potential conflict between the tradespersons and the children. Therefore, the works would have to be carefully planned and managed. Such effects would likely be compounded by the current coronavirus pandemic.
7. I acknowledge that there would be potential difficulties in removing the screening whilst minimising any adverse effects on the operation of the business. However, the screening is a relatively lightweight construction and any disruption would likely be only for a few days. Nevertheless, the coronavirus situation clearly adds difficulties and uncertainties, even for relatively small undertakings of this kind. For that reason, I consider that an extension to three months is reasonable to reflect all these circumstances. I shall vary the notice accordingly prior to upholding it.

Formal Decision

8. The appeal is allowed and it is directed that the enforcement notice be varied as follows: by deleting the sub-text of paragraph 5 in its entirety and substituting: 'You must (1) Take down/demolish the Screening in its entirety (for the avoidance of doubt including, but not by way of limitation, any and all supporting posts) and remove it from the Land, or, (2) alter the Screening to

comply with planning permission ref: 17/00564/FUL, approved on 14 August 2017, and remove any excess materials from the Land'; and, the substitution of 3 months as the period for compliance.

Alexander Walker

INSPECTOR

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Appeal Decision

Site visit made on 15 May 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2020

Appeal Ref: APP/U2370/W/19/3243385

Pointers Grove, Taylors Lane, Pilling, PR3 6AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jim Brown against the decision of Wyre Borough Council.
 - The application Ref 18/00902/FUL, dated 11 September 2018, was refused by notice dated 31 October 2019.
 - The development proposed is erection of three industrial units (use Class B1/B8).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development given above is taken from the Decision Notice and the Appeal Form. This reflects amendments that were made to the scheme at application stage and the proposal was determined on that basis.
3. A revised parking and turning plan was submitted with the appeal. This proposes minor changes to the parking spaces and illustrates a tracking layout for larger vehicles. These changes would be minor in nature and not readily perceptible from any public vantage point. The Council has had the opportunity to comment on the revised plan through the appeal process, and I do not consider that any other party would be prejudiced by my acceptance of it. I have therefore taken the revised plan into account in my determination of this appeal.

Main Issues

4. The main issues are whether the development would, firstly, prejudice highway safety and, secondly, comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding.

Reasons

Highway safety

5. The development would utilise the existing access route to Taylors Lane. This is a relatively long and narrow route that is used by both vehicles and pedestrians. It is flanked on either side by accesses to the adjoining properties.

6. The appeal site is currently served by larger commercial vehicles and refuse/recycling collection vehicles. At present, these are able to turn within the site and enter/leave in a forward gear. Given the length and width of the access route, any reversing along it by larger vehicles would risk collisions and pose a danger to pedestrians.
7. Two plans have been submitted by the appellant to illustrate that the development could accommodate appropriate parking and turning facilities. The first of these¹, which was commented upon by the Highway Authority, illustrates that a larger vehicle could enter and turn within the site. However, under this arrangement, a number of the proposed parking spaces would be very difficult to enter/leave. The westernmost space would also be close to the turning area required by a larger vehicle, and poor parking in this space could obstruct the turning area. Moreover, this plan does not take account of vehicles parked in front of the existing units opposite, which could also restrict the ability to turn.
8. The second plan², submitted at the appeal stage, illustrates a different parking layout that would preclude the turning arrangements shown in the original plan. The vehicle tracking also lacks detail and it is unclear what vehicle type it relates to. Moreover, at the time of my site visit, vehicles were parked in front of existing Unit 1 in a way that would obstruct the turning area for a larger vehicle. Other submitted photographs also show vehicles parked in this position. Whilst a parking plan has been provided that shows spaces side-on to the existing units in this position, it is unclear how this arrangement would be enforced. Moreover, it is not clear whether it would be possible to properly mark out these spaces given the make-up of the existing surface. Given these uncertainties, I am unable to conclude that appropriate turning could be provided within the site for larger vehicles.
9. Separately, a number of minor alterations to the edge of the carriageway are proposed that would improve visibility at the junction with Taylors Lane. These would include the use of road markings to realign the edge of the carriageway, which would allow vehicles to pull out further before entering the road. This would significantly improve visibility at the junction for vehicles associated with both the existing and proposed units, as well as the accesses on either side. The slight reduction in the width of the carriageway may also act to reduce vehicle speeds along Taylors Lane. Moreover, the Highway Authority's Personal Injury Accident data indicates that there were no reported incidents relating to this junction in the 5 years prior to 15 November 2018. This indicates that it is currently operating safely.
10. The appellant has submitted a Visibility Plan which identifies that a 2.4m x 35m visibility splay can be achieved to the east, solely within the adopted highway. Whilst a splay of only 2.4m x 25m is shown to the west, given the proposed improvements to the junction and the Personal Injury Accident data, I consider that this shortfall would be acceptable in this case. Moreover, additional visibility is available across the frontages to the adjoining properties, albeit I recognise that this land is privately owned.
11. The Council state that the submitted plans fail to demonstrate that the access route would be constructed in a hard bound surface to prevent loose stones

¹ 'Proposed Site Plan SCA' (undated)

² 'Proposed Parking Plan for Existing Units out of the Proposed Turning Area' (5 December 2019)

entering the highway. However, this matter could be dealt with by condition. In this regard, the appellant states that they have the right to maintain and repair the access route, and I see no reason to doubt this. However, that does not alter my concerns in relation to vehicle turning within the site.

12. For the above reasons, I conclude that the development would be likely to prejudice highway safety. It would therefore be contrary to Policy CDMP6 of the Wyre Local Plan (2019) which requires that safe and adequate vehicular access and appropriate circulation within the site be provided.

Flood risk

13. The appeal site is identified on the Environment Agency's flood mapping as being within Flood Zone 3 (defended). This risk relates to sea flooding. The National Planning Policy Framework ('the Framework') seeks to steer new development to areas with the lowest probability of flooding by applying a Sequential Test. It states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
14. In relation to the Sequential Test, Planning Practice Guidance ('PPG') states that "*in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere*"³. In this regard, the development would expand the appellant's existing business at the site which rents out small commercial units to local businesses. However, there is no indication that the proposed units would be occupied by any business currently operating at the site, and instead they would be likely to accommodate businesses currently based elsewhere. Accordingly, the proposal could be located anywhere within the catchment area for this type of development.
15. A sequential assessment has been submitted in support of the appeal proposal. However, this does not identify the relevant catchment area, nor does it provide a detailed assessment of reasonably available alternative sites. In this regard, Pilling is a relatively small settlement and there is no evidence before me to suggest it comprises its own employment catchment area. Moreover, the Council has highlighted a number of alternative sites, which the appellant has not addressed in its submissions.
16. The appellant does not own any suitable land outside of Flood Zone 3 and it is asserted that it would be impractical to locate the development elsewhere due to cost, and distance from the existing site. However, I do not accept that the sequential assessment should be limited to land owned by the appellant only. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding, taking account of reasonably available alternative sites. National guidance does not indicate that only sites in the appellant's ownership should be considered as 'reasonably available'. Moreover, the development is intended to meet a need for new business accommodation in the wider area rather than to facilitate the expansion of a business occupying one of the existing units. In these circumstances, it would not be impractical for the development to be located elsewhere.

³ Paragraph: 033 Reference ID: 7-033-20140306

17. Reference has been made to the *Tesco v Dundee Judgment*⁴, which addressed a separate Sequential Test that relates to main town centre uses. However, that Judgement does not support the contention that only sites owned by the appellants should be considered in a sequential assessment.
18. It is asserted that an existing industrial estate in Pilling has been subject to a number of planning permissions in recent years. In addition, my attention has been drawn to a planning approval at Fell View Cottage, Preesall (Ref 19/00784/FUL). However, the full details of those cases are not before me. In any case, I have come to my own view on this matter rather than relying on the approach the Council may have taken elsewhere.
19. It is asserted that there is strong local demand for smaller industrial units, both in Pilling and across the Borough. However, only limited information has been provided to substantiate this, and in any case, that does not remove the need to undertake a rigorous Sequential Test assessment.
20. The Environment Agency ('EA') has not objected to the development on flood risk grounds. However, the EA is not responsible for assessing compliance with the Sequential Test and this is the task of the Local Planning Authority.
21. Whilst the site is in Flood Zone 3 it benefits from sea defences which provide some protection to the appeal site. However, a breach in these defences cannot be ruled out during harsh conditions. In this regard, there is little detail before me regarding the nature of the existing defences or their likely resilience during a flood event. These uncertainties reduce the weight I can attach to the presence of flood defences in this case.
22. Separately, the development proposes 'less vulnerable' B1 and B8 uses and is therefore not required to pass the Exception Test, as set out in 'Table 3: Flood risk vulnerability and flood zone compatibility' in PPG. In this regard, Table 3 states that 'less vulnerable' development is "*appropriate*" in Flood Zone 3a. However, the notes accompanying that table clearly state that it 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.
23. For the above reasons, I conclude that the development would fail to comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding. It would therefore be contrary to Policy CDMP2 of the Wyre Local Plan (2019), which requires that new development in Flood Zones 2 and 3 meet the Sequential and Exception Tests as appropriate. It would also be contrary to guidance in the Framework relating to flood risk.

Other Matters

24. The proposed B1/B8 uses would not be intrusive in nature and would be unlikely to generate significant noise or disturbance to neighbouring occupiers. In this regard, conditions could be applied to ensure that the development did not operate outside of standard working hours. The rear of the proposed units would also be relatively low in height and would be set in from the boundary. In my view, they would not result in any significant overbearing effect to neighbouring garden areas.

⁴ *Tesco Stores Ltd v Dundee City Council* (Scotland) [2012] UKSC 13 (21 March 2012)

25. Reference is made by interested parties to localised flooding and drainage issues. However, the site is identified as being at very low risk of surface water flooding on the Environment Agency's flood risk mapping. Moreover, I note that the Council's Drainage Engineer has not objected to the development on these grounds, subject to the imposition of planning conditions.
26. The submitted plans show 4 existing commercial units on the site. However, at the time of my site visit, there appeared to be 6 units present. It is therefore unclear whether the development would provide sufficient parking for these existing units. However, as I am dismissing the appeal on other grounds, this matter is not determinative in this case.

Conclusion

27. As set out above, I conclude that the development would fail to comply with national guidance relating to flood risk and would prejudice highway safety. Whilst it would provide new employment accommodation on a previously developed site, and would generate some economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

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Appeal Decision

Site visit made on 1 June 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2020

Appeal Ref: APP/U2370/D/20/3247072

1 Bolton Avenue, Poulton-le-Fylde FY6 7TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Thompson against the decision of Wyre Council.
 - The application Ref 19/01168/FUL, dated 11 November 2019, was refused by notice dated 22 January 2020.
 - The development proposed is described as 'proposed repositioning and extension of side/ rear perimeter fence to height of 1.8 metres (part retrospective)'.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description of development has been taken from the Council's decision notice, which provides a more succinct description than that on the application form.

Main Issue

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

Reasons for the Recommendation

5. The appeal site comprises a detached house and associated gardens at the corner junction of Arundel Drive and Bolton Avenue. A 1.8 metre high vertical slatted fence is currently present along the side and rear perimeter of the property. This fence is set back from the south facing elevation of the property along Bolton Avenue and from the edge of the property boundary where the gardens meet the pavement on Arundel Drive.
6. The surrounding area is characterised by its residential use, with a variety of housing styles and plot sizes. The original estate had an open plan feel, with gardens directly abutting the pavement. On corner plots, such as the appeal site, the rear garden fencing was set in substantially from the boundary with grass verges directly adjacent to the pavement and the sense of openness was an integral part of the spacious and pleasant character of the estate.

7. Over the years a number of properties in the wider estate have enclosed the space to the side in order to extend the private garden space. The appellant has provided a number of photographs of such examples. However, it is a large estate and there are equally many examples where the original layout has been maintained. In the immediately surrounding area the open plan feel remains largely intact with the majority of properties retaining unenclosed gardens running up to the back edge of the footpath. Consequently, notwithstanding the other examples referred to the surrounding area retains its open and spacious character and the garden at the appeal site contributes positively to that prevailing feel.
8. The proposal would involve the replacement of the fence at the appeal site, for which the fence posts have been erected. It would be of the same height as that currently present and would be finished in a brown fence preservative. However, it would be a close boarded fence and would extend project further from the east facing elevation along Arundel Drive, such that it would enclose the majority of the side garden area and only be set back from the footpath by a distance of 300mm.
9. The proposal would represent the first example of a close boarded fence within the immediate vicinity. It would also distinguish the appeal site from the surrounding properties by resulting in a fence running directly alongside the pavement, rather than being set back. Due to the prominent corner location it would be particularly visible when travelling along Arundel Drive and at the junction with Bolton Avenue. Here it would be experienced in the context of the predominant open plan style of the street but also alongside the other examples of fencing in the area, which mirror the open slat and set back nature of the fence currently present on site. Accordingly, the proposal would appear as a dominant addition to the streetscape that is out of keeping with the overall character of the area on account of the reduction in openness and the specific style of the fence.
10. I recognise the need for consistency in decision making and am mindful of the other examples referred to. However, other than the previous appeal relating to No. 30 Arundel Drive it is not clear if any of the fences depicted received planning permission. Some of the examples, particularly those constructed right up to the back edge of the pavement only serve to highlight the harmful effect of enclosing the open spaces that were part of the planned character of the estate. In her comments relating to No. 30 Arundel Drive the Inspector noted that the fence would be set back from the edge of the pavement by a metre and referred to the softening effect of surrounding vegetation. The proposal in this instance would only be set in from the pavement by 300mm and there is no intervening vegetation. There is no suggestion that landscaping is proposed and, in any event, I am not satisfied the set back would be sufficient to provide planting that would soften the harsh visual impact of the fence. Consequently, the previous appeal is not directly comparable and reference to other examples within the estate does not alter my conclusions on the harm that would be caused.
11. For all of those reasons I find that the development would have a significantly adverse visual effect on the character and appearance of the surrounding area. Accordingly, it would fail to comply with Policy CDMP3 of the Wyre Council Wyre Local Plan (2011 – 2031) February 2019.

12. I recognise the concerns of the interested parties that the proposal would prevent litter and dog fouling on the currently unfenced area of the appeal site. However, there is no evidence before me to suggest that this is a particular problem in the area such that these concerns would outweigh the harm identified above. Similarly, while the appellant has raised security concerns no evidence has been submitted suggesting that the area has high crime rates or recurring problems in this regard. Moreover, privacy in the rear garden could be achieved by other means such as planting, without the need to erect a fence in such close proximity to the pavement. Accordingly, the other matters raised do not outweigh the harm to the character and appearance of the area that would be caused by the fence.

Conclusion and Recommendation

13. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

C Preston

INSPECTOR

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Committee Report

Date: 22.07.2020

Item Number 01

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

UPDATED REPORT

1.1 This application is before the Emergency Powers decision maker for a second time. It was initially presented on 6 May 2020. At that meeting the decision maker resolved to '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; and that the Head of Planning Services be authorised to issue the decision upon the satisfactory completion of the S106 agreement'.

1.2 This decision was made on the basis of information contained in paragraph 9.4 as follows: The application will be subject to a Section 106 legal agreement (s106) 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 [prepared for Site allocation SA3/3] to reflect the approved delivery mechanisms contained therein. Put simply the s106 can only be completed following on from the approval of the Part 2 Masterplan for the whole allocation of which the application site is a part.

1.3 The purpose of paragraph 9.4 was to ensure that an appropriate costing and delivery exercise had been undertaken for the new community hall, and then this could inform the contribution amount which this development is required to pay towards it. Work on a Part 2 Masterplan is underway. However, because it includes other infrastructure considerations such as delivery of the new spine road and community hub it is unknown at this stage when it will be ready to be presented for approval. In the meantime the Council has been asked by the applicant to try and expedite the delivery of development on this site due to the risk of losing an

interested developer. The applicant has also pointed out the unfairness of this scheme being delayed by having to wait for this document to be produced which covers a multitude of other elements. The applicant remains committed to making an appropriate and proportionate contribution towards the community hall.

1.4 In an attempt to reach a compromise, the alternative option in the absence of a Part 2 would be to commission detailed valuation work by Keppie Massie on the cost of land within the allocation and the likely build cost of a community hall. This work could then inform a subsequent s106 and agree a suitable contribution level from this development towards the delivery of the community hall. It could also inform the Part 2 to ensure the s106 and masterplan are aligned.

1.5 Any decision taken here must not undermine the important delivery mechanisms of masterplans, however it is considered the reasons why this site could be treated differently and a s106 completed before a part masterplan is approved is that it is small in scale relative to the wider allocation for 350 units, with its own separate access and therefore not reliant on other parts of the allocation to come forward, and the s106 is only dependent on the community hall element to be covered by the part 2. For these reasons, it is considered that there is an alternative option here that would be appropriate in light of the circumstances surrounding this scheme that would enable development to come forward without having a formal part 2 masterplan in place but which would still secure appropriate contributions towards the community hall and importantly would not set an unwanted precedent of granting planning permission without an approved masterplan in place.

1.6 In summary the original recommendation (as set out in paragraph 1.1 above) is to remain unchanged however the decision maker is now being asked to authorise the s106 to be completed on completion of the valuation work towards delivery costs of a community hall as opposed to an approved part 2 masterplan being in place.

ORIGINAL REPORT FROM 6 MAY 2020 'EMERGENCY POWERS DECISIONS ON PLANNING APPLICATIONS' MEETING

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 Ecclestone. 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 Ecclestone, Great Ecclestone

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 masterplanning 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 Ecclestone).

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 Eccleston 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 Eccleston, 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 a 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 through 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 Eccleston. 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 F
- 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
- Open space plan Drg 09
- 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 a scheme for the construction of 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 submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented, 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 final details of the necessary off-site highway works are acceptable and to ensure their timely delivery 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 F); 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 F) 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.

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Planning Committee

Land south of West End and Pinfold House - 18/00540/FULMAJ



Scale: 1:1636

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	09 July 2020
SLA Number	100018720

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Committee Report

Date: 22.07.2020

Item Number	2
Application Number	20/00429/FUL
Proposal	Change of use of existing bungalow into a children's care home and works to building including roof lift, single storey rear link extension and addition of pitched roof to existing garage
Location	29 Coronation Road Thornton Cleveleys Lancashire FY5 1DQ
Applicant	Mr Raj Shah
Correspondence Address	c/o Keystone Design Associates Ltd David Hadwin Development House 261 Church Street Blackpool FY1 3PB
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Rob Clewes

1.0 INTRODUCTION

1.1 This application is presented to this forum at the request of Councillor Fail. The Planning Committee has previously visited this site to assess previous development proposals. Site photos will be available prior to and at the meeting to assist the decision maker's understanding of the proposal and its impact.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is a residential property located on the southern side of Coronation Road which is within the settlement boundary of Cleveleys. The property is single storey with rooms in the roof space and it has been extended to the rear. The neighbouring properties are also residential and the immediate area is predominantly residential. Approximately 75m to the north is Cleveleys Town Centre and the same distance to the west is the promenade. Fronting the promenade on the corner of Coronation Road is Morvern Care Centre, a nursing home owned by the applicant.

3.0 THE PROPOSAL

3.1 The proposal seek a change of use of the existing dwelling (Class C3) to a residential care home for children (Class C2). The care to be provided is for children aged 10 to 17 which would have been in the care of the local authority. The nature of care is 24-7 care/support and there will be no live in carer. The proposal will create 8 full time jobs and the staff will work on a rota of two staff and one manager at each shift and there will be three shifts each day.

3.2 As part of the development physical works are proposed which include a roof lift, single storey rear link extension and addition of pitched roof to existing garage. The roof lift proposes to increase both the height of the eaves and ridge by 1.5m with the front and rear facing gables to remain. The roof to the garage is to be dual-pitched and will result in a ridge height an additional 1m above the existing roof height. The single storey rear link extension projects the same distance as the existing rear extension and would link both the existing extension and the garage. A shallow mono-pitched roof is to be constructed over the proposed and existing extension.

4.0 RELEVANT PLANNING HISTORY

4.1 19/00902/OUTMAJ - Outline application for the erection of a four storey 44 bedroom nursing home (Use class C2) following demolition of existing dwellings with access, layout and scale applied for (all other matters reserved) (re-submission 18/00643/OUTMAJ). Refused - Appeal in progress

4.2 18/00643/OUTMAJ - Outline application for the erection of a 48 bedroom nursing home (Use Class C2) (following the demolition of existing dwellings) with access, layout and scale applied for (all other matters reserved). Refused - Appeal Dismissed

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

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

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

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

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

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

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

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 Wyre's Extending Your Home Supplementary Planning Document (SPD) is a material consideration as whilst the application seeks a change of use of the building from Class C3 to Class C2 the proposal also includes extensions adjacent to residential properties, and so it is considered that the guidance in this document is still relevant. The following sections are particularly relevant:

Design Note 1 General Design Principles

Design Note 4 Single Storey Rear Extensions

Design Note 6 Dormers and Roof Extensions

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY HIGHWAYS - No objections subject to cycle storage condition.

6.2 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY)

6.2.1 From the information in the planning application I am uncertain as to whether this is a day centre or a live in centre. I also do not know the expected number of children who will be staying/ living at the premises.

6.2.2 Immediately adjacent is 27 Coronation Road which contains 3 self-contained residential premises and 31 Coronation Road which contains 6 self-contained residential premises. I have concerns that there is potential for a significant adverse impact due to noise on the health and quality of the occupants of the above mentioned residential premises, this is as a result of the immediate proximity of this proposed development to the adjacent residential properties. This would generally render such a location as unsuitable for care centres. Further information is required to demonstrate how any noise disturbance will be mitigated. Insofar as the application proposes concrete panel fencing and timber fencing, I require further details such as height, specifications and the expected noise reduction. There is no mention of hours of operation. I would recommend a condition that external play areas can only be used between 9am-5pm, Monday to Friday, and not at weekends or on Bank Holidays (The restrictions for weekends and Bank Holidays would only apply if the proposed home was a week day centre).

7.0 REPRESENTATIONS

7.1 Three representations received providing the following comments:

- Use not suitable for the area
- How will it operate?
- Increase in anti-social behaviour
- Insufficient parking
- Overdevelopment of the site
- Impact to neighbouring amenity

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Agent contacted seeking clarity on:

- Mitigation within Flood Risk Assessment
- Number of staff and nature of working patterns
- Nature of care provided

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
- Flood Risk

Principle of development

9.2 The existing property is a Class C3 dwelling and the proposed use would result in a Class C2 care home. The general principle of the proposal is compliant with Policy SP1 and it is considered that the proposed use is appropriate for this location. Whilst it would operate as a care home it is still classed as residential accommodation as set out in the Use Classes Order, furthermore the scale of the development involving the provision of 4 bedrooms is similar to a residential dwelling. The fact that it is a different use class is acknowledgement that its characteristics are different albeit this is still considered appropriate to a residential area notwithstanding the views of the Environmental Health Officer. It has also been confirmed that the proposal will operate completely independently and there will be no link to the adjacent Morvern nursing home, also operated by the applicant, which is an independent separate business, as such the proposal will rely on its own staff and facilities.

9.3 Policy SP8 of the Wyre Local Plan (WLP31) seeks to support development that promotes healthy communities and will promote the health and well-being of local communities. In particular development should help maximise opportunities to improve quality of life and to make it easier for people to lead healthy, active lifestyles. The change of use of the property to a care home for children is considered to provide a home where they can live a safe and active lifestyle and so satisfying Policy SP8.

9.4 The site is also considered to be in a highly accessible location with a range of services, recreational opportunities and public transport on offer close by with Cleveleys town centre being only 75m away to the north. This highly accessible location strengthens the appropriateness of the location of the proposal as it is expected that the proposed use will require access to such services and facilities. As such it is considered that the proposal complies with Policy SP2 of the WLP31.

Visual Impact / Design / Impact on the street scene

9.5 The proposed physical alterations and extensions would result in a larger building, however it is considered that the resulting increase in height and additional built form are not unacceptable. The adjacent dwellings to the east which are of traditional two storey would remain higher than the altered building. So too would the ridge height of the adjacent bungalow to the west. The proposal will not result in over-development and will sit comfortably within the site. The property will retain the appearance of a dwelling and in turn remain in keeping with the residential nature of Coronation Road. As such the proposal will not have a detrimental impact on the street scene or visual amenity of the area. It is considered to comply with Policy CDMP3 of the WLP31.

Impact on Residential Amenity

9.6 The Council's Environmental Health Officer responsible for Amenity raised concerns regarding the development in so far as its impact to neighbouring residential properties. In reading their response it appears that the officer is unclear as to the intentions of the proposal. It will not operate as a day centre (Class D1) and the application form clearly indicates that it is to operate within a Class C2 use. It is acknowledged that as the development will be supported by staff working on a rota of two staff and one manager at each shift with three shifts each day, comings and goings are going to be greater than that which would normally be experienced by a dwelling, which may have a small impact on residential amenity although such noise and disturbance is considered would be minor and not sufficiently harmful to justify refusal. As the use of the property by the occupants will be for residential purposes, with four bedrooms proposed that make it a similar scale to a Class C3 residential dwelling, then this element of the proposal would not result in additional noise from the present C3 use. As such, notwithstanding the views raised by the Environmental Health Officer, having regard to the small impact on residential amenity that would arise from the comings and goings of staff only, it is considered to be unreasonable to request a noise assessment or to attach conditions that would limit the use of the outside space of the property.

9.7 With regard to the impact of the roof lift and extensions of the proposal it is considered that the immediate properties either side will not suffer any detrimental impact to amenity in term of overbearing, loss of light nor loss of privacy.

9.8 In terms of the neighbour to the east the impact from the increase in overbearing and loss of light will be mainly on the side elevation which does not have any primary windows as such this level of impact is considered acceptable. In terms of loss of privacy there are no first floor windows that provide views into the property or its amenity spaces. One roof-light window in the side roof slope is proposed serving a landing which would not result in unacceptable overlooking.

9.9 With regard to the neighbour to the west, again the impact is on the side elevation. This elevation does contain a first floor window which appears to serve a bedroom. However, as this is not a main elevation less weight is given to any

resultant impact. It is also acknowledged that the size and mass of the existing building already reduces light to this window, and raising the eaves and ridge by 1.5m is not going to result in a significant adverse impact. None of the ground floor windows appear to function as primary windows to habitable rooms but even if they did, for the same reasons as the impact on the first floor window, the impact to these windows is acceptable.

9.10 In terms of loss of privacy there are no first floor windows proposed that provide unacceptable views into this neighbouring property or its amenity spaces. Two roof-light windows in the side roof slope are proposed serving bathrooms which would not result in unacceptable overlooking. The proposed first floor windows would not come closer to neighbouring properties to the north and south than the existing ones and are considered to be sufficiently distanced from the application property in such a way that there will be no increase in impact. As such taking the above into account it is considered that the proposal complies with Policies CDMP1 and CDMP3 of the WLP31 and the 'Extending Your Home' SPD.

Impact on Highway / Parking

9.11 The proposal is to operate as a residential care home and will require staff to ensure the day to day running. The application form indicates that the proposal will require/create eight full time members of staff. It has not been stated whether the eight employees are to all be at the site at one time or whether they will operate on a rota basis, however when taking into account the highly accessible location of the site and the existing off-street parking, which can provide at least three spaces even with the conversion of the existing garage, it is considered that there will be no impact to highway safety or amenity. Lancashire County Highways have been consulted and they have raised no objections to the proposal and considered that it will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. They have requested a condition requiring the implementation of the cycle storage shown on plan. This can be achieved via a suitably worded condition. As the proposal would introduce a new commercial operation requiring parking provision and resulting in more vehicles visiting the site then the current situation then it is considered reasonable to require an Electric Vehicle Charging Point (EVCP) to be installed. Subject to this condition the proposal is considered to comply with Policy CDMP6 of the WLP31.

Flood Risk

9.12 The site is located within Flood Zone 2 and as the proposed use is classed as 'more vulnerable' a site specific Flood Risk Assessment (FRA) is required, however there is no requirement to apply the sequential or exceptions test as the proposal is for a change of use.

9.13 The submitted FRA is required to demonstrate the development would be safe for its lifetime, without increasing flood risk elsewhere and where possible reducing flood risk overall. An adequate flood risk assessment has been submitted with the planning application.

Drainage

9.14 With regards to drainage the surface water will drain away as per the existing arrangements to the mains sewer. As the proposed extensions are small in footprint it is considered that they will not materially alter the surface water drainage of the site. The foul drainage will continue to discharge into the mains sewer. As such

it is considered that with regards drainage the proposal complies with Policy CDMP2 of the WLP31.

Other Issues

9.15 Trees - There are no trees on the site or adjacent sites that would be impacted by the proposal.

9.16 Contamination - The Council's Environmental Health Officer responsible for contamination has raised no issues/concerns with regards to this proposal.

9.17 In the representations received concerns have been raised over the potential for anti-social behaviour. Public concern about threats to public safety is a material planning consideration as they are controlled by other legislation. However, these are general concerns that are not objectively justified. Furthermore it is not considered that the scale nor type of use proposed in itself in this residential setting would increase significantly the disturbance or public safety risk caused to nearby residents. This is not therefore considered to be of significant weight in the planning balance that would deem this to be unacceptable development.

10.0 CONCLUSION

10.1 The proposed change of use to a residential care home for children is considered acceptable in principle and the use is compatible with the neighbouring residential uses and in a sustainable location. The proposed use is considered to comply with Policies SP1, SP2 and SP8 of the adopted Wyre Local Plan (2011-2031).

10.2 The associated extensions to the property are not considered to result in any adverse impacts to neighbouring amenity nor to the visual amenity of the street scene. As such they are considered to comply with Policy CDMP3 of the adopted Wyre Local Plan (2011-2031). The resultant use is not considered to resultant in unacceptable noise levels over the existing situation and so satisfies policy CDMP1. All other relevant planning considerations have been assessed as acceptable.

10.3 It is considered that the proposal is acceptable and subsequently recommended for approval 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 27.05.2020 including the following plans/documents:

- Site Location Plan - A020/054/S/02
- Proposed Elevations and Site Plan - A020/054/P/02
- Proposed Floor Plans - A020/054/P/03 Rev A
- Proposed Street Scene - A020/054/P/01

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

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

3. The development shall be carried out strictly using those materials specified on the approved plans and application form unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

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

4. The premises shall be used for a children's care home as described in this application only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The use of the premises for any other purpose would require further consideration by the Local Planning Authority in accordance with Policies CDMP2, CDMP3 and CDMP6 of the adopted Wyre Local Plan (2011-2031).

5. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) [29 Coronation Road Thornton Cleveleys, July 2020] including the mitigation measures detailed within the FRA. The mitigation measures shall be fully implemented prior to first occupation of the development or subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be approved in writing by the Local Planning Authority.

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

6. Details of the location and appearance of cycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, prior to first occupation of any part of the approved development and thereafter maintained and retained.

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

7. An electric vehicle recharging (EVCP) scheme shall be submitted unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. The approved electric vehicle recharging point shall be provided prior to the first use of the development hereby permitted, and 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).

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Planning Committee

29 Coronation Road Thornton Cleveleys - 20/00429/FUL



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Organisation	Wyre Council
Department	Planning Department
Comments	Item 2
Date	09 July 2020
SLA Number	200018720

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Committee Report**Date: 22.07.2020****Item Number 03****Application Number 20/00370/FUL****Proposal Hip to gable roof alteration, front and rear dormers, front porch and single storey rear extension to replace conservatory****Location 55 Quail Holme Road Knott End-On-Sea Poulton-Le-Fylde Lancashire FY6 0BT****Applicant Mr Ian Jones****Correspondence Address c/o Mr David Shepherd 20 Collingwood Avenue St Annes Lytham St Annes FY8 2SB****Recommendation Permit****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mrs Andrea Stewart****1.0 INTRODUCTION**

Site Notice Date: N/A

Press Notice Date: N/A

1.1 This planning application is presented to this forum at the request of Cllr Andrew Cropper. Site photos will be available prior to and at the meeting to assist the decision maker's understanding of the proposal and its impact.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is located on the southern side of Quail Holm Road in Knott end. On the site at present is an 'L' shaped semi-detached bungalow surrounded by dwellings within a residential area.

3.0 THE PROPOSAL

3.1 This planning application is for a 'hip to gable' roof alteration, front and rear dormers, front porch and single storey rear extension to replace an existing conservatory.

3.2 The existing hipped roof would change to form a gable to the western elevation of the dwelling. This involves extending the existing ridge line of the main roof by 4.7m in length (no increase in height). The materials to the new roof area would match the existing dwelling. A new obscure glazed upper level window serving a staircase is proposed in the new western gable.

3.3 Two small dual-pitched roof dormers are proposed to the front elevation, each dormer has a width of 2m and height of 2m to the top of the pitch. The rear dormer would be flat roofed with a width of 7m and height of 1.4m. The face and checks of both front and rear dormers and the pitched roof over the front dormers would be tile hung to match the existing dwelling.

3.4 A flat roofed front porch is proposed set within the 'L' shaped area at the front of the dwelling. The porch has a width of 1.5m and depth of 3m. The external material would be brickwork to match the existing dwelling.

3.5 An existing rear conservatory would be removed and a flat roofed rear extension erected. The rear extension would extend the full rear width of the existing dwelling and project 3m beyond the main rear elevation. A 0.5m high glazed lantern is proposed central to the flat roof area. The external rear walls of the rear extension would match the existing brickwork dwelling.

4.0 RELEVANT PLANNING HISTORY

4.1 None for the application site.

4.2 17/00074/FUL at nearby property 49 Quail Holme Road is relevant - Proposed side and front hip to gable roofs, front and rear dormers and conversion of existing garage into living accommodation. This permitted similar proposals to those in this planning application.

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:

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

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

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

5.2.2 The 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 SUPPLEMENTARY PLANNING GUIDANCE

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

- Design Note 1 General Design Principles
- Design Note 4 Single Storey Rear Extensions
- Design Note 6 Dormers and Roof Extensions
- Design Note 8 Front Extensions

6.0 CONSULTATION RESPONSES

6.1 PRESALL TOWN COUNCIL

6.1.1 The applicant states that there are many modifications made to similar properties within the immediate area, but there are not. Number 49 Quail Holme has had a similar modification made to it albeit not extended to the rear at ground floor level. The changes to 49 were supported by the Town Council in 2017 however the build has not adhered to the approved plans.

6.1.2 There are no other buildings within the immediate vicinity i.e. on Quail Holme, Parkway, or Westbourne that have altered the hip. Some properties do have same or similar sized rear dormers as the supporting statement says but these properties were not hipped and many properties in the immediate areas have Velux windows. The consensus is that this is an overly large development that is not in keeping with neighbouring properties.

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

7.0 REPRESENTATIONS

7.1 Three letters of objection have been received with the concerns summarised as follows:

- There are not many properties extended similar in the immediate vicinity, only one dwelling at 49 Quail Holme Road which has not been built in accordance with the approved plans.
- The proposal is not in keeping with the majority of properties on the road
- Detrimental impact on the character of the area
- Proposal does not comply with SPD 'Extending your Home'
- Rear dormer is overbearing
- Proposals would unbalance the pair of semi-detached bungalows
- There are no other properties in the immediate vicinity with two dormers in the front elevation.

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 of the rear dormer and that materials for the front and rear dormer match the existing roof. Amended drawings have been received showing the requested amendments.

9.0 ISSUES

9.1 The main issues in this application are as follows:

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

Principle of development

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

Visual Impact / Design / Impact on the street scene

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

9.4 The proposal involves alterations to the front of the building that would be clearly visible from Quail Holme Road. These alterations include the ridge of the main roof of the existing dwelling being extended in length by an additional 4.7m to form a gable end to the western elevation, two pitched roof front dormers and a flat roofed front porch.

9.5 Nearby dwellings along both sides of Quail Holme Road are mainly 'L' shaped hipped roofed bungalows with front projections, although there are differently designed dwellings nearby on Quail Holme Road of a more simple design. In the context of the relatively close set dwellings along the row, the change from hip to gable that matches the ridge of the existing roof would not appear overly prominent in the street scene. Whilst it would upset the balance of the semi-detached pairing, with one side being a hip and the other (the subject property) being a gable, this in itself would not result in unacceptable design nor be visually detrimental to the character of the existing dwelling, street scene or wider area. It should also be noted that in many cases the change in roof slope from a side hipped roof to gable does not require planning permission, as this can often fall within the permitted development allowance.

9.6 Other than at No.49 there are no other front dormer extensions along Quail Holme Road, however that in itself does not prevent front dormers from being acceptable subject to satisfying the 'Extending Your Home' SPD. No.49 was granted planning permission for a modest sized front dormer with a mono pitch sloping roof. A flat roofed front dormer was built instead, which is not in accordance with the approved planning permission ref: 17/00074/FUL. This non-compliance is not a concern for this application, and is a matter for enforcement to investigate. Whilst the front dormer at no.49 is currently the only front dormer on Quail Home Road, dormers are a typical feature on the relatively modern bungalows within the wider area of Knott End. The proposed front dormers are modest in size, of an acceptable design and set a distance away from the ridge and eaves of the main front roof slope therefore a large amount of the existing roof slope is retained. The front dormers do not dominate the front roof slope and are set back from the front projecting wing of the dwelling. The front dormers line up vertically with the existing ground floor windows below which assists in visually balancing the front elevation. As the front and sides of the front dormers and the roof area would be tile hung to match the existing dwelling this would assist in reducing the visual impact and blending with the background of the main roof. The front dormers are considered to be of an acceptable design and not visually detrimental to the character of the existing dwelling, street scene or area.

9.7 The rear dormer would have a flat roof and be almost the full width of the rear roof slope. In the 'Extending Your Home' SPD the guidance indicates that dormers should be set within the body of the roof, and not normally occupy more than 35% of the area of the plane of the roof into which they would be sited. In this case the rear dormer would not strictly comply with this guidance as would occupy approximately 40% of the roof slope. However, the rear dormer is positioned on a secondary elevation and cannot clearly be seen from Quail Holme Road. Nor would it be clearly seen from surrounding roads including Parksway to the south. Furthermore there is also considered a large number of rear dormers in the wider area that are similar in appearance. The planning permission at No.49 included a rear dormer which, like the front dormer approved, also has not been built in accordance with the approved plan, with a flat roof rather than pitched roof built. Regardless of whether the rear dormer at No.49 is retained as built or amended to align with the permission, the scale of the dormer is similar to what is proposed in this application. As with the front dormers, the front and sides of the rear dormer would be tile hung to match the tiles on the existing roof of the dwelling and this would assist in reducing the visual impact by blending with the materials and background of the main roof. The rear dormer is set lower than the ridge of the main roof and positioned away from the eaves and set in from the sides of the roof slope. For these reasons, whilst not strictly confirming to the SPD, the rear dormer is considered to be an acceptable design.

9.8 To the front of the property a porch is proposed although this would have a flat roof, different from the pitched roof of the main dwelling. That said, the porch is positioned within a less prominent recessed area and is modest in size and would be constructed in materials to match the brickwork of the main dwelling. There are other dwellings nearby that have a similar designed front porch.

9.9 The proposed rear extension has a flat roof which would not match the existing pitched roof of the main dwelling, however it is located to the rear of the dwelling and with screening to the boundary, therefore there would be limited views of it. The single storey rear extension would be in proportion and scale to the main dwelling, of an acceptable design and constructed of matching brickwork to the main dwelling.

9.10 The proposals are in scale and proportion to the main dwelling and are of an acceptable design and using appropriate materials. The proposals are not visually detrimental to the character of the existing dwelling, street scene or area.

Impact on residential Amenity

9.11 Impact on dwelling to the west (No.57) - The front and rear dormers and increase in the roof volume by formation of the side gable would result in the increase in size and mass of the roof towards the dwelling to the west which has two windows in the eastern elevation of this dwelling, facing the newly formed gable end at the application site. Although there would be some reduction in light to these windows they do not appear to serve main living accommodation and even if they did, their position on the side which is not a main elevation means less weight is given to any impact on them. There is a separation distance of 5m between dwellings and the size and mass of the existing dwelling already reduces light to these windows as does the high solid fence along the side common boundary between dwellings. There would not be a significant reduction in light for the occupiers of this dwelling for there to be a detrimental impact on residential amenity or to refuse the application on this basis. The rear extension would be positioned 5m from the side elevation of no.57 and the high boundary fence and shed within the garden of no.57 assists in screening the proposal from views of the rear extension. A new first floor window is proposed in the newly formed western gable to provide light to a staircase, this window should be conditioned to have obscure glass to be provided and retained to avoid overlooking. The proposals would not have a detrimental impact on residential amenity for the occupiers of this dwelling.

9.12 Impact on dwelling to the east (No.53) - To the east is the attached dwelling of 53 Quail Holme Road and the proposed rear extension would project 3m beyond the main rear elevation of this dwelling and along the rear side common boundary between the dwellings. There is a high solid fence between the dwellings which would assist in part screening the proposal. This projection satisfies the SPD 'Extending Your Home' and the size and mass of the rear extension would not significantly reduce light for the occupiers of no 53 nor would have a detrimental overbearing impact. No windows are proposed in the eastern elevation of the rear extension facing no 53.

9.13 Impact on dwellings to the north and south of the application site - There is a minimum separation distance of 23m between the proposals and dwellings to the north/front of the proposals, on the opposite side of Quail Holme Road, and 21m to the main existing rear elevation of dwellings to the rear/south. There is also a minimum 10.5m distance to the rear boundary from the first floor rear dormer windows. Therefore the size and mass of the proposals would not reduce light to an unacceptable level or have a detrimental impact from overlooking.

Impact on Highway / Parking

9.14 The proposal involves the formation of a first floor and would increase the number of bedrooms from 3 to 4. However there remains sufficient off road car parking spaces at the site. The property is located in a sustainable location close to Knott End village 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.

Other Issues

9.15 The application site is located in an area at risk of flooding (zone 3: high risk). An adequate flood risk assessment has been submitted with the planning application. Wyre's Environmental Health Officers have requested that a watching brief is undertaken with regard to land contamination. A note can be attached to draw this to the applicant's attention.

10.0 CONCLUSION

10.1 The proposals are of acceptable design and are not visually detrimental to the character of the area, street scene or the existing building, or detrimental to residential amenity or highway safety. Other planning matters have been assessed as acceptable. 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 30.04.2020 including the following plans/documents:

- Location plan, proposed site plan, proposed floor plans and elevations (drawing:28 (revised) received on 24.06.20)

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 development shall be carried out strictly using those materials specified on the approved plans (drawing:28 received on 24.06.20) including matching tiles to the extended roof area unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

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

4. Prior to the first occupation or use of the development hereby approved, the first floor window in the western elevation(s) shall be:

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

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

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

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

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

Notes: -

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

Planning Committee

55 Quail Holme Road Knott End - 20/00370/FUL



Scale: 1:1636

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