



## **Planning Committee Agenda**

**Wyre Borough Council**  
**Date of Publication: 24 November 2021**  
**Please ask for : Daphne Courtenage**  
**Assistant Democratic Services Officer**  
**Tel: 01253 887476**

**Planning Committee meeting on Wednesday, 1 December 2021 at 2.00 pm in the Council Chamber - Civic Centre, Poulton-le-Fylde**

**1. Apologies for absence**

**2. Declarations of interest**

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

**3. Confirmation of minutes**

To confirm as a correct record the minutes of the Planning Committee meeting held on 03 November 2021 (already circulated by email).

**4. Appeals**

(Pages 3 - 10)

The Schedule of Appeals lodged and decided between 15 October 2021 – 15 November 2021, is attached.

**5. Planning applications**

Background Papers:

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

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

appropriate for the historic applications specifically referred to in the reports

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

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

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

- |     |  |                   |
|-----|--|-------------------|
| (a) | Application A - Land Off Stricklands Lane Stalmine Lancashire (21/00981/FULMAJ)  | (Pages 11 - 64)   |
|     | Hybrid planning application for two 80 bed care homes with landscaping and associated works (full application), and up to 50 dwellings with access (outline application) (resubmission of 20/01175/FULMAJ)   |                   |
| (b) | Application B - Land West of Garstang Road Barton Preston (20/00907/FILMAJ)<br>Erection of 39 no. dwellings with car parking, landscaping and all other associated works.  | (Pages 65 - 102)  |
| (c) | Application C - Prospect Farm Skippool Road Thornton Cleveleys Lancashire FY5 5LD (21/00898/FUL)<br>Erection of four detached dwellings with access from Skippool Road (following demolition of existing buildings) (amendment to planning permission reference 20/00882/FUL). | (Pages 103 - 120) |
| (d) | Application D - 85 Moorland Road Poulton le Fylde FY6 7ER (21/01083/FUL)<br>Change of Use from Residential (Class C3) to Children's Care Home (Class C2).  | (Pages 121 - 132) |

**PLEASE NOTE:**

**Transport for members of the committee will leave the Civic Centre, for the 4 site visits, at 10am.**

## APPEALS LODGED AND DECIDED

### Appeals Lodged between – 15<sup>th</sup> October – 15<sup>th</sup> November 2021

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
21/00175/FUL	4 Church Road Thornton Cleveleys Lancashire FY5 2TZ	Two storey side extension incorporating an integral garage to ground floor with living accommodation over and erection of a rear dormer	Delegated	Fast track appeal	20 <sup>th</sup> October 2021
21/00444/FUL	6 Stockdove Wood Thornton Cleveleys Lancashire FY5 2JP	Proposed extension to provide games room at first floor over existing garage, including side and rear extension to existing garage and roof raise incorporating dormer window to front roof slope (re-submission of application 20/00892/FUL)	Delegated	Fast track appeal	21 <sup>st</sup> October 2021
20/01197/OUT	Land Off Old Bridge Lane Hambleton	Outline application for the erection of 3 self-build and custom plots with access applied for off Old Bridge Lane (all other matters reserved)	Delegated	Written Representations	9 <sup>th</sup> November 2021

### Appeals Decided between –15<sup>th</sup> October – 15<sup>th</sup> November 2021

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
20/01026/FUL	Field West Of New Road Wardleys Lane Stalmine Poulton FY6 9DX	Change of use of land for the siting of two holiday chalets (re-submission 20/00369/FUL)	Delegated	Dismissed	25 <sup>th</sup> October 2021

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# Appeal Decision

Site Visit made on 21 September 2021

**by Sarah Manchester BSc MSc PhD MIEnvSc**

**an Inspector appointed by the Secretary of State**

**Decision date: 25<sup>th</sup> October 2021**

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**Appeal Ref: APP/U2370/W/21/3273598**

**Field west of New Road, Wardleys Lane, Stalmine, Poulton, Lancashire  
FY6 9DX**

- 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 Ms E Shore against the decision of Wyre Borough Council.
  - The application Ref 20/01026/FUL, dated 19 October 2020, was refused by notice dated 14 December 2020.
  - The development proposed is change of use of land for the siting of 2 accessible to all holiday chalets.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of the development in the banner heading above is adopted from the application form. However, the Council considers that the chalets would be permanent buildings and I agree. Accordingly, I have determined the appeal on the basis that permission is sought for the change of use of the land and the erection of 2 buildings to be used as holiday accommodation.

## Main Issue

3. The main issue is whether or not the proposal would meet the exceptions for holiday accommodations sites, with particular regard to i) the character and appearance of the area; and ii) the viability of the business.

## Reasons

### *Character and appearance*

4. The appeal site is part of an agricultural field on the sloping banks of the Wyre Estuary. It is in the countryside adjacent to Wardley's Lane, which links the settlements of Hambleton and Staynall. It is a narrow rural road enclosed by hedgerows. Wardley's Creek Holiday Park is at its southern end and Wyre Country Park holiday park is at its northern end and it serves a stable building, an agricultural shed and 2 units of holiday accommodation<sup>1</sup> immediately adjacent to the appeal site.
5. The proposal would be an extension to the neighbouring small tourism site which comprises 2 3 bed units. The 4 buildings would share the highway access from Wardley's Lane. They would be linearly arranged along the internal road

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<sup>1</sup> Planning permission ref 19/00950/FUL

- that is already under construction. The proposed 1 bed units would be smaller than the existing units. However, in contrast to the existing units which are sited squarely in the corner of the field, the proposed units would be set at an angle, stepped forward from the roadside boundary and more widely spaced from one another. Consequently, the proposal would encroach into previously undeveloped and open countryside.
6. The proposal would be widely separated and poorly related to the residential development at either end of Wardley's Lane. Moreover, by doubling the length of the internal road and doubling the number of buildings, the proposal would not be a modest extension to the existing tourism site. The significant increase in the footprint and bulk of development would not be assimilated by the existing development. The proposal would contribute to the appearance of an isolated linear ribbon of residential development.
  7. As with the existing units, the proposed units would be contemporary with flat green roofs, timber cladding and extensively glazed elevations. Irrespective of the design quality, they would be markedly dissimilar to surrounding built development including traditional rural farmsteads and dwellings, agricultural and equestrian buildings and conventional holiday parks. The 4 contemporary buildings would be prominent and conspicuous, including overnight, and the parking of cars between the units would reinforce the linear form and bulk of the extended development.
  8. The surrounding countryside is gently undulating farmed land with improved pasture and arable fields, low hedgerows and woodland blocks. While the agricultural land is unremarkable, the nearby Wyre estuary is a significant feature that dominates the landscape. The local topography allows for long panoramic views across the river, including from and to the award-winning Wyre Estuary Country Park and the Wyre Way long distance walking route.
  9. The Landscape and Visual Assessment (LVIA) acknowledges the scenic value of the river landscape and the high value views looking across the estuary towards the appeal site. The LVIA photographs taken from various viewpoints (VPs) demonstrate, and I saw during my visit, that the proposal would be widely visible from locations in the surrounding area.
  10. From locations around the Wyre Country Park holiday park, the linear ribbon of units, in combination with the stable building in the foreground and the modern agricultural building beyond, would be a conspicuous visual intrusion of built development into the countryside. From Wardley's Creek Holiday Park, the proposal would be seen in combination with the Wyre Country Park holiday park, houses in Staynall, the 2 existing units, stable and agricultural building. The increase in the quantum of development and the incursion into the countryside would also be apparent in the important views across the estuary.
  11. The LVIA acknowledges that the VPs do not represent the totality of locations from where the proposal would be visible. Consequently, the adverse visual impact from the encroachment of development into the countryside would be experienced by sensitive visual receptors over a wide area. While the extended development would not merge with the holiday parks in either direction, nevertheless it would have an urbanising effect and it would reduce the openness of the countryside. It would detract from the strong sense of place and the distinctive estuarine landscape.

12. The LVIA landscape mitigation plan proposes woodland blocks to break up the linear group of holiday units in views from the Wyre Estuary Country Park and the Wyre Way. The proposed site plan includes more limited planting that would screen the units from each other, but it would not screen the development in the high value views from the opposite bank of the river. The large feature windows in the units would be positioned to take advantage of the panoramic views. Consequently, even if landscape planting could be relied upon to screen inappropriate development from view, it seems unlikely that any meaningfully tall or dense planting would be allowed to develop since this would shade the windows and obscure the views.
13. Therefore, I conclude that the proposal would harm the open rural character and appearance of the countryside. It would conflict with policies SP4, EP9, CDMP3 and CDMP4 of the Wyre Local Plan 2011-2031 Adopted February 2019 (the LP) insofar as these require that proposals avoid adverse impacts on the open and rural character of the countryside and the local landscape, taking account of local context, landscape setting and long distance views.

*The viability of the business*

14. The Council recognises the importance of tourism and holiday accommodation to the local economy. However, neither the development plan nor the 2021 revised National Planning Policy Framework (the Framework) provide unqualified support for tourism development. In this regard, and in order to protect the countryside from unrestricted development, proposals for tourism accommodation are required to demonstrate that they would be viable.
15. I understand that, in approving the earlier application, the Council accepted that the existing 2 units would be viable. The existing units are not yet in use. There is no suggestion that they would not be viable in the absence of the proposal. The proposal is not necessary to support the existing business.
16. The business plan sets out the price per night of the units based on the average prices of selected holiday accommodation elsewhere. While these may have something in common with the proposal, some are in very different parts of the country including Cornwall, Norfolk and Sussex. There is little compelling evidence that they are directly comparable to the appeal proposal or that they have been independently verified for the purposes of establishing pricing. Moreover, the price and the occupancy rates of holiday accommodation during the coronavirus pandemic may not in any case be representative of pricing or occupancy levels under normal operating conditions.
17. The business plan includes costs for cleaning, laundry, utilities, marketing and maintenance. However, there is little breakdown or itemisation of the costs and it is not clear that the plan comprehensively takes into account all business costs. I understand that the appellant would undertake the administration, cleaning and maintenance and that she has friends and family who would be prepared to help out. Irrespective, the business plan should quantify staffing requirements and demonstrate that it could meet all costs including salaries.
18. The appellant would fund construction and set up the business using savings and investments. She would not need the business to cover the costs of a mortgage or finance. Moreover, as it would be a retirement project, she places more importance on an income than on the return of capital. However, the planning permission would run with the land and not with the appellant.

Irrespective of her circumstances and her preferences, the initial capital costs are relevant to the question of whether or not the business would be viable. The business plan does not demonstrate the long term viability of either the 2 proposed units or the combined 4 holiday units.

19. The third party representations to the application and the appeal include objections to the scheme and support for accessible holiday accommodation. The correspondence from established holiday letting and marketing agencies confirms that 1 bed units would appeal to tourists, particularly if they also offered hot tubs. Neither the third party support nor the interest from marketing companies demonstrate that the business would be viable.
20. Evidence has been provided in relation to the benefits of holiday parks and campsites in the UK, including in terms of the local economy and employment. The tourism industry undoubtedly makes an importance contribution to the economy and to health and well-being. However, and taking account of the small scale of the proposal, the public and economic benefits would be limited.
21. Therefore, the proposal would conflict with the aims of LP policies SP4 and EP9. These require, among other things, that the holiday accommodation should deliver substantial public benefits that would outweigh the harm to the open rural character of the countryside and that it should be demonstrably viable in the long term. It would conflict with the policies in the Framework in relation to sustainable rural tourism which respects the character of the countryside.

### **Other Considerations**

22. Planning permission has been refused previously at this site for holiday accommodation including seasonal caravan pitches, holiday cottages and chalets. The appeal scheme follows refusal of application ref 20/00369/FUL for change of use of land for the siting of two holiday chalets. The business plan may have been prepared to a higher standard than the earlier refused plan, but it does not robustly demonstrate the viability of the business.
23. The units would be suitable for disabled persons, although it seems unlikely that people would regularly access shops and services in Hambleton by wheelchair or on foot. The intervening roads are narrow with no footways, making it difficult for vehicles to safely pass vulnerable road users. The distance involved, and along an unlit lane, would not be a short or convenient walk. It seems unlikely that the location would attract people wishing to explore the Lake District National Park or the Forest of Bowland Area of Outstanding Natural Beauty, which are at a considerable distance from the appeal site. The location does not weigh in favour of the proposal.
24. While coronavirus is unlikely to be eradicated, the evidence suggests that it will become endemic in the population in the same way as influenza. There is little to suggest that the 2020 and 2021 restrictions on international travel and limits on the number of people who can meet indoors would be necessary or imposed in future years. The pandemic carries neutral weight in the appeal.
25. My attention has been drawn to planning permissions relating to the siting of additional static holiday caravans at existing leisure and caravan parks elsewhere in the area. The acceptability and viability of extensions to other businesses, including those that are apparently better related to existing settlements, does not provide a justification for the appeal scheme.



26. There has been a programme of tree planting in and adjacent to the site and further planting is proposed. Upon maturity, the planting could be expected to result in biodiversity enhancement although this would depend upon sympathetic management and any benefit would be offset to a degree by recreational noise and disturbance. This carries little positive weight.
27. By virtue of close proximity to the Wyre Estuary Site of Special Scientific Interest and Morecambe Bay and Duddon Estuary Special Protection Area and Ramsar site, the proposal has the potential to result in adverse impacts on the qualifying features of the designated sites. I am aware that a Habitats Regulations Assessment has been undertaken which concludes that, subject to the implementation of mitigation, the proposal would not adversely affect the integrity of the European designated site. I have a statutory duty under the Conservation of Habitats and Species Regulations 2017 (as amended) to consider the potential impacts on the European site in the determination of the appeal. However, as I am dismissing the appeal for other reasons it is not necessary for me to further consider the impacts on the designated site.

### **Conclusion**

28. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations, including the contribution to the local tourism economy, that would outweigh that conflict.
29. Therefore, I conclude that the appeal should be dismissed.

*Sarah Manchester*

INSPECTOR

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## Committee Report

Date: 1<sup>st</sup> December 2021

Item Number 01

Application Number 21/00981/FULMAJ

Proposal Hybrid planning application for two 80 bed care homes with landscaping and associated works (full application), and up to 50 dwellings with access (outline application) (resubmission of 20/01175/FULMAJ)

Location Land Off Stricklands Lane Stalmine Lancashire

Applicant Mr Furness

Correspondence Address c/o Mr Blair  
57-59 Hoghton Street Southport PR9 0PG

Recommendation Permit

## REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Miss Lucy Embery

### 1.0 INTRODUCTION

Site Notice Date: 08/09/2021

Press Notice Date: 01/09/2021

1.1 This application is before the Planning Committee for consideration as the application has been called in by Councillor Robinson. Also the previous application on this site was put before Members at Planning Committee on 7th April 2021 (deferred), and again on 7th July 2021 (refused). Furthermore the development of this site which forms part of an allocated site in the Wyre Local Plan, is of strategic importance, and part of the proposal includes a use which does not fall within the relevant allocation policy. A site visit will take place to enable Members to understand the proposal beyond the plans submitted.

### 2.0 SITE DESCRIPTION AND LOCATION

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

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

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

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

### **3.0 THE PROPOSAL**

3.1 This application is a hybrid application seeking full planning permission for the erection of two care homes and associated works, and also outline planning permission for up to 50no. dwellings on the site with access applied for (all other matters reserved).

3.2 The care homes (which would form one facility) would be within the western part of the site furthest away from Stricklands Lane, and the housing would be in the centre and east of the site nearest this main road. This is the opposite siting to that proposed under the previous application considered by Members (20/01175/FULMAJ). The whole development would be served by one access off Stricklands Lane, rather than two separate accesses proposed under the previous application.

3.3 The access would run along the northern part of the site and eventually lead into a central courtyard area in front of the care homes forming a U-shaped built form around this courtyard. Pedestrian access would be alongside the vehicular access route and then via paving adjacent to each of the buildings leading to their entrances.

3.4 The two care homes are each designed with one main block, with smaller attached sections behind or to the side. The main blocks would be two and a half storeys, and the attached wings would be two storeys.

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

3.6 The materials proposed for the care homes are red brick, render and panelling to the walls, and anthracite grey roof tiles. The render to the walls would be on the projecting gable features of the buildings, and also as a vertical central panel on the end gables.

3.7 A landscape buffer is proposed at the front of the site as part of the full application. The applicant has included this to provide certainty over the proposed treatment of the Stricklands Lane frontage. Situated behind this buffer and in front of the care home would be the outline residential scheme comprising up to 50no. dwellings. An indicative plan has been provided for the outline area, and this demonstrates the main spine road for the care home would also serve the majority of the dwellings.

#### **4.0 RELEVANT PLANNING HISTORY**

4.1 Planning history on the site itself:

- 20/01175/FULMAJ - Hybrid planning application for two 80 bed care homes with landscaping and associated works (full application), and up to 50 dwellings with access (outline application). Application refused. Appeal lodged.

4.2 Relevant planning history for Phases 1 and 2 of the site allocation:

PHASE 1 - Adjacent land to the north:

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

PHASE 2 - Adjacent land to the north west:

- 20/00773/FULMAJ - Erection of 74 dwellings with associated parking, landscaping and all other associated works. Pending consideration.
- 18/00899/OUTMAJ - Outline application for the erection of up to 65 dwellings with new access applied for off Carr End Lane (all other matters reserved) (re-submission of 18/00075/OUTMAJ). Application recommended for approval subject to Section 106 Agreement. Resolution to grant permission subject to s106.
- 18/00075/OUTMAJ - Outline application for the erection of up to 65 dwellings with link to adjacent land to east and new access applied for off Carr End Lane (all other matters reserved). Appeal allowed.

OTHER RELEVANT PLANNING HISTORY:

Adjacent land to the south at Kilmory:

- 15/00874/OUT - Outline application for the erection of 3 dwellings with all matters reserved. Application permitted.

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

## **5.0 PLANNING POLICY**

### **5.1 ADOPTED WYRE BOROUGH LOCAL PLAN**

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

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

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP7 - Infrastructure Provision and Developer Contributions
- SP8 - Health and Wellbeing
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 -Accessibility and Transport
- HP1 - Housing Land Supply
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Developments
- SA1/7 - South Stalmine allocation

### **5.2 NATIONAL PLANNING POLICY FRAMEWORK 2021**

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 20th July 2021. 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 2021 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

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

- Section 2: Achieving sustainable development (and The Presumption in favour of Sustainable Development)
- Section 4: Decision-making, paragraphs 47-50, and 54-55
- Section 6: Building a Strong, Competitive Economy

- Section 8: Promote healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment

5.2.3 In accordance with the National Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF) §74, the council must be able to demonstrate a 5 year housing land supply position (with a 5% buffer) when dealing with applications and appeals. The latest available evidence on housing delivery is that set out in the council's Housing Implementation Strategy (published 30 September 2021) which demonstrates a deliverable housing land supply position of 6.4 years. The council's position therefore is that it is able to demonstrate a deliverable 5 year housing land supply.

## OTHER MATERIAL CONSIDERATIONS

### 5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

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

### 5.4 NATIONAL PLANNING POLICY GUIDANCE (NPPG):

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

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

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

### 5.6 THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

## 6.0 CONSULTATION RESPONSES

## 6.1 STALMINE PARISH COUNCIL

### 6.1.1 Original response objects to the proposal for the following reasons:

- The care home is contrary to Policy SP1 and SP2.
- The built space of the care home alone exceeds the totality of the built space of the dwellings on Phases 1 and 2 and no vistas provided into the open countryside. Fails to satisfy policy SA1/7 (3).
- No green infrastructure framework contrary to SA1/7 (2) and no proposal for any usable open space contrary to Policy HP9.
- The care home in terms of its mass, scale and height is alien to the residential housing in Phases 1 and 2 contrary to CDMP3 (b).
- The care home would in operational terms impact adversely on any dwellings constructed on the residue of the Phase 3 site contrary to Policy CDMP3 (c).
- The Applicants have chosen not to consult locally but to confine their discussions with the planners who had already committed to a recommendation for approval. Planners have not encouraged the Applicants to accord with The Statement of Community Involvement.
- Car parking provision is a substantial under-estimation of its operational requirement by 50%. Any under-supply of car parking will result in cars being parked on the residential development adjoining contrary to Policy CDMP6 (b) which requires that the safe and sufficient and convenient movement of all highway users is not prejudiced.
- CDMP6 (c) requires that adequate vehicular access to and from the site is provided.
- It cannot be assumed that there would be members of staff using the bus service.
- It is likely staff numbers will be higher. There does not appear to be another Authority that continues to a) assess car parking requirements by reference to patient numbers only and b) have such a high ratio resulting in low car park number requirements.
- The transport assessment does not take into account the realities of 24 hour care and the significant limitation of public transport provision. It includes one cyclist a.m. and three cyclists p.m. which is very unlikely. It is flawed, and vehicle numbers are under-stated.
- The Traffic Flow Assessment is under-assessed. The applicants and LCC's traffic flow calculations differ. It includes cyclists and public transport which are unlikely to be reality. The assessment under-estimates the true flow. The traffic flow at peak times is likely to be greater than one vehicle per minute.
- The trip distribution assesses that 71.7% of the vehicles leaving the site will travel South. This means that most of the vehicles will need to cross the traffic flow.
- Stricklands Lane forms part of the A588 which is classified as the fourth most dangerous road in the UK. The under-assessment of traffic flow is a significant issue in assessing the safety of the access onto the site. This is exacerbated by the under-assessment of staffing numbers.
- Lancashire County Council's assessment of the safety of this section of the road is disingenuous in that currently it does not have a junction.
- The housing is outline only thus disguising the likely consequences of the care home on the housing as no details of height, location or number of dwellings. It should have been considered as one full application to enable objective assessment of the inter-relationship between care home and dwellings.
- There is no over-arching assessment of the combined effect of Phases 1 and 3 on the drainage system.



- A recommendation has been made for a new system which has not been followed up in the subject application.
- No development should be permitted (care home or residential) until such time as a full independent assessment of the capabilities of the existing system in the context of all three phases is obtained.

6.1.2 Further response received disagreeing with a letter submitted on behalf of the applicant and stating that the scope of the application is not the same as the refused application due to the increased size of the buildings, amended car parking, relationship to proposed housing (outline) and traffic flow. As this is a new application, the outstanding concerns should not be limited to the reasons for refusal of the previous application, but the wider context of policies SP2, CDMP3 and SA1/7.

## 6.2 PREESALL TOWN COUNCIL

6.2.1 Objects to the proposals for the following reasons:

- Consider the care home is incompatible in terms of its size, mass and scale with residential housing. There is no rural transition between the development and the wider countryside.
- No proposal for any usable open space contrary to Policy HP9.
- The proposed car parking for the home is inadequate to support both staff and visitors. The density of the housing outlined would not allow for additional space for visitors to the care homes and residential homes resulting in vehicles being parked on the highway. Given this impacts the main through route between the Over Wyre villages already known for the number of accidents, councillors raised concern this has potential to exacerbate the dangers to those commuting from different villages.
- -The area is known for standing water and the inability of the drainage system to cope at times of heavy rainfall. The cumulative effect of water discharge from the residential homes and domestic properties will increase the problem.
- The extent of drainage problems needs to be investigated further and the creation of a new drainage system (as recommended by a Wyre Council Officer in 2020) needs to be factored into any development proposal.
- Disappointing to note that there was not a public consultation for a development of this scale in a small village and with wider possible transport implications for Over Wyre residents.

## 6.3 NATIONAL HIGHWAYS (formerly HIGHWAYS ENGLAND)

6.3.1 No objection.

## 6.4 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.4.1 The impact of this development proposal in highway terms is the same as the previous application (20/01175/FULMAJ), which LCC did not raise a highway objection to. No highway objections are raised to the current application subject to various planning conditions being imposed. The proposed means of access is acceptable and no further information is required from the Transport Assessment to show that the development proposal is acceptable in highway terms. The proposed access with Stricklands Lane together with the off-site highway improvements (as agreed on the previous application) would need to be carried out under a s278 agreement. No Section 106 contributions are required.

## 6.5 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.5.1 No objections subject to conditions. The site is not designated for its special nature conservation interest but it is within 2km of the Morecambe Bay / Duddon Estuary Special Protection Area (SPA). A separate Assessment has been undertaken of the potential effects of the planned scheme on the SPA. This Assessment has concluded that, providing certain mitigation measures are adopted, the planned scheme will not have a harmful effect on the designated site. These are in addition to measures recommended for mitigating effects on the site habitat features i.e. pond, hedgerows and trees, which have some potential to support protected and priority species, including small numbers of foraging bats and nesting birds. These measures can be secured by conditions, along with a Method Statement for amphibians, timing of vegetation clearance, and a Habitat and Landscape Creation and Management Plan.

## 6.6 NATURAL ENGLAND

6.6.1 Originally requested an updated Habitats Regulations Assessment. Following this submission, final response received raises no objections subject to mitigation conditions requiring a Construction Environmental Management Plan (CEMP) and Homeowner Information Packs.

## 6.7 THE WILDLIFE TRUST

6.7.1 No consultation response received.

## 6.8 UNITED UTILITIES

6.8.1 Confirms the proposals are acceptable in principle and should planning permission be granted it is requested a condition be attached requiring submission of a surface water drainage scheme, with separate systems of foul and surface water.

## 6.9 NHS FYLDE AND WYRE CLINICAL COMMISSIONING GROUP (CCG)

6.9.1 This proposal as a whole will generate approximately 344 new patient registrations. The proposed development falls within the catchment area of Over Wyre Medical Centre. This need, along with other new developments in the area, can only be met through an extension and reconfiguration of the existing premises in order to ensure sustainable general practice. A total contribution of £39,505 from the development is required, broken down into £25,724 for the 160 care home units and potentially £13,781 for the 50 units (total contribution for the housing element to be calculated at reserved matters stage).

## 6.10 LANCASHIRE COUNTY COUNCIL (LOCAL EDUCATION AUTHORITY)

6.10.1 In respect of the 50 dwellings, a current estimate of contribution requirements would be £318,249.24 towards 19no. Primary school places with the named infrastructure project being Hambleton Academy and/or Stalmine Primary School. No secondary school place contribution is required. The final calculation towards primary school places would be determined at reserved matters stage. This mechanism will need to be secured by a section 106 agreement.

## 6.11 LANCASHIRE FIRE AND RESCUE

6.11.1 No consultation response received.

6.12 NATIONAL AIR TRAFFIC SERVICES (NATS)

6.12.1 No safeguarding objections to the proposal.

6.13 BLACKPOOL TEACHING HOSPITALS NHS FOUNDATION TRUST

6.13.1 A response has been received from Blackpool Teaching Hospitals NHS Foundation Trust. This response requests a contribution from this development of £88,113.00.

6.14 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY - LLFA)

6.14.1 No objection to the proposed development subject to conditions requiring the development to be carried out in accordance with the submitted Flood Risk Assessment and Drainage Management Strategy; the submission of a surface water drainage strategy prior to commencement; details of how surface water and pollution prevention will be managed during each construction phase, and an operation and Maintenance Plan and Verification Report of the constructed Sustainable Drainage System.

6.15 ELECTRICITY NORTH WEST (ENW)

6.15.1 The development is shown to be adjacent to, or affecting, Electricity North West's operational land or electricity distribution assets. Advice notes provided for the applicants information.

6.16 BT OPENREACH

6.16.1 No consultation response has been received.

6.17 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (GREEN INFRASTRUCTURE)

6.17.1 No consultation response received.

6.18 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.18.1 No objection in principle. Surface water should discharge to the surface water network with no surface water to discharge to the combined sewer, either directly or indirectly, and the surface water culvert to the east of the site should be surveyed / cleaned to ensure that it is in good condition. Existing open watercourses to the west and south of the site (FRA 3.1.3 & 8.3) should remain open and not culverted. The Flood Risk Assessment (FRA) and Emergency Plan meet requirements. Conditions required to ensure development carried out in accordance with the FRA and requiring full surface water drainage plans (including on-site attenuation) to be submitted for approval.

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

6.19.1 Comments provided to previous application 20/01175/FULMAJ are still relevant. The submitted Phase 1 desk study is acceptable, however the Council's

standard conditions should be attached requiring a site investigation, and remediation and verification if required, and also a watching brief.

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

6.20.1 No objection subject to a number of mitigation conditions with respect of noise and lighting.

## 6.21 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (WASTE MANAGEMENT)

6.21.1 The bin stores are accessible from the exterior of the building between the two buildings, so collection will not be a cause of concern.

## 7.0 REPRESENTATIONS

7.1 119 letters of objection have been received. The issues raised can be summarised as follows:

Comparison to previous application and pending appeal:

- The previous application was refused and this proposal gives no consideration to residents and councillors concerns.
- The buildings are the same massing, height, same parking issues, and lack of outdoor space.
- The buildings are not 2 storeys, but 3 storey blocks.

Planning Policy:

- The scheme would exceed the 180 units earmarked for this area in Policy SA1/7
- The land is allocated for homes, not commercial buildings / care homes.
- Further developments fly in the face of recent government statements against building in villages and on green fields

Application submission

- The plans submitted don't show a full site plan.
- The information submitted is limited.

Green Infrastructure:

- No public space included in the outline plan for the dwellings.

Flooding:

- Concerns of major flooding with drains and watercourses unable to cope.
- Roads, drains and sewage system already overstretched and subject to regular flooding, and this will get worse.
- No plans have been made to address drainage plans.
- Sewage and water courses haven't been upgraded in the area.
- Lead Local Flood Authority and Electricity North West stipulations not addressed.

Highway safety / Parking:

- -Concern about highway visibility and safety (also for children) as access will be on a blind corner on a busy road and close to three existing junctions, and near a local school.
- Volume of traffic will increase and is unsustainable, especially at peak times.
- Staff will be travelling from other areas adding to traffic
- The area is already congested especially with Halite gas works, and Hambleton and Shard Bridge won't cope.
- Commuting times will increase.
- Roads won't cope with the construction vehicles
- Major road upgrades at Skippool won't be complete until Summer 2023
- Stricklands Lane already has speeding vehicles, lack of school parking, and there are already collisions and accidents, and a lack of pavements.
- No pedestrian crossing provided for new developments
- The A588 is one the top 5 most dangerous roads in the country.
- Traffic study only looks at a small section of A588, not the whole village, and has not been done at peak time.
- Stricklands Lane should be reclassified as a B road to help ambulance response times.
- Delivery vehicles, emergency services, and health visits to the care homes will add to existing problems.
- The roads (condition) will be worse after this build as per recent building.
- Concern about noise, mud, dust and danger during construction.
- Lack of public transport with one bus service (2C) serving the area
- The proposal will put further strain on public transport
- Getting in and out of the care homes onto the road network will be impossible.
- Lack of parking for care home staff and visitors.
- Consider parking will overspill onto nearby roads.

#### Housing Need:

- There is no requirement for any more nursing homes, especially of this size in Stalmine. There is already adequate provision and homes with spaces.
- The houses are not needed. There are already permissions pending for housing nearby.

#### Design:

- The care homes are excessive.
- The development should be scaled back with more green kept.
- The proposal is too large / overdevelopment.
- The care home is larger than the previous scheme
- Soft landscaping behind the care home boundary is masked by the high boundary.
- Density of the overall development is greater than that refused on an adjacent site.

#### Character of the area:

- The proposal will change the semi-rural character of the area.
- The size and scale of development is too big for the village - Stalmine will lose its village feel and become a town.
- The care homes are out of character with the area.

- The area is becoming over-crowded with new builds.
- The choice of site is wrong and unsuitable for the area.
- Don't want settlements joining together
- The proposal is removing another greenfield and farmland. There will be no green open spaces left
- The proposal will increase the village population beyond what is acceptable.

#### Facilities and infrastructure:

- Lack of infrastructure to accommodate increasing the village population.
- Extra burden will be placed on the school and Over Wyre Medical Centre which is at capacity, and parents will have to travel further to schools.
- Loss of Hambleton Surgery means there has already been loss of medical facilities in the area
- There should be better medical provision through expanding the GP practice.
- There should be greater provision for schooling, shops, education and more parks and recreational areas.
- The area already suffers with power cuts
- There is already a lack of police and emergency services and little land available for air ambulance to land
- Consider inclusion of the nursing home is a way of getting around the obligation of supporting the infrastructure of the local area.
- The care facility will put added demand on emergency services

#### Ecology:

- Increased light pollution will impact upon local wildlife and insects.
- The hedgerows on the eastern boundary are important for wildlife and the feel to the environment in the vicinity.
- Impact upon trees, hedgerows and the on-site ponds and their wildlife habitat
- Loss of wildlife including owls, deer, bats, birds, foxes, and wildflowers
- There are two Sites of Special Scientific Interest (SSSI's) in the area that need to be protected.

#### Amenity:

- Increase in, and excessive, light pollution and concern lights will be on 24/7 at the care homes affecting the area and neighbouring properties.
- No lighting plan has been submitted for the dwellings.
- There will be an increase in noise pollution and affect the peaceful neighbourhood.
- The care homes will overshadow and overlook adjacent and nearby properties.
- The development will affect the privacy of existing residents.
- The care homes would affect residents of Linley Grange though overlooking and loss of privacy.
- People will not want to use local camp sites and caravans as they will not want to look at the buildings

Climate Change:

- There are no solar panels proposed.
- Asserted impacts of climate change have not been met.
- Losing more green fields means less storage for carbon and allowing more large buildings increases emissions totally against Government stance on climate change.

Other matters raised which are not material planning considerations and cannot be taken into account in any planning assessment:

- The proposals would block private views from residential properties
- Impact upon local house prices and devaluation of property
- The intentions of the applicant
- Impact on other businesses

7.2 Two letters of support have been received generally stating support and that there will be more local jobs.

## **8.0 CONTACTS WITH APPLICANT/AGENT**

8.1 Various. Updates provided on progress of application and Habitats Regulations Assessment. Request for updated landscaping plans. Amended plans submitted. Request for agreement of pre-commencement conditions, and financial contributions/ off-site highway works. The applicant has agreed to pay the requested contributions and to the conditions listed.

Letter submitted to express the view that the principle of development, parking provision, traffic generation and all matters not related to the impact of the buildings on the street scene were found acceptable by the planning committee in the previous application, and the content of many of the objections received relate to matters already determined by the planning committee as acceptable. This letter also states the care homes have been moved to the rear of the site at members request.

## **9.0 ISSUES**

9.1 The main issues in this application are as follows:

### **BOTH FULL AND OUTLINE ASPECTS OF THE PROPOSAL**

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

### **SPECIFICALLY IN RELATION TO THE FULL PROPOSAL FOR CARE HOMES:**

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

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

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

## OTHER RELEVANT MATTERS

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

### Principle of development

9.2 The application site falls within the settlement boundary of Stalmine as defined in the Adopted Wyre Local Plan (WLP31). Policy SP1 of WLP31 directs new development to within settlement boundaries and states 'development within settlement boundaries will be granted planning permission where it complies with the other policies of this Local Plan'. The application site is included within allocation policy SA1/7, and is one of three parcels of land forming this allocation, identified as Phase 3. The other two parcels have already been granted planning permission with Phase 1 under construction for 81 dwellings, and Phase 2 with outline permission for up to 65 dwellings.

9.3 The whole site allocation SA1/7 is for housing. The principle of developing the site for housing has been established by WLP31. The site allocation sets a site capacity of 180 dwellings. 146 dwellings within the allocation have planning permission to date. Whilst there is a pending application on phase 2 to increase the number of units from 65 to 74 this has not been determined and so the additional 9 units proposed are not treated as committed at this stage. This proposal seeks outline permission for up to 50no. dwellings, which would take the total number of committed dwellings to 196. Whilst this exceeds the site capacity figure for this allocation, the housing requirements in the WLP31 are a minimum figure, and therefore the site capacity for allocations are also treated as minimum figures which can be exceeded subject to all other Policy requirements being met. Therefore the housing proposal would not be contrary to the Policy HP1 or site allocation Policy SA1/7. Notwithstanding that the application proposes up to 50 dwellings in outline, the proposed indicative site plan currently indicates 47 units, however this is based on predominantly detached dwellings and it is considered that the site could accommodate up to 50 dwellings assuming smaller properties were to come forward at reserved matters stage, and assuming that green infrastructure was predominantly off-site. If fewer homes were proposed at reserved matters stage in order to meet the policy requirements then this would still be within the parameters of any outline planning permission.

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



the site allocation Policy, the provision of a care facility in the allocation is considered to be acceptable in principle.

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

9.6 KDC7 of Policy SA1/7 states that land should be made available for a new primary school if required. The fact that land is not reserved for a school in either phase 2 or 3 was queried in some of the responses received to the previous proposal on this site. As part of the Appeal for Phase 2 detailed discussions took place with LCC Education and it was confirmed that there is no longer a requirement for a new primary school in Stalmine, as LCC are comfortable that existing schools in the area can be extended to accommodate the level of planned development. Therefore the application does not conflict with of KDC7 as there is no longer a school requirement. Financial contributions towards education to mitigate the impact of the 50 dwellings are considered below in this report.

9.7 Policy SP7 requires developments to make appropriate contributions where new or improved infrastructure is required to meet the needs arising directly from a development or to mitigate any adverse impacts of a development on existing infrastructure. The Fylde and Wyre Clinical Commissioning Group (CCG) have a policy which includes a methodology on assessing need directly from a development. The Council therefore supports their request for a contribution from both developments, broken down into £25,724 for the care home facility and potentially £13,781 for the 50 units (contribution for the housing element to be calculated at reserved matters stage) towards the Over Wyre Medical Centre. Blackpool Teaching Hospitals Trust have also responded requesting a contribution towards Blackpool Victoria Hospital. However, unlike the CCG, the Trust have no Adopted Policy document in place that evidences a direct need arising from developments, and their request is not considered to be compliant with the CIL Regulations, and therefore Members are advised this request would not be in accordance with policy SP7 and should not be upheld.

9.8 Policy SP2 of WLP31 sets out that new development should be sustainable and contribute to the continuation or creation of sustainable communities in terms of location and accessibility. Sustainability is also a material consideration requirement of the NPPF. As this application site is part of a housing allocation and is located immediately adjacent to existing housing to the north, it is considered to be well related to the existing settlement of Stalmine. The development would still be within reasonable distance of local and community services in Stalmine including a public house, post office, shop, church and village hall, as well as within walking distance of the existing school. Whilst parish council concerns about car reliance is acknowledged particularly in respect of the care homes, a new bus stop is to be provided directly outside the site and a Travel Plan for the business would be required identifying measures to encourage sustainable transport use by staff,

visitors etc. LCC Highways raise no concern about the sustainability of either development.

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

#### IMPACT UPON THE HIGHWAY NETWORK, SAFETY, ACCESS, AND PARKING

9.10 Both National Highways and LCC Highways have been consulted and have considered the submitted transport assessment and TRICS data. National Highways have raised no objection. LCC Highways concludes that there is no change to their comments from the previous application 20/01175/FULMAJ. Their response to the previous application considered that whilst there would be some net increase in overall traffic from the care homes and dwellings this would not result in a severe residual cumulative impact on the capacity of the local highway network. LCC Highways also considered that the existing highway network fronting the site has a good accident record and there are no underlying issues which the proposed development would exacerbate. LCC consider that the proposed means of access for this current application with one access point off Stricklands Lane to serve both the care home and housing proposals is acceptable and that no further information is required from the Transport Assessment to show that the development proposal is acceptable in highway terms. Overall LCC Highways have raised no concerns in relation to highway capacity or highway safety subject to conditions and the same off-site highway works as requested to application 20/01175/FULMAJ. These off-site improvements are required to public transport facilities through the provision of a new bus stop and shelter fronting the care home site, and upgrading of the south bound bus stop at Back Lane to ensure it is fully Equality Act Compliant. The applicant has confirmed that they would agree to provide these upgrades.

9.11 LCC Highways also confirm no section 106 contributions are required as part of this development, providing the recommended section 278 works are provided. It is understood as per highways response to application 20/01175/FULMAJ that this is because monies have already been secured through recently approved developments impacting on the bus services passing the site, and therefore no further contribution is required.

9.12 In terms of parking provision the care homes would provide 54no. parking spaces, which would include 8no. mobility spaces. One motorcycle parking space is also proposed along with two cycle racks. Members are advised that this is an increase of 22no. parking spaces in comparison to the previous application 20/01175/FULMAJ. The Parish Council have raised concerns that the care homes do not have enough parking spaces. LCC Highways have not commented specifically on parking but have overall raised no objections to the proposals.

9.13 Appendix B of WLP31 sets out maximum parking requirements for specific types of development. For care homes the parking requirement is 1 space per 5 residents. The proposed care homes would have 160 bedrooms in total, therefore 32 parking spaces would be required. The scheme satisfies this requirement, providing spaces in excess of this. The proposal also provides the right number of mobility spaces as set out in Appendix B, as well as motorcycle and bicycle spaces. The

outline application does not apply for layout at this stage and therefore there is no need to consider parking for that element of the proposal at this stage.

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

## FLOOD RISK AND DRAINAGE

9.15 The site is located within Flood Zone 1 and therefore has the lowest probability of fluvial flooding. As the site exceeds 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted. There is no requirement for the applicant to satisfy the sequential or exceptions tests with regard to flood risk.

9.16 The parish council, residents association, Councillor and individual objectors have raised concerns in relating to drainage, including existing drainage capacity, and the proposed drainage for the site.

9.17 The submitted FRA details the existing drainage situation for the site. The eastern part of the site drains to the east across Stricklands Lane. The western part of the site drains into an existing pond and north westwards into a watercourse which flows into a land drainage ditch along the western boundary and then continues north towards Malvern Avenue. The south of the site drains south into an existing watercourse. The application proposes to discharge surface water run-off from the whole site into the culverted watercourse network to the east of site via the existing on site land drainage connection. The drainage strategy also proposes on-site attenuation underneath the new green buffer at the front of the site.

9.18 The LLFA confirm no objection to the proposed development subject to conditions requiring the development to be carried out in accordance with the submitted Flood Risk Assessment and Drainage Management Strategy; the submission of a surface water drainage strategy prior to commencement; details of how surface water and pollution prevention will be managed during each construction phase, and an Operation and Maintenance Plan and Verification Report of the Constructed Sustainable Drainage System. United Utilities considers the submitted Flood Risk Assessment (FRA) to be acceptable and has suggested that the development be carried out in accordance with this statement. This FRA includes specific flood risk mitigation measures including restricting surface water discharge restricted to  $Q_{bar}$  (19.0 l/s), finished floor levels (where practical), consideration of overland flows, effective management of peak rates of run-off, and land drain ditches to be accommodated for in any drainage scheme.

9.19 The council's drainage engineer has been consulted and he has no objection in principle but states surface water should discharge to the surface water network and that no surface water shall discharge to the combined sewer, either directly or indirectly. He states the surface water culvert to the east of the site should be surveyed / cleaned to ensure that it is in good condition. He notes that the applicants FRA has stated the existing open watercourses could be culverted subject to a permit. The drainage engineer is of the opinion these existing open watercourses to the west and south of the site should remain open and not culverted. He also believes these watercourses discharge to the south of the site adjacent to Berdon Cottage and under Stricklands Lane, and not as assumed in the applicants FRA and so this should be confirmed on site. During the course of the previous application the

council's drainage engineer confirmed that whilst the initial route would be to the east of the site the drainage connection would then run into the existing watercourse further to the south east, which heads south, and drains away to the south. Therefore its actual discharge would be to the south. Should Members resolve to approve this application it is considered the suggested conditions from the drainage consultees should be attached.

#### Impact upon ecology/hedgerows/trees

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

9.21 Natural England have been consulted and requested an updated Habitats Regulations Assessment (HRA) since application 21/01175/FULMAJ. This has been carried out by GMEU on behalf of the Authority, and Natural England have raised no objections to the proposals subject to appropriate mitigation in the form of a Construction Environmental Management Plan and Homeowners Packs being secured by condition. No response has been received from the Wildlife Trust to this current application, however it is noted that their response to the previous application was in support of the conditions requested by Natural England. They also previously considered that conditions should be attached requiring a scheme to protect trees and hedges for the care home part of the proposal, preparation of a Habitat Management Plan in accordance with the submitted Ecology Survey, implementation of reasonable avoidance methods to protect bats, installation of bat and bird nest boxes, avoidance of disturbance to nesting birds, submission of a lighting scheme, and a landscape scheme to be submitted in respect of the outline part of the application. A response has been received from GMEU with no objections but requesting similar conditions. These conditions would be attached to any planning permission. It is also noted that GMEU have asked for an additional condition relating to the timing of works to trees and hedgerows.

9.22 The application proposes a green buffer to the front of the site adjacent to Stricklands Lane as part of the full proposals. In terms of impact on trees, the proposals would not result in the removal of any trees. The submitted Arboricultural report details that existing trees are within the site boundaries and whilst there are a number in poor quality no works are required to them to site the development. T10 is identified as poor quality and possibly in need of removal due to its condition. In terms of impact upon hedgerows, there would be one access required into the site to serve both the care homes and dwellings. Detailed plans received confirm the frontage hedgerow would be removed and replaced with a new hedgerow planted slightly further into the site. There would be a 10.7m gap in this hedgerow for the site access. Overall there would be a total length of 126.8m new hedgerow provided along the site frontage, compared to the 135m hedgerow currently in existence.

9.23 The council's tree officer has not provided a response to this current application, although he accepted the principle of hedgerow removal and replacement on the previous application. Mitigation hedgerow planting is proposed across the site frontage and a green buffer is proposed behind this hedgerow to

contain additional planting. The revised landscaping plan details that new hedgerow planting would be provided to the western boundary, part of the north and south boundaries around the care homes, and would extend across the frontage of the care homes towards the care home access. Given this amount of new hedgerow being provided across the care home development would be in excess of any hedgerow length to be removed at the access, it is considered the loss of hedgerow at the site frontage is appropriately mitigated for.

9.24 The applicant was asked to provide additional soft landscaping behind the care homes as this is the rural transition zone and rural edge of the site, but also it is considered that further planting would be of ecological benefit. Amended plans have been provided and the amended landscaping plans are considered to provide a sufficient amount of soft landscaping between the west boundary and the care homes both visually and for ecological enhancement.

9.25 In terms of the outline proposals any reserved matters proposal would have to meet the requirements of Policy CDMP4 and SA1/7. Whilst the submitted plan is indicative, there are existing hedgerows along the north and south boundaries. It is not known at this stage whether those sections of hedgerow would be retained, removed or replaced. It is considered this area must incorporate equal or more new native hedgerow on site considerate of the need for enhanced wildlife opportunities and connectivity. It is considered that should Members approve this application a condition will need to be attached for the outline element of the scheme requiring adequate hedgerow mitigation should future landscape details for this area remove all or part of existing hedgerows to the north and south of the site.

#### SPECIFICALLY IN RELATION TO THE FULL PROPOSAL FOR CARE HOMES:

##### Visual Impact / Design / Impact on the street scene

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

9.27 The proposed care homes would be each designed with one main block, with smaller attached sections behind. The main blocks would face into the centre of the overall application site, and would be two and a half storeys with the second floor within the roof space and served by roof lights. The main ridge of Care Home A would be 10.1m height, and the main ridge of Care Home B would be 10.4m. The attached wings behind, or to the side, would be two storeys (without roof space accommodation). The rear elevation of Care Home A would be orientated to face north-west, and the rear gable elevation of Care Home B would face the western boundary of the site. The applicant has submitted floor plans, elevations and a site plan of the proposed care homes, and also a topographical survey showing existing and proposed land levels. The plans show that for care Home A, existing land levels would be lowered by an average of 0.7m to accommodate finished floor levels of 11.5m AOD. For Care Home B, the eastern section would be between 0.1m and

0.4m higher than existing levels, with the remaining sections either at the same level or reduced by 0.3m to accommodate finished floor levels of 11m AOD.

9.28 The Care Homes have been designed with a pitched roof containing roof lights, and with a series of relatively narrow projecting front gables that would not extend above eaves height. The proposed care homes would certainly be higher than existing buildings in the area. However it is considered that due to their design, with the building being broken down into numerous sections, their position at the rear of the site set back from the road, and the roof style and projecting front gables being below roof height, that the care homes would not appear overly excessive in height, bulk or massing in the street scene.

9.29 To the west is countryside and Policy SA1/7 requires proposals to provide a rural transition zone. Whilst the care homes would be higher than dwellings on this edge of the site, Care Home A would be sited away from, and at a different orientation to, the western boundary. Overall it is considered this would alleviate the amount of built form on the rural edge of the site. The majority of Care Home B would also be away from the western edge of the site, but with its end gable nearest this boundary. Whilst it is only the end nearest the western boundary, the applicant has been asked to increase the amount of landscaping along the western edge, as it was considered the original amount of landscaping proposed did not help to assimilate the building into its surroundings. Amended plans have been received providing additional landscaping, and these plans are considered to be acceptable in terms of helping with the assimilation of Care Home B into the surroundings. It is also acknowledged that amended plans have been received showing existing levels would be generally lowered which helps to reduce the bulk and massing of the care home buildings as viewed from the countryside beyond.

9.30 The Care Homes would also be taller than existing properties to the south, some of which are single storey. From views to the south along Stricklands Lane, one main elevation of Care Home B would be able to be viewed. This elevation would be viewed behind existing two storey and single story properties. It would be taller than those properties, however due to the proposed distance between the road and the proposed care home elevation, and the minimum distance between these dwellings and the care home being 33m it is considered that it would not be unduly dominant in the street scene. There is also some significant trees along part of Stricklands Lane south of the site which would help to reduce any full views of the care home in the summer months.

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

9.32 Existing buildings in the area are constructed of a mixture of materials with red brick and render, and grey roofing materials. The proposed materials would be a mixture of red brick, render and panelling to the walls, and anthracite grey roof tiles. The render to the walls would be on the projecting gable features, and also as a vertical central panel on the end gables. It is considered the general palette of materials is appropriate to the area, and the precise details and finish of the materials can be provided by condition should the application be approved.

Impact on Residential Amenity

9.33 The proposed layout has been considered against Supplementary Planning Guidance 4 (SPG4), and the spacing requirements between plots. The southern elevation of Care Home B would be a minimum of 33m away from the nearest existing dwellings to the south, and there are no other existing properties in close proximity to other elevations of this home.

9.34 Care Home A would have its north east facing elevations 18.5m away from the nearest new build property to the north. This is plot 17 on the Linley Grange layout to the north (17m between the corners of the existing building and proposed care home). In a direct southwards line from the existing dwelling and the nearest wall of the Care Home there would be a separation distance of 21.8m. The wing behind the main part of the Care Home would be 21.6m away from the nearest dwelling to the north (Plot 27 on Linley Grange), but it is the side elevation of that property facing the care home and the 21.6m distance far exceeds Policy requirement for side elevations. In this case the care home is not proposed as directly facing the elevation of dwellings on Elder Close. Instead it is orientated to face north-west. In the nearest part of the care home to nearby properties, the plant room would be proposed at second floor level so there could be no overlooking from this floor of the building. A lounge would be at the first floor but again orientated north-west to avoid direct overlooking. It is considered that due to existing and proposed boundary treatments there would be no overlooking from the ground floor lounge to the nearest properties. Overall the siting of Care Home A is considered to comply with the requirements of SPG4.

9.35 Some of the dwellings on Linley Grange to the north have high hedgerow boundary treatments between them and the site, others have a lower boundary treatment. The siting of Care Home A would result in some impact upon light to these newly built properties compared to the current situation by its very presence and height. However due to the orientation of the Care Home light gain would still be possible to these dwellings from the south, south east and west. Therefore it is considered that the impact would not be so detrimental as to warrant refusal of the application.

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

##### Infrastructure provision

9.36 Lancashire County Council (LCC) as the Local Education Authority (LEA) have indicated that based on their current assessment, £318,249.24 would be required towards 19no. primary school places with the named infrastructure project as Hambleton Academy and/or Stalmine Primary School, but they do not require any secondary education contributions. The precise amount of any primary contribution would be calculated at reserved matters stage. This mechanism will need to be secured by a section 106 agreement.

9.37 Policy HP3 requires 30% affordable housing provision on developments of 11 dwellings or more on greenfield sites in Stalmine. The application proposes up to 50 dwellings which would equate to a requirement for up to 15 affordable units. This 30% provision and details of the location, type and tenure will need to be secured by a section 106 agreement.

9.38 Policy HP9 of the WLP31 requires an appropriate quantity of green infrastructure (open space) to be provided on developments of 11 dwellings or more.

The Policy also states that the most appropriate types of open space provision need to be determined, and that this should be meaningful useable green infrastructure as open space makes an important contributing to the health and wellbeing of communities. Therefore the aims of Policies SP8 and CDMP4 are also relevant.

9.39 Notwithstanding the indicative plan provided, the exact amount of green infrastructure required from the housing development is dependent upon the number and mix of housing. This cannot be determined until reserved matters stage but there is no reason to conclude at this stage that the required level of green infrastructure cannot be provided on site or as an off-site contribution or as a hybrid approach where some on site and off site provision is sought. The area of land shown within the current full proposals at the site frontage is proposed to provide a frontage buffer with the road, and is not considered to provide a green infrastructure function for the new dwellings. A condition securing provision of open space in line with Policy HP9 of the Local Plan should be imposed. In the event that reduced on-site provision is accepted at reserved matters stage then the applicant would need to apply to vary this condition and enter into a separate s106 agreement to secure an appropriate off-site contribution.

#### Housing mix and adaptable housing

9.40 Policy HP2 of the WLP31 requires that developments provide an appropriate mix in terms of size, type and tenure of housing to meet the identified need in the borough and local market demand to accord with the most recent SHMA. The Policy also requires that developments exceeding 20 no. dwellings should make provision for at least 20% of dwellings on site to be designed to be adaptable to meet the needs of older people and people with limited mobility. It is considered that these requirements can be secured by condition.

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

9.41 The housing development would be viewed along Stricklands Lane against a backdrop of surrounding built development with the care homes behind. Therefore it is considered the housing proposal would be read as part of the settlement. The illustrative plans demonstrate that a development of up to 50no. units is physically achievable on this site and can be provided with landscaping and necessary infrastructure requirements. Whilst landscaping, scale, layout and appearance are reserved matters details, these will be important considerations to enable the development to sit comfortably in the surrounding landscape, with appropriate densities to the surrounding built form.

9.42 Any reserved matters proposal would have to meet the requirements of Policy CDMP4 and SA1/7. The plans currently submitted for up to 50no. dwellings are indicative, but do not indicate at present that there would be any removal of boundary hedgerows to facilitate the housing proposals. It is considered important that existing hedgerows should be retained or bolstered, or replaced if their removal is deemed necessary at reserved matters stage. A condition can be attached setting out specific landscaping requirements for the site, including the requirement for a Green Infrastructure Framework when the matter of landscape is applied for. It is therefore suggested that such condition should be attached should Members resolve to approve this application, to ensure that the landscaping details submitted with the reserved matters application are appropriate.

#### Impact upon residential amenity



9.43 As the housing development has been submitted in outline, issues relating to impacts on privacy, overlooking, loss of light and overshadowing cannot be properly assessed at this stage, but would be considered at reserved matters stage. However, in considering the illustrative plans there is no reason to believe at this stage that the development would not be able to comply with the interface distances set out in the Council's adopted 'Spacing Guidance for New Housing Layouts' SPG and so impact on residential amenity is not a cause for concern. The relationship between the proposed dwellings along the north, south and eastern boundaries, and the scale of the dwellings, can be given particular attention at the reserved matters stage. It is noted there is a plot of land to the south (the grounds of a dwelling known as Kilmory) which was granted planning permission for 3no. dwellings. Members are advised that the permission on this site may no longer be lawful as although a commencement has been made the pre-commencement conditions have never been discharged. Nevertheless the distances to those 3no. dwellings will need to be considered at any reserved matters stage.

## OTHER RELEVANT ISSUES FOR THE FULL AND OUTLINE PROPOSALS

### Noise

9.44 The Applicant has submitted a Construction Environmental Management Plan (CEMP). Environmental Health (Amenity) have been consulted and have no objections to the proposal in terms of impact upon amenity. Whilst they suggest a condition should be attached requiring compliance with the submitted Construction Environmental Management Plan (CEMP), there is no mention in this document of highway and pollution measures or complaints liaison during construction, as such the standard CEMP condition is to be imposed requiring full details to be submitted. The suggested condition requiring a noise assessment to be submitted with any reserved matters application relating to the layout of the dwellings to protect the amenity of future residents from road noise, will be imposed.

### Contamination

9.45 The NPPF states that where a site is affected by contamination, responsibility for securing a safe development rests with the developer/ landowner. The National Planning Policy Guidance (NPPG) also states that local authorities should use conditions to secure the adequate remediation of contaminated land. Adequate information should be submitted by the applicant to show that the site is suitable for its new use. Environmental Health Contamination have been consulted and have responded that their response is the same as that to previous application 20/01175/FULMAJ. They have no objections to the application subject to the council's standard contamination condition being attached. The standard condition would require the developer to submit a desk study, detailed site investigation, and detail any remediation measures if necessary prior to commencement of development. Should Members resolve to approve this application, subject to this condition it is considered the proposal would be acceptable in terms of ground conditions and would comply with the provisions of the NPPF.

### Climate change

9.46 Policy SP2 part 6 requires proposals to demonstrate how they respond to the challenge of climate change through appropriate design and by making best use of resources and assets including the incorporation of water and energy efficient measures and the reuse and recycling in construction. The applicant has submitted a Climate Change statement. This states that hedgerow trees and some hedges will be

retained, and that additional tree and shrub planting will be incorporated in the landscaping scheme of both the care home and the housing development to mitigate the loss and increase tree planting across the site. It is also mentioned that the provision of water butts could also be included. In terms of the proposed buildings, the statement details that they would be designed to meet building control standards including the required levels of thermal efficiency. Specifically in terms of the care homes it is stated the care home operator seeks to minimise energy use within the building by looking to install combined heat and power, heat recovery or solar energy either singly or in combination. Electric charging points will also be provided at the care homes. It is considered that these are all measures that can help towards meeting the challenge of climate change. It is considered therefore that the matter of climate change has been adequately considered and that the proposal would comply with Policy SP2 (6) of the Adopted Local Plan.

#### Waste management

9.47 The National Planning Policy for waste seeks to ensure that new development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities, for example by ensuring there is discrete provision for bins to facilitate a high quality, comprehensive and frequent collection service.

9.48 In relation to the care homes the applicant has submitted a layout plan which details that bin stores would be provided to the side of the care adjacent to first section of car parking. Details of the design of these bins stores have been provided and are considered acceptable. The council's Waste Management Officer has been consulted and has raised no objections stating that the bin stores will be accessible so collection will not be a cause of concern. It is considered a condition should be attached requiring the development to take place in accordance with the submitted details should Members resolve to approve the application.

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

#### Telephone infrastructure

9.50 There are existing telegraph poles with the site mainly within the eastern and southern extents of the site. Therefore the relevant phone provider (BT) has been consulted on this proposal, however no response has been received. The previous application proposed the care homes at the site frontage adjacent Stricklands Lane and it was understood that the telephone poles would be grounded around the east of the site and avoided. Under this application the housing is now proposed in this area. Matters of layout have not been applied for at this stage however it is considered that it would be possible for the layout of dwellings to ensure existing telephone infrastructure was retained whether above or underground. Nonetheless, the precise details of how the telephone assets are protected or relocated is a matter between the developer and the operator, separate to the planning process. This is also the same for the care home proposals.

Need for care homes and contribution to housing supply

9.51 A number of objectors, the Parish Council, and the Residents Association, have raised concerns about the need for the care homes. Members are advised that the Fylde Coast Strategic Housing Market Assessment (SHMA) indicates that the population of over 65+ residents is expected to grow across the Fylde Coast authorities with a projected increase of 33.8% in Wyre. The SHMA also highlights that there is particular proportional growth forecast in the 85+ age bracket, which will necessitate the provision of specialised accommodation to meet specific housing requirements. This evidence clearly provides an indication that there is a need for such accommodation to meet the demands of an ageing population.

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

Matters for consideration in this application

9.53 In terms of the conflicting views of the parish council and applicant about what members are entitled to consider, members are advised that this is a new application which must be assessed on its own merits, and therefore all matters can be considered. However the fact that members did not refuse the previous application on certain matters such as the principle of development or impact on highway safety is material to any decision on this application where there are no changes on those matters.

Developer Consultation

9.54 Third party representations raise the issue that Wyre Council's Statement of Community Involvement (SCI) with regards to best practice consultation has not been followed (for major development proposals the SCI encourages pre application consultation with the wider community). Members are advised that there is not a requirement for the applicant to seek the views of the public on the proposal prior to the formal submission of an application. It is perhaps understandable why the applicant chose not to given that this is a re-submission application. Therefore this issue is not material to members' decision on the application.

## **10.0 CONCLUSION**

10.1 The principle of developing the site for housing is supported by Policy SP1 and SA1/7 of the Wyre Local Plan. Notwithstanding site SA1/7 being a housing allocation, the provision of the care homes is in general accordance with the development strategy, would not undermine delivery of the site allocation housing capacity and is compatible with the adjacent residential uses. It has previously been accepted that a masterplan or new school is not required on the allocation.

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

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

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

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

### **Recommendation: Permit**

#### **FULL PLANNING CONDITIONS -**

1. The development hereby approved (within the 'Full Planning Application Area' on Approved Drawing No. A360 Rev 6) must be begun before the expiration of three years beginning with the date of this permission.

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

2. The development hereby approved (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6) shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 02.08.2021 including the following plans/documents:

- Drawing No. A315 (Location Plan)
- Drawing No. A360 Rev 6 (Proposed Site Plan)
- Drawing No. A320 (Care Home A, Proposed Ground Floor Plan) (received 2nd August 2021)
- Drawing No. A321 (Care Home A, Proposed First Floor Plan) (received 2nd August 2021)
- Drawing No. A322 (Care Home A, Proposed Second Floor Plan) (received 2nd August 2021)

- Drawing No. A323 (Care Home A Proposed Roof plan) (received 2nd August 2021)
- Drawing No. A324 (Care Home B, Proposed Ground Floor Plan)
- Drawing No. A325 (Care Home B, Proposed First Floor Plan)
- Drawing No. A326 (Care Home B, Proposed Second Floor Plan)
- Drawing No. A327 (Care Home B, Proposed Roof Plan)
- Drawing No. A330 (Care Home A, Proposed Elevations)
- Drawing No. A331 (Care Home B, Proposed Elevations, Sheet 1 of 2)
- Drawing No. A332 (Care Home B, Proposed Elevations, Sheet 2 of 2)
- Drawing No. A423 (Proposed Bin Stores)

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

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

3. The premises hereby approved (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6) shall be used for Use Class C2 'Residential care homes' and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)

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

4. Prior to first use of any care home hereby approved (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6), the off-site works of highway improvement [namely, street lighting and tactile paving at the site access, relocation of the existing south bound bus stop and shelter at the junction at Back Lane, and provision of a new bus stop and shelter near the junction with Back Lane] shall be carried out, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall be carried out in accordance with any alternative approved timetable for implementation.

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

5. Prior to the commencement of development (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6) a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:

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

- (b) control of noise and vibration emanating from the site during the construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (c) contractors' compounds and other storage arrangements
- (d) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- (e) arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (f) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (g) external lighting of the site during the construction period
- (h) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (i) recycling / disposing of waste resulting from construction work
- (j) measures to protect watercourses against spillage incidents and pollution
- (k) hours of construction, which shall be limited to 08:00-18:00 Monday to Friday, and 08:00-13:00 Saturdays only

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

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

6. Prior to the commencement of development (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6) visibility splays of 2.4 metres by 43 metres in both directions along the nearer edge of the carriageway of Stricklands Lane from the centre line of the proposed access (as shown on this approved plan reference No. A360 Rev 6) shall be provided. These visibility splays shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

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

7. (a) The new estate road for the development (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6) shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any other development takes place within the site.

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

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

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

8. a) Prior to the first use of any care home (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6), the proposed arrangements for future management and maintenance of the roads/ footways/ cycleways within the development shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include a plan showing areas of highway proposed for adoption by the Local Highway Authority and any areas proposed for private management.

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

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

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

9. Prior to the first use of any care home hereby approved (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6), the parking / turning area(s) shown on this approved plan (Proposed Site Plan) shall be laid out, surfaced and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: In order to ensure that adequate off-street car parking provision is available to meet the needs of the development in the interests of visual and residential

amenity and highway safety in accordance with the provisions of section 9 of the NPPF and Policy CDMP6 of the Adopted Wyre Local Plan (2011-31).

10. The development hereby permitted (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6) shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Management Strategy [HYD647\_STRICKLANDS.LANE\_FRA&DMS] dated 29.07.2021 by Betts Hydro Consulting Engineers, and including the following mitigation measures detailed within the FRA (as set out in sections 4.8 and 5.6.10):

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

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

For the avoidance of doubt, approval of the FRA does not automatically permit the applicant to discharge surface water to the public sewerage system either directly or indirectly as suggested in Paragraph 5.7.1 of the FRA report, as the agreement of drainage scheme details are covered under separate conditions.

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

11. Prior to the commencement of the development (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6) a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters (including details of revised on-site attenuation), together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31.



The scheme details shall include, as a minimum:

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

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

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

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

12. Notwithstanding the submitted Flood Risk Assessment, prior to the commencement of development (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6) details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the

development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

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

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

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

13. No development shall commence (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6) until details of how surface water and pollution prevention will be managed during the construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged, details of the discharge rate shall be proposed.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere; and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

14. Prior to the first use of any care home (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6) a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

15. Prior to the commencement of development (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6) a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

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

16. A watching brief shall be undertaken during the course of the development works (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6). 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).

17. (A) The development hereby permitted (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6) shall be designed so that the rating levels for cumulative noise from all noise sources associated with the development shall not exceed the existing background noise level (LA90), including vehicle noise, when measured as an LAeq,15 min in any one third octave band at the external façade of nearby noise sensitive premises as assessed in accordance with British Standard 4142 (2014) or any subsequent replacement national standards.

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

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

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

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

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

19. Prior to the installation of any kitchen exhaust/extraction system on the development hereby approved (within the 'Full Planning Application Area' on approved Drawing No. 360 Rev 6) a detailed plan of the kitchen exhaust/extraction system(s), the height of any extraction flue(s), and fixture and fittings of the flue(s), along with details of how noise and odours from cooking fumes from the kitchen/ food preparation area will be adequately dispersed to the atmosphere, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out and retained in accordance with the approved details.

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

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

20. Notwithstanding the submitted Drawing No. A420 External Lighting Layout (received 2nd August 2021), prior to the installation of any external lighting associated with the development, a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and agreed in writing by the Local Planning Authority, demonstrating that artificial lighting will be designed so that it is not intrusive to visual amenity, residential amenity, or illuminate potential habitat for bats (e.g. hedgerow, trees) and or/ bird breeding places. The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009 (or any subsequent replacement guidance). For the avoidance of doubt the light intrusion into the windows of any residential premises shall not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3).

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

Reason: In order to safeguard visual amenity and biodiversity and residential amenity and in the interests of public safety in accordance with Policies CDMP1, CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

21. The development hereby approved (within the 'Full Planning Application Area' on approved Drawing No. 360 Rev 6) shall be carried out in full accordance with the Construction Environment Management Plan (ecology) dated August 2021 and carried out by ERAP Consultant Ecologists Ltd and referenced 2020-333b.

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

22. Prior to first use of any care home (as identified within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6), a scheme for the provision of an information pack for the residents, staff and visitors of the care home(s) highlighting the sensitivity of Morecambe Bay (a European protected nature conservation site), the Wyre Estuary and Lune Estuary (both Sites of Special Scientific Interest (SSSI)) to recreational disturbance shall be submitted to and agreed in writing by the Local Planning Authority.

The scheme details shall include the content of the home-owner information packs, which must explain the conservation value of Morecambe Bay, Wyre Estuary and Lune Estuary, the potential impacts that can arise from the development and explain the responsible behaviours that would be required from residents, staff and visitors to avoid undue ecological impact, as well as a methodology for the distribution of the information packs. The approved information packs shall subsequently be made available in line with the approved methodology.

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

23. The development hereby approved (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6) shall be implemented in full accordance

with the Ecological Survey and Assessment (including a Licensed Bat Survey) submitted with the planning application dated August 2021 [ERAP (Consultant Ecologists) Ltd ref: 2020-333d] including all the mitigation measures and recommendations set out within section 5 of that report.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

24. Prior to the commencement of development (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6) a Landscape and Habitat Creation and Management Scheme (Habitat Management Plan), including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall identify the opportunities for biodiversity enhancement on site including (but not limited to):

- Habitat Connectivity (further detail of measures/species/location of measures indicated in section 5.5 of the submitted Ecological Survey)
- Bird Boxes (types, locations and number) within the new development
- Bat Boxes/Access Panels (types, locations and number) within the new development

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

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

25. (A) If any of the trees identified in the Ecology Survey and Assessment report submitted with the planning application dated August 2021 [ERAP (Consultant Ecologists) Ltd ref: 2020-333d] as having the potential to support roosting bats need to be removed they must first be inspected for the possible presence of bats by a suitably qualified person. If bats are found a method statement must be prepared and submitted to the Local Planning Authority for written approval, giving details of measures to be taken to avoid or mitigate any possible harm to bats. Those approved mitigation measures shall then be implemented.

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

Reason: To prevent possible harm to ecology if the development were commenced without the necessary mitigation measures in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

26. No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, has

been submitted to and approved in writing by the Local Planning Authority, demonstrating that nesting / breeding birds have been shown to be absent.

Reason: To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

27. Notwithstanding the submitted Arboricultural Impact Assessment, prior to commencement of any development within the Full Planning Area (approved Drawing No. A360 Rev 6) a Tree Protection Plan with respect to those trees and hedgerows shown as being retained within that Full Planning Application Area shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the agreed Tree Protection Measures and Arboricultural Impact Assessment (containing Method Statement) with such protection measures installed 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 or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars.

Reason: In order to protect trees and hedgerows to be retained from damage or loss in the interests of the amenity of the area in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981.

28. No development (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6) shall take place until full details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the hard surfaced areas and materials (type, colour and finish, bound or porous), and shall show how account has been taken of any underground services.

The soft landscaping works for the development shall be carried out in full accordance with the approved soft landscaping details drawing 6455.03 Rev C (Landscape Proposal) and 6455.04 Rev B in so far as this relates to the full planning application area, prior to first use of any care home, or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

29. The development hereby approved (within the 'Full Planning Application Area' on approved Drawing No. A360 Rev 6) shall be constructed and completed in full accordance with the approved ground, slab and finished floor levels as shown on Drawing No. A317 Rev 2 (Site Plan with Topo Overlay) received 17th November 2021, unless minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation .

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, has a satisfactory impact upon residential amenity and has a satisfactory impact on drainage in accordance with Policies CDMP3 and CDMP2 of the Wyre Borough Local Plan (2011-31).

30. The four electric vehicle recharging points (EVCP's) within the courtyard parking areas serving the development hereby approved (within the 'Full Planning Application Area' on approved Drawing No. 360 Rev 6), and as shown on this submitted drawing (Proposed Site Plan), shall installed as a minimum of Mode 3 charging speed charging points, and shall be installed prior to the first use of any care home to which the EVCP's relate. Such electric vehicle recharging points shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policies CDMP3 and CDMP6 of the Wyre Local Plan 2011-31 and the National Planning Policy Framework.

31. Prior to the first use of any care home hereby approved (within the 'Full Planning Application Area' on Drawing No. A360 Rev 6) the cycle storage provision (cycle racks) shown on this approved plan (Proposed Site Layout) shall be provided and thereafter maintained and retained.

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

32. Notwithstanding the submitted Drawing A422 (Materials Plan), no development above ground level (within the 'Full Planning Application Area' on Drawing No. A360 Rev 6) shall be commenced until the precise details of the materials to be used in the construction of the external surfaces of that care home (including the external walls, roof, doors and windows) have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

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

33. Prior to the first use of any part of the development hereby approved (within the 'Full Planning Application Area' on Drawing No. A360 Rev 6) the boundary treatments as shown on approved drawing No. A421 Rev 1 (Boundary Treatment Plan) shall be installed in full, and these boundary treatments shall be maintained and retained thereafter.



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

34. Prior to the first use of any care home hereby approved (within the 'Full Planning Application Area' on Drawing No. A360 Rev 6) the refuse storage facilities associated with each care home shall be installed in accordance with the details shown on this plan (Proposed Site Plan) and approved drawing no. A423 (Proposed Bin Stores) and retained as such thereafter.

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

#### **OUTLINE PLANNING CONDITIONS:**

1. In relation to the outline component of the development (as shown on approved Drawing No. 360 Rev 6), application for approval of the appearance, layout and scale of the buildings, and the landscaping (herein called the reserved matters), must be made before the expiration of three years beginning with the date of this permission; and the development hereby permitted shall be begun not later than:

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

Reason: This condition is required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved (within the 'outline planning application area' as shown on approved Drawing No. A360 Rev 6), shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 02.08.2021 including the following plans/documents:

- Drawing No. A315 (Location Plan)
- Drawing No. A360 Rev 6 Proposed Site Plan (in respect of the site access details only)

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

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

3. As part of any reserved matters application for development within the 'outline planning application area' as shown on approved Drawing No. A360 Rev 6 where layout is applied for, the mix of residential units shall be provided on site in accordance with the requirements of Policy HP2 of the Wyre Local Plan 2011-2031 and the Fylde Coast Strategic Housing Market Assessment - Wyre Addendum 3 Supplementary Note (May 2018) or any subsequent replacement Local Plan policy or evidence base document concerned with size and type of housing needed in Wyre.

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

4. Prior to the commencement of above ground development within the 'outline planning application area' as shown on approved Drawing No. A360 Rev 6, or as part of any reserved matters application for that development where layout is applied for, a scheme to demonstrate how at least 20% of the dwellings shall be of a design suitable or adaptable for older people and people with restricted mobility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, retained and maintained thereafter in accordance with the approved details.

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

5. Prior to first occupation of any dwelling hereby approved within the 'Outline Planning Application Area' on Drawing No. A360 Rev 6, the off-site works of highway improvement [namely, street lighting and tactile paving at the site access, relocation of the existing south bound bus stop and shelter at the junction at Back Lane, and provision of a new bus stop and shelter near the junction with Back Lane] shall be carried out, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall be carried out in accordance with any alternative approved timetable for implementation.

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

6. No part of the development hereby approved (within the 'outline planning application area' as shown on approved Drawing No. A360 Rev 6) shall be commenced until the visibility splays of 2.4 metres by 43 metres in both directions along the nearer edge of the carriageway of Stricklands Lane from the centre line of the proposed access (as shown on the Proposed Site Layout) have been provided. These visibility splays shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

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

7. (a) The new estate road for the proposed development within the 'Outline Planning Application Area' on Drawing No. A360 Rev 6 shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any other development takes place within the site.

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

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

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

8. a) Prior to the first occupation of any dwelling within the 'Outline Planning Application Area' on Drawing No. A360 Rev 6, the proposed arrangements for future management and maintenance of the roads/ footways/ cycleways within the development shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include a plan showing areas of highway proposed for adoption by the Local Highway Authority and any areas proposed for private management.

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

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

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

9. Prior to the commencement of development within the 'Outline Planning Application Area' on Drawing No. A360 Rev 6, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:

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

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

- (c) hours and days of construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays
- (d) contractors' compounds and other storage arrangements including plant and materials
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- (f) arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing and road sweeping facilities and when and where the facilities are to be used)
- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (h) external lighting of the site during the construction period
- (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (j) recycling / disposing of waste resulting from construction work
- (k) measures to protect watercourses against spillage incidents and pollution
- (l) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- (m) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

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

Reason: Such details were not submitted with the application and need to be in place throughout the construction period in the interests of the amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policies CDMP3 and CDMP6 of the Adopted Wyre Local Plan (2011-31).

10. The development hereby permitted (within the 'Outline Planning Application Area' on approved Drawing No. A360 Rev 6) shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Management Strategy [HYD647\_STRICKLANDS.LANE\_FRA&DMS] dated 29.07.2021 by Betts Hydro Consulting Engineers, and including the following mitigation measures detailed within the FRA (as set out in sections 4.8 and 5.6.10):

- Surface water discharge restricted to Qbar (19.0 l/s)
- Finished floor levels a minimum of 150mm above the existing ground levels (where practical)

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

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

For the avoidance of doubt, approval of the FRA does not automatically permit the applicant to discharge surface water to the public sewerage system either directly or indirectly as suggested in Paragraph 5.7.1 of the FRA report, as the agreement of drainage scheme details are covered under separate conditions.

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

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

The scheme details shall include, as a minimum:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change as set out within the Environment Agency's advice on Flood risk assessments: climate change allowances' or any subsequent replacement EA advice note), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

- b) Demonstration that the surface water run-off would not exceed the pre-development greenfield runoff rate;
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

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

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

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

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with Policies CDMP2 and CDMP3 of the Adopted Wyre Local Plan (2011-31) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

12. Prior to the commencement of development (within the 'Outline Planning Application Area' on Drawing No. 360 Rev 6) details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

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

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

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

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

13. No development shall commence until details of how surface water and pollution prevention will be managed during the construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged, details of the discharge rates shall be provided.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere; and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

14. No dwelling shall be first occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

15. Prior to the commencement of development (within the land identified as 'Outline Planning Application Area' on Drawing No. A360 Rev 6) a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

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

16. A watching brief shall be undertaken during the course of the development works (within the 'Outline Planning Application Area' on Drawing No. A360 Rev 6). The watching brief shall be undertaken by a suitably qualified person, with any significant contamination discovered reported immediately to the Local Planning Authority. The findings of the watching brief shall be reported in writing and submitted to and approved in writing by the Local Planning Authority prior to first occupation of any dwelling

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

17. As part of any reserved matters application on the land identified as 'Outline Planning Application Area' on drawing No. A360 Rev 6 where layout is applied for, green infrastructure shall be provided in accordance with the requirements of Policy HP9 of the Wyre Local Plan, or any subsequent replacement Local Plan policy for the provision of green infrastructure, and such area or areas of green infrastructure shall be provided, and shall thereafter be retained and maintained in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling on the site.



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

18. Prior to the first occupation of any dwelling within the land identified as 'Outline Planning Application Area' on drawing No. A360 Rev 6, a management and maintenance plan for the green infrastructure and all communal areas within the site shall be submitted to and agreed in writing by the Local Planning Authority. This plan shall cover features such as ponds, detention basins, hedgerows and grassland. The plan shall also detail how long-term management of the green infrastructure will be resourced. The management and maintenance plan shall be implemented in accordance with the agreed details.

Reason: In order to ensure that communal areas of planting are managed in such a way as to safeguard their ecological benefits in the interests of biodiversity and the appearance of the site in accordance with the provisions of paragraphs 17 and 118 of the NPPF and Policies CDMP3, CDMP4 and HP9 of the Wyre Local Plan 2011-2031. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

19. As part of any reserved matters application relating to the 'Outline Planning Application Area' on Drawing No. 360 Rev 6, where landscaping or layout is applied for, the following shall be provided:

- A Green Infrastructure Framework (justifying the approach to Green Infrastructure within the site and linking to the care homes)
- Full details of the retention and protection of existing trees and hedgerows
- A Hedgerow and Tree Removal and Replacement Plan (to include lengths of hedgerow to be removed and mitigation proposed)

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

20. The development hereby approved (within the 'Outline Planning Application Area' on Drawing No. A360 Rev 6) shall be carried out in full accordance with the Construction Environment Management Plan (ecology) dated August 2021 and carried out by ERAP Consultant Ecologists Ltd and referenced 2020-333b.

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

21. Prior to the first occupation of any dwelling (within the 'Outline Planning Application Area' on Drawing No. A360 Rev 6), a scheme for the provision of home-owner information packs and information/interpretation boards/signage on and off-site shall be submitted to and agreed in writing by the Local Planning Authority and the development then proceed in full accordance with these agreed details. For the purpose of this condition the information submitted shall include the following:

- the content of the home-owner information packs which must explain the conservation value of the nearby designated areas, the potential impacts that can arise from residential development and explain the responsible behaviours that would be required from residents to avoid undue ecological impact;
- a methodology for the distribution of the home-owner packs including upon resale to the extent to which that is practicable;
- a plan showing the locations of information/interpretation boards/signage
- a mechanism for the installation of information/interpretation boards/signage in off-site locations
- details of the information to be included in the information/interpretation boards/signage
- a timetable for implementation.

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

22. The development hereby approved shall be implemented in full accordance with the Ecological Survey and Assessment (including a Licensed Bat Survey) submitted with the planning application dated August 2021 [ERAP (Consultant Ecologists) Ltd ref: 2020-333d] including all the mitigation measures and recommendations set out within section 5 of that report.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

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

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

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

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

24. (A) If any of the trees identified in the Ecology Survey and Assessment report submitted with the planning application dated August 2021 [ERAP (Consultant Ecologists) Ltd ref: 2020-333d] as having the potential to support roosting bats need to be removed they must first be inspected for the possible presence of bats by a suitably qualified person. If bats are found a method statement must be prepared and submitted to the Local Planning Authority for written approval, giving details of measures to be taken to avoid or mitigate any possible harm to bats. Those approved mitigation measures shall then be implemented.

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

Reason: To prevent possible harm to ecology if the development were commenced without the necessary mitigation measures in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

25. No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, has been submitted to and approved in writing by the Local Planning Authority, demonstrating that nesting / breeding birds have been shown to be absent.

Reason: To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

26. Notwithstanding the submitted Ecology Survey, prior to the installation of any external lighting associated with the development within the 'Outline Planning Application Area' on Drawing No. A360 Rev 6, a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall demonstrate that artificial lighting will be designed so that it is not intrusive to visual amenity, residential amenity, or illuminate potential habitat for bats (e.g. hedgerow, trees) and or/ bird breeding places. The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009 (or any subsequent replacement guidance). For the avoidance of doubt the light intrusion into the windows of any residential premises shall not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3).

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

Reason: In order to safeguard visual amenity and biodiversity and residential amenity and in the interests of public safety in accordance with Policies CDMP1, CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

27. 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).

28. Prior to the submission of a reserved matters application relating to layout on the land identified as Outline Planning Application Area on drawing No. A360 Rev 6, or simultaneously with that reserved matters application, details of the existing and proposed ground, slab and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity and has a minimum risk of flooding in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31). The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

29. As part of any reserved matters application relating to layout or appearance, on the land identified as Outline Planning Application Area on drawing No. A360 Rev 6, details of refuse storage provision (including location, design and materials of construction), waste collection point, and means of collection (e.g., Council or private), shall be submitted to and approved in writing by the Local Planning Authority.

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

30. As part of any reserved matters application for development within the 'outline planning application area' as shown on approved Drawing No. A360 Rev 6 where layout, appearance or scale is applied for, a noise assessment shall be submitted including a scheme of noise insulation mitigation measures (such as acoustic glazing, trickle vent mitigation) to be installed in bedrooms and other habitable rooms of any proposed dwellings facing onto the A588. This scheme shall demonstrate that internal noise levels as specified in BS8233:2014 (or any equivalent industry standards which may replace this) are not exceeded as follows:

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

The approved noise insulation measures shall thereafter be implemented prior to first use of any care home, and thereafter be retained.

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

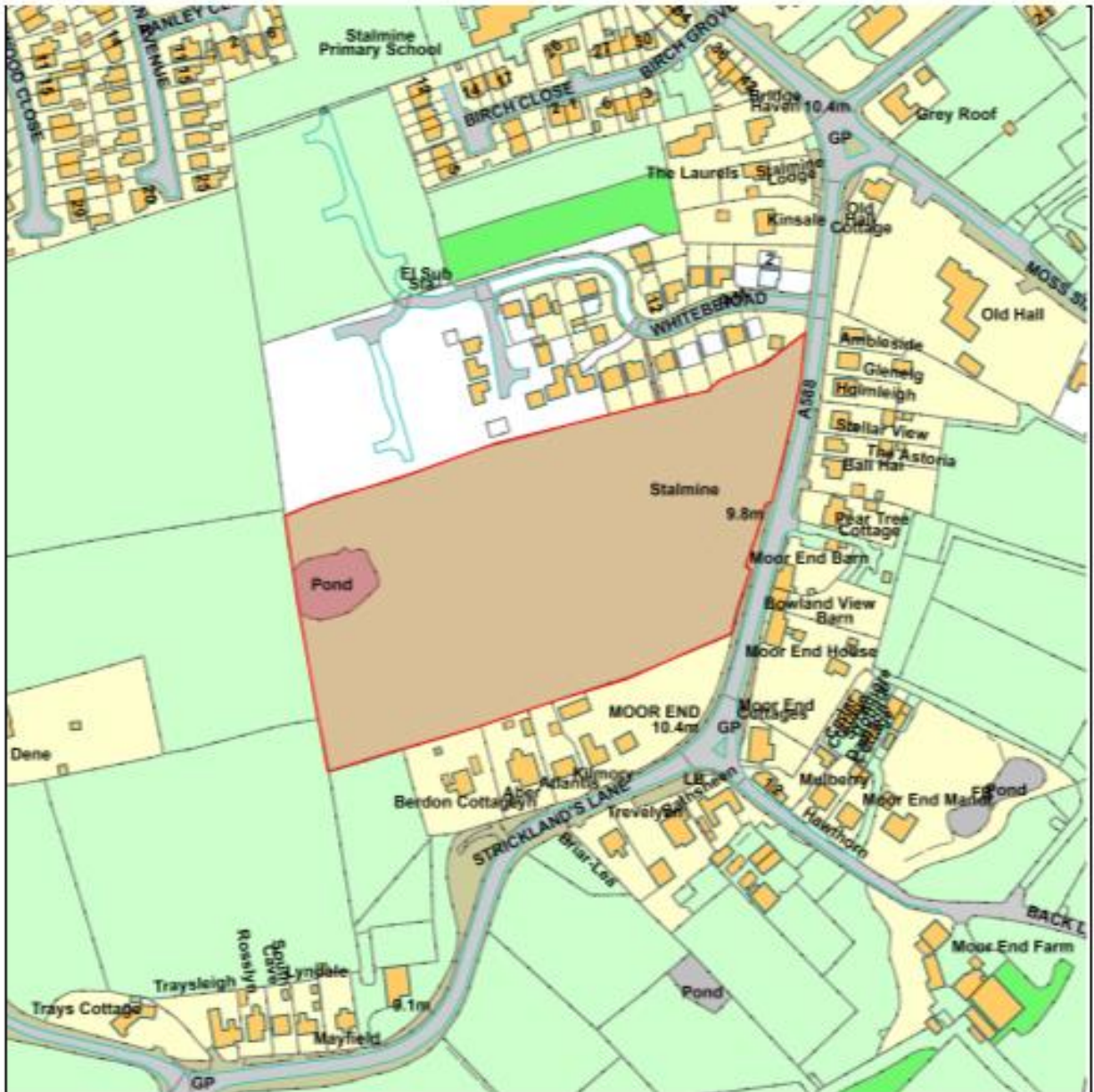
**Notes: -**

1. The applicant must obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found at [www.lancashire.gov.uk/flooding](http://www.lancashire.gov.uk/flooding).

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# Planning Committee

21/00981/FULMAJ - Land of Stricklands Lane Stalmine



Scale : 1:2762

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	15 November 2021
SLA Number	100018720

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## Committee Report

Date: 1<sup>st</sup> December 2021

**Item Number** 02

**Application Number** 20/00907/FULMAJ

**Proposal** Erection of 39 no. dwellings with car parking, landscaping and all other associated works

**Location** Land West Of Garstang Road Barton Preston

**Applicant** MCI Developments Ltd

**Correspondence Address** c/o Katie Delaney  
Beehive Lofts Beehive Mill Jersey Street Manchester  
M4 6JG UK

**Recommendation** Permit

## REPORT OF THE HEAD OF PLANNING SERVICES

**CASE OFFICER - Miss Lucy Embery**

Site Notice Date: 20/10/2020

Press Notice Date: 07/10/2020

### 1.0 INTRODUCTION

1.1 This application is before the Planning Committee for consideration at the request of Councillor Webster. A site visit will take place to enable Members to understand the proposal beyond the plans submitted.

### 2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is currently an area of grassed land of 1.1 hectares in size. The land is reasonably level but with a slight dip in the centre, and undulation to the north east corner where the land rises slightly and then falls away closer to the A6. There is a small existing disused BT repeater station building in the south east corner. To the north is an existing cheese making dairy (Rostock), to the south and also to the east across the A6 are residential properties, and to the west is the main West Coast Railway Line. There is also an existing commercial building running alongside part of the eastern boundary of the site.

2.2 The application site is located in Flood Zone 1. There is an existing drainage ditch along the southern boundary of the site, a short section of ditch in

the mid-east side of the site, and a sewer line running from the north west corner traversing diagonally across the site southwards. Existing site boundaries on the east and south are hedgerows, with some trees within them. The northern boundary is currently stock fencing. There is some very sparse and limited hedgerow and tree treatment on the western boundary.

### **3.0 THE PROPOSAL**

3.1 The application seeks full planning permission for the erection of 39 no. dwellings, all buildings at 2 storey height, with car parking, landscaping and all other associated works. The former BT repeater station would be demolished. It is presented as a 100% affordable housing scheme. Three apartment blocks are proposed, and the remainder of the dwellings would be terraced or semi-detached. The submitted plans detail a layout with an access road leading off the A6 in the south eastern area of the site. It would lead westwards into the site and then head north. The majority of the dwellings would be sited to face this internal access road. Those on the eastern side of the site would have elevations also fronting the A6.

3.2 Pedestrian access would be alongside the vehicular access route and then via paving adjacent to each of the buildings leading to their entrances. There would also be a separate pedestrian access further north within the site connecting to the A6.

3.3 The design of the dwellings is described as 'Mews' type properties. The materials would be red brick to the walls of the properties, with the east of the site in one type of red brick, and the west of the site in another type. Roofing would be grey roof tiles, and all windows would be framed in white UPVC. Doors would be black.

3.4 There would be three parking courts within the site providing one parking space each for of the proposed one bedroom apartments. All other properties would have their own driveway.

3.5 Boundary treatment would comprise of 1.5m high post and rail fencing either side of the site entrance, and also further north adjacent to the A6 behind the apartment block. To the western boundary, and majority of the southern boundary, and the side of the garden of plots 1, 4, 23 and 24 would be 2.4m high acoustic timber fencing. That on the western boundary would contain 2.5 by 5 inch wide voids in the fencing to allow passage for small mammals. Alongside the main areas of public open space and for the first section of fencing between the rear gardens of properties would be 1.8m high featheredge fencing. The remainder of the garden fencing being 1.5m height. Boundary walls would be to part of the gardens of plots 22, 23, 33, and 31.

3.6 Areas of green infrastructure are proposed within the site, with a main area of public open space in the centre of the site, and a series of smaller areas in the southern and eastern parts of the site.

## **4.0 RELEVANT PLANNING HISTORY**

4.1 The relevant planning history for the site includes:

- 16/00090/FULMAJ - Residential development of 26 dwellings with associated access, parking and landscaping. Application withdrawn.
- 07/00638/FUL - New vehicular access and access road. Application permitted.

## **5.0 PLANNING POLICY**

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN (WLP31)

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

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP6 - Viability
- SP7 - Infrastructure Provision and Developer Contributions
- SP8 - Health and Wellbeing
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility and Transport
- HP1 - Housing Land Supply
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Developments
- SA1 - Residential Development
- SA1/25 - Land Rear of 867 Garstang Road, Barton

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2021

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 20th July 2021. 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 2021 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

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

- Section 2: Achieving sustainable development (and The Presumption in favour of Sustainable Development)

- Section 3: Plan - Making, paragraph 20
- Section 4: Decision-making, paragraphs 47-50, and 54-55
- Section 6: Building a Strong, Competitive Economy
- Section 8: Promote healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment

5.2.3 In accordance with the National Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF) §74, the council must be able to demonstrate a 5 year housing land supply position (with a 5% buffer) when dealing with applications and appeals. The latest available evidence on housing delivery is that set out in the council's Housing Implementation Strategy (published 30 September 2021) which demonstrates a deliverable housing land supply position of 6.4 years. The council's position therefore is that it is able to demonstrate a deliverable 5 year housing land supply.

## OTHER MATERIAL CONSIDERATIONS

### 5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 The following Supplementary Planning Guidance (SPG) is considered to be of relevance:-

- SPG2 - Trees and Development
- SPG4 - Spacing Guidance for New Housing Layouts
- SPG9 - Designing out Crime

### 5.4 GUIDANCE ON POLICY HP9 - ADVICE FOR APPLICANTS

5.5 EMERGING BARTON VILLAGE NEIGHBOURHOOD AREA PLAN - At this stage this is not a material planning consideration, and carries very little weight in the consideration of planning applications. Whilst the Barton Village Neighbourhood Area which the community intend to produce a plan for has been formally approved and an initial draft plan has undergone consultation in 2020 (Regulation 14 stage), the outcome of the public consultation and the level of support and/or objections to the Plan is yet to be established. A Submission Plan has not yet been submitted to the Local Planning Authority and yet to undergo further public consultation prior to independent examination. If the examination is successful and a referendum supports the plan, then the plan can be considered for adoption by the council meaning it would form part of the authority's development plan, and become a material consideration in determining plan applications. Currently however there is no adopted plan in place.

### 5.6 NATIONAL PLANNING POLICY GUIDANCE (NPPG):

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

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

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

5.8 THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

## **6.0 CONSULTATION RESPONSES**

6.1 BARTON PARISH COUNCIL

6.1.1 Comments relate mainly to site layout and highway matters as follows:

- The site allocation relates to a recommended development of up to 26 dwellings, whereas this application presents a much more dense development with 39 dwellings proposed.
- Concern about the quality of life for residents and resultant parking issues created by the increase in density.
- Welcome any contribution from the developer to LCC highways being spent on improved cycle provision.
- Requests a higher contribution than £109,200 for highways improvements to support the development, to reflect the number of housing developments currently being constructed on the Wyre side of Barton which will not provide CIL funding to support infrastructure and would enable delivery of key projects within the neighbourhood plan and the A6 strategy.
- Welcome upgrades to adjacent bus stops to the site.
- Note the need for pedestrian refuges. Would appreciate local residents to the site being consulted on the impact of these refuges, and in LCC ensuring the refuges are in the widest part of road.
- No formal play is offered at this site. The allocation states the site should be supported by a landscape and green infrastructure framework, with open space including formal or informal play.

- The closest play areas to this site are at Forest Grove and Station Lane. These are Management Company and local authority /Parish Council maintained. The area identified by the developer as recreation ground opposite the site behind the village hall is in private ownership.
- Any contributions made to Wyre for open space offsite in exchange for play facilities being provided onsite would not benefit Barton residents.
- Planting to the edges of the public areas of open space could be improved with tree planting.
- Welcome the additional garden space afforded to a number of properties in the amended plans, but still encourage the planting of mature trees and hedging at the outside to mitigate the impact if the development.
- The design could be more bespoke and a different style of property to standard red brick.
- Disagree with LCC Education that a new school at Cockerham Road would provide the required school places. Hope that the two village schools and Bilsborrow primary school would accommodate children from this site.
- Query whether each property would have its own car charging point.
- Solar panels should be provided
- Welcome inclusion of cycle stores for all units and two parking spaces for the 2+ bed units.
- Request provision of discount market housing through the scheme

## 6.2 MYERSCOUGH PARISH COUNCIL

### 6.2.1 Objects for the following reasons:

- This is a proposed estate with narrow access road and no pedestrian footway. All vehicles would access via one entrance which if blocked by a large vehicle attempting to exit onto an already extremely busy A6 could have dangerous consequences.
- There is no parking provision for visitors' cars, or space for delivery vehicles to deliver/collect without blocking the road.
- The Parish Council objects to the density of the proposed development because it dictates the paucity (insufficiency/narrowness) of access. Fewer homes with better outside space and wider road with footway would be a vital improvement.

## 6.3 LANCASHIRE COUNTY COUNCIL (LOCAL HIGHWAY AUTHORITY)

6.3.1 Originally raised concerns and requested a contribution of £109,200 towards the A6 Barton to Garstang Sustainable Transport Strategy. Following submission of further information do not have any objections and are of the opinion the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Following a review of the contribution amount, the contribution towards the A6 strategy has reduced to £70,000. Comments summarised as follows:

- While the Highway TRICS calculation and the WTG calculation differ Highways are of the opinion that the results are insignificant, to make any difference to the overall impact on the highway near the site.
- The Personal Injury Accident (PIA) indicates there has not been any reported incidents near the access to the new development.
- The sight lines from the new site access need to be a minimum of 2.4 x 124m in both directions, and these can be fully provided over the applicant's land and the existing adopted highway.
- The proposed sight access is acceptable in principle providing an agreed pedestrian traffic island is provided to the north of the site access. The suitable location for the pedestrian refuse island can be agreed as part of the section 278 off site works.
- The proposed geometry of the site access is to prescribed design standards and suitable for all highway users.
- The existing cycling and footpaths leading to the site are suitable providing the agreed pedestrian refuse is provided to the north of the new site access.
- The proposal has provided an acceptable level of suitable sustainable transport links within the site and no improvements are required
- Bus stop improvements are not required as part of this application.
- A section 106 contribution of £70,000 is required towards the recommended highway improvements in the A6 Barton to Garstang Sustainable Transport Strategy.
- The internal layout and parking conforms to current guidelines
- The site is within a 17 tonne weigh restriction (except for access) zone. Confirm this weight restriction order does not affect the A6 Garstang Road fronting the site.

A list of recommended conditions has been provided.

#### 6.4 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY - LLFA)

6.4.1 Objects to the proposal on the basis that the applicant has not provided information on the condition of the culverted watercourse, and that the LLFA is unclear whether the discharge rate is now 5.2 l/s. Electric Vehicle Charging Points: Originally objected stating charging points needed to be Mode 3. No objections following submission of further information.

#### 6.5 LANCASHIRE COUNTY COUNCIL (EDUCATION AUTHORITY)

6.5.1 A financial contribution of £59,678.28 is required towards 3 no. primary school places at the new primary school West of A6 (to 1FE) and/or Bilsborrow John Cross CE. Should the places be provided through school expansion rather than new build the cost per place would need to be revised. A financial contribution of £23,061.75 is required towards 1 no. secondary school place intended to go towards Broughton High School or Corpus Christi High School.

#### 6.6 UNITED UTILITIES (UU)

6.6.1 Objects to the application on the grounds that the proposal which includes diversion of the existing public sewer would result in an increase in flood risk from foul drainage both to the proposed development and nearby community. UU's current network model for the site predicts a level of flooding at this site from the existing public sewer.

#### 6.7 NHS FYLDE AND WYRE CLINICAL COMMISSIONING GROUP (CCG)

6.7.1 This proposal will generate approximately 77 new patient registrations. The proposed development falls within the catchment area of Garstang Medical Centre. This need, with other new developments in the area, can only be met through the refurbishment and reconfiguration of the existing premises in order to ensure sustainable general practice. A financial contribution of £8,842 is required from this development towards refurbishment and/or reconfiguration of Garstang medical centre.

#### 6.8 BLACKPOOL TEACHING HOSPITALS NHS FOUNDATION TRUST

6.8.1 Requests a contribution from this development of £68,728.00

#### 6.9 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.9.1 Originally requested further information in the form of an emergence survey for bats, updated reptile survey and information on the developments contribution to the natural environment. Following submission of further information GMEU raise no objections to the proposals as the surveys confirm trees have negligible bat roosting potential and found no evidence of bats roosting in the existing building. It is very low risk for bats and no further surveys required.

Agree with the conclusions of reptile survey and are satisfied given the low number of reptiles present that the reasonable avoidance measures during development and compensation measures proposed are adequate. A condition is required to ensure the proposal takes place in accordance with the reptile survey. Satisfied there is the potential for landscaping to achieve an enhancement of habitats given the currently low ecological value of the grassland. Informative and conditions suggested that if demolition does not commence by 30th April 2022 the building should be reassessed for bats. No objection to the revised landscaping layout and bat and bird box scheme.

#### 6.10 NETWORK RAIL

6.10.1 Holding objection received. The applicant is to agree works with Network Rail before progressing with this proposal. A list of measures the applicant needs to be consider have been provided as well as recommendations on tree planting species.

#### 6.11 LANCASHIRE FIRE AND RESCUE



6.11.1 Recommends that the development should meet all the requirements of Building Regulations in relation to access and water provision.

#### 6.12 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREES)

6.12.1 Concurs with the submitted Tree Survey. The revised landscape proposals are fully appropriate. However a tree protection plan is required showing type and position of heras fencing, and details of how trees along site boundaries will be safely retained.

#### 6.13 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (WASTE MANAGEMENT)

6.13.1 Comments that the site plan appears to highlight a footpath running across the carriageway between 13 and 33. Confirmation required that the crossing will support a 26tonne refuse collection vehicle (RCV). Access does not appear to be an issue. Guidance provided on which locations properties would have to present their bins within the site.

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

6.14.1 Comments provided that desk study and site investigation submitted have been considered. Recommends a watching brief condition should be attached to any permission, as well as a Materials Validation condition (assuming soils are to be imported on to the site during the redevelopment).

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

6.15.1 Recommends the mitigation outlined in section 8 of the noise report, specifically covering glazing specifications for the various building types, powered ventilation systems and the erection of acoustic barriers, is required by planning condition.

#### 6.16 WBC's HEAD OF ENGINEERING SERVICES (DRAINAGE):

6.16.1 Originally objected. Following provision of revised plans has no objections as the revised discharge rate is 5.2 l/s. Comments that a management regime will be required for management of SuDS features, including existing culverted ordinary watercourse.

### **7.0 REPRESENTATIONS**

7.1 The application has been advertised by means of press notices, site notices and neighbour letters. Five letters of objection have been received. The issues raised are summarised as follows:

- Too many houses crowded in a small space.

- Significant impact on the open countryside.
- The proposal will harm the rural nature and character of Barton.
- Concern about proximity to the industrial cheese plant and cheese smoke affecting habitation of northerly dwellings
- Concern about groundwater flooding, and flood risk, to adjacent properties through raising of ground levels to accommodate building over the north/south sewerage pipe
- Lack of infrastructure in Barton such as shops, post office, pubs, school places and Doctor's surgeries
- There has been nonstop build in Barton. It has already seen its fair share of housing development.
- The A6 cannot cope with current traffic levels, and from houses built, especially if M6 is closed for maintenance.
- There will be reliance on privately owned vehicles which will contribute to the busy A6 and exacerbate severe traffic disruption.
- Unsustainable proposal as it will put pressure on A6 and local services.
- Query whether people would want to live in the houses so close to the mainland train line.
- Sewage concerns for residents as United Utilities have pumped out sewage from the site and re-align the sewer.
- Barton doesn't need this development.

7.2 One letter of support has been received. This states that the proposal is a much better scheme and house type than previously.

## **8.0 CONTACTS WITH APPLICANT/AGENT**

8.1 Various. Requests for amended layout plans. Update on drainage responses. Discussions and contact in relation to viability and financial contribution requests. Clarification requested in relation to land ownership and certificates signed. The applicant has responded they are content they have signed the correct certificates. Agreement by applicant to pay financial contributions, and extension of time agreed.

## **9.0 ISSUES**

9.1 The main issues in this application are as follows:

- Principle of development
- Infrastructure Provision
- Impact upon the highway network, safety, access, and parking
- Flood risk and drainage
- Visual Impact / Design / Impact on the street scene
- Impact upon neighbouring residential amenity
- Ecology and trees/hedgerows

Principle of Development

9.2 The site is within the settlement boundary of the Barton, a Main Rural Settlement as defined by the Policies Map of the WLP31. The site is allocated for

housing (site SA1/25). Policy SP1 of WLP31 directs new development to within settlement boundaries and states 'development within settlement boundaries will be granted planning permission where it complies with the other policies of this Local Plan'. Policy SP1 also aims to direct 14.9% of housing growth in the borough over the Plan period into Main Rural Settlements. In terms of location the proposed development would satisfy the development strategy set out within Policy SP1 and the principle of developing the site for housing has been established by WLP31. The site capacity is identified as 26 dwellings. The proposal seeks permission for 39no. dwellings. Whilst this exceeds the site capacity figure for this allocation, as set out in the introductory text of the WLP31 any housing figures within the plan are expressed as a minimum figure, and therefore the site capacity for allocations are also treated as minimum figures which can be exceeded subject to all other policy requirements being met. Therefore the housing proposal would not be contrary to the Policy HP1 or site allocation Policy SA1/25 in principle.

9.3 The proposal needs to comply with a number of Key Development Considerations (KDC's) in SA1/25 which are policy requirements. Compliance with these KDC's is considered throughout this report. There is no requirement for a masterplan in this case.

9.4 Policy SP2 of WLP31 sets out that new development should be sustainable and contribute to the continuation or creation of sustainable communities in terms of location and accessibility. Sustainability is also a material consideration requirement of the NPPF. Matters of sustainability have been considered when allocating the site as part of the Local Plan process and it was found to be sustainable. The relevant matters of sustainability are considered throughout this report. As this application site is a housing allocation and is located immediately adjacent to existing housing to the south, and properties across the A6 to the east, it is considered to be well related to the existing settlement of Barton. The development would be within reasonable distance of local and community services in Barton such as Barton Village Hall and Bowling Green opposite, existing churches and schools, hotels and social club facilities, and hairdressers, and is also located on the main Preston to Lancaster bus route. The A6 also caters for school bus routes.

9.5 Paragraph 170 of the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. This is a matter that was considered during the drafting of the Local Plan, prior to allocating the site. The application site is defined as Grade 3 agricultural land, which is defined as moderate quality and therefore the proposal would not lead to the loss of high value agricultural land. The proposal would not conflict with Paragraph 170 of the NPPF given there would be no loss of high quality agricultural land.

#### Infrastructure Provision

9.6 Policy SP7 of WLP31 requires contributions towards infrastructure and in some cases new infrastructure on site. This includes affordable housing, green infrastructure, education, highway improvements and health care provision.

Policy SP6 of the WLP31 states that where a developer seeks to negotiate a reduction in standards or infrastructure requirements that would normally apply to a development on the grounds of viability, the Council will require the developer to supply evidence as to the financial viability of the development. The applicant has submitted a Viability Assessment as part of this application, and the Council instructed independent consultants to review this. Whilst the applicant's assessment presented the case that the site is not viable to make the necessary contributions requested because it is a 100% affordable housing scheme, the council's consultants, having considered the applicants submission and appraised the scheme, disagree and consider that the site is viable with all of the financial contributions. The applicant has now agreed to pay all of the financial contributions requested (as detailed below and in the highways section).

9.7 Policy HP3 of WLP31 sets out a 30% requirement for affordable housing in Barton. This application proposes that all of the 39 dwellings would be affordable units (i.e. a 100% affordable housing site). The submitted Design and Access Statement details the tenure of the housing would be for shared ownership and affordable rent. In this case the proposal would exceed the policy requirement. Whilst the applicant is proposing 100% affordable housing on the site, whether the council considers it necessary to secure 100% affordable housing instead of the 30% requirement is dependent upon whether or not there are any shortfalls in other policy requirements, and therefore the additional affordable units are needed to tip the overall planning balance in favour of this being a sustainable development. In this case the assessment goes onto conclude that all relevant policies are considered to be met and the applicant has agreed to pay all of the required contributions. Members are therefore advised that notwithstanding this being proposed as 100% affordable housing scheme, only 30% affordable housing on the site should be secured through a S106 Legal Agreement in accordance with policy requirements.

9.8 The NHS Fylde and Wyre CCG have a policy, which includes a methodology on assessing need directly from a development. The CCG have stated that the proposed development falls within the catchment area of Garstang Medical Centre and will generate approximately 77 new patient registrations. A financial contribution of £8,842 is requested towards extension and reconfiguration of the existing premises at Garstang Medical Centre as a result of this development. The council supports their request, and this financial contribution would need to be secured by means of a S106 Legal Agreement should Members resolve to approve this application. The applicant has agreed to make this payment.

9.9 Blackpool Teaching Hospitals Trust have also responded requesting a contribution of £68,728.00 towards Blackpool Victoria Hospital. However, unlike the CCG, the Trust have no Adopted Policy document in place that evidences a direct need arising from developments, and their request is not considered to be compliant with the CIL Regulations, and therefore Members are advised this request would not be in accordance with policy SP7 and should not be upheld. This has been communicated to the applicant, and will not be sought.

9.10 The Local Education Authority (LEA) has advised that a primary education contribution of £59,678.28 is required towards 3 no. primary school places (either at the proposed new primary school site on the Cockerham Road site allocation West of A6 (to 1FE), and/or by expansion of existing school at Bilsborrow John Cross CE), and a financial contribution of £23,061.75 is required towards 1 no. secondary school place (at either Broughton High School or Corpus Christi High School). The applicant has agreed to pay these contributions which would need to be secured by means of a S106 agreement should Members resolve to approve the application. In addition, the LEA have also indicated that if the primary contribution would go towards the new school they may request contributions towards purchase of school site land. However, members are advised that Wyre Council does not consider that the LEA methodology provides a CIL compliant mechanism to seek contributions towards land purchase. Therefore this land purchase contribution request is not supported, and should not be upheld.

9.11 KDC1 of Policy SA1/25 states that the development should be supported by a landscape and green infrastructure framework incorporating structured tree planting, on-site open space, formal and informal play and pedestrian and cycle connectivity within and where possible outside the site. Policy HP9 of WP31 requires an appropriate quantity of green infrastructure to be provided on developments of 11 dwellings or more. It also states that the most appropriate types of open space provision need to be determined, and the policy seeks to create meaningful green infrastructure as open space makes an important contribution to the health and wellbeing of communities. The policy allows for an off-site contribution in lieu of on-site provision where appropriate.

9.12 Based on the housing number and mix proposed 0.26 hectares of GI is required on this site. Based on what is considered meaningful, useable, accessible open space, the proposal provides for 0.17ha of GI on site. Therefore an off-site contribution of £34,986 is required to make up the shortfall and the applicant has agreed to pay these monies which would need to be secured by means of a S106 agreement should Members resolve to approve the application.

9.13 The applicant was advised during the application that the children's play typology does need to be provided for in this case. The council has recently adopted GI guidance on applying HP9. This particular development proposes a number of one bedroom properties which under the council's guidance note do not generate a need for children's play. However the other units proposed do generate a play requirement, but not to the extent equating to the provision of an on-site play area. However as this typology is still required, this is an appropriate typology for off-site contributions to be sought for.

9.14 Officer discussions have taken place with the Parks and Landscape Team and it has been accepted that the approach to this site can be a combination of on-site and off-site green infrastructure provision / enhancement. There are no play areas within Barton which the contribution could be put towards improving, due to ownership, management or cross-boundary issues. Therefore the nearest public play facility any off-site contribution can go towards is Bilsborrow, with a new multi-use games area (MUGA) project having been

identified by the Parks Team. Whilst this is a greater walking distance from the application site, being for older children this increased walking distance is justified and it is understood from the Parks team that this project has a funding shortfall. It is also noted that the approved site further south of this proposal currently being built by Anwyl Homes includes provision for a play area. Therefore in time once this is constructed there will also be play provision (likely for younger children) close to this application site within walking distance.

9.15 Whilst KDC1 of Policy SA1/25 stipulates on-site open space, in light of the overarching policy HP9 allowing for an off-site contribution in lieu of on-site provision where appropriate, and given that a hybrid approach is accepted in this instance, the proposal is not considered to be in conflict with the Local Plan. A landscape plan has been submitted to include the areas of green infrastructure which is considered to satisfy the requirement for a landscape and green infrastructure framework in this case.

#### Housing mix and adaptable housing

9.16 Policy HP2 of WLP31 requires an appropriate mix in terms of size, type and tenure of housing to meet an identified need in the borough as outlined in the most recent Strategic Housing Market Assessment (SHMA) (Addendum 3). The Policy also requires that developments exceeding 20 no. dwellings should make provision for at least 20% of dwellings on site to be designed to be adaptable to meet the needs of older people and people with limited mobility.

9.17 The application proposes a housing mix with 18no. 1 bedroom properties, 9no. 2 bedroom properties, and 12no. 3 bedroom properties. The site would therefore provide for smaller properties. Whilst no larger properties (4 and 5 beds) would be provided, the provision of smaller properties is considered to be acceptable and in accordance with the overarching housing strategy as the need identified for the borough is predominantly provision of smaller properties. Essentially this is to encourage younger people to stay in or move to the area, and provide smaller properties for older residents. The housing mix therefore does not raise any concerns and is considered acceptable.

9.18 In terms of adaptable housing a revised layout plan has been received detailing the 9no. 1 bedroom apartments, 1no. 2 bedroom property (plot 31) and 3no. 3 bedroom properties (plots 11, 14 and 23) would be the adaptable plots with 3m wide parking spaces. This would equate to 33% of the dwellings therefore exceeding the 20% Policy requirement. This provision can be secured by condition.

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

9.19 LCC Highways have been consulted and have considered the submitted transport and TRICS data. Following submission of further information they do not have any objections and are of the opinion the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Highways note that their TRICS calculation and the applicant's highway consultants calculations differ but are of the opinion that this is

insignificant to make any difference to the overall impact on the highway near the site. The proposal is not considered to result in any highway capacity concerns.

9.20 LCC Highways originally raised concerns to the proposal considering that to provide safe access to the site and adequately promote safe and sustainable travel by modes other than car the scheme would need to be modified. Specifically highways stated that a pedestrian refuge needed to be provided as part of the right turn lane for this site both for safety and to provide safe and desirable sustainability of the site. Highways also considered that a financial contribution was needed towards the A6 Barton to Garstang Sustainable Transport Strategy, and without such contribution the scheme would not be supported. The also requested upgrades to two existing bus stops, and that the existing footpath at the north of the site be widened to 3m.

9.21 The applicant's highway consultant has since provided further information and also requested information from LCC Highways on whether the measures requested are needed as a result of the development. LCC Highways have provided a series of responses to which the case officer has been included, and a final response which removes their concerns and removes the need for bus stop upgrades and the widening of the footpath at the north of the site. The bus stop upgrades are not considered by Highways to be required as a result of this development, and it is understood that the footpath widening is not considered necessary as it is so close to the site access that widening it is not considered to be of any benefit. No sustainable transport improvements are required. It has also been confirmed that that geometry of the site access is acceptable, the sight access splays can be provided in both directions, and the site access is acceptable in principle provided the pedestrian refuge and off-site highways works are provided by means of a S278 Agreement. Overall LCC Highways consider the proposal acceptable in terms of site access and safety. A number of conditions have been suggested by LCC Highways should members resolve to approve the application.

9.22 The final response from LCC Highways also confirms that the financial contribution required towards the A6 Barton to Garstang Sustainable Transport Strategy is £70,000, (£109,200 was originally requested). The applicant has agreed to pay the financial contribution of £70,000, and should members resolve to approve this application this would need to be secured by means of a S106 Legal Agreement.

9.23 In terms of parking provision LCC Highways consider the internal layout and parking levels conform to current guidelines. Appendix B of WLP31 sets out maximum parking requirements for specific types of development. Each of the one-bedroom apartments would be provided with one parking space, and each two and three bedroom property would be provided with two external parking spaces. The apartments would also be provided with communal cycle stores, and all other properties would be provided with individual cycle stores in their rear or side gardens dependent upon the location of the plot. This is compliant with the parking requirements of Appendix B and therefore it is considered there would be sufficient parking and cycle provision on the site. Should Members resolve to

approve the application, conditions would be required to secure the parking and cycle provision.

9.24 The requirement of Policy CDMP6 for proposals to provide electric vehicle charging points (EVCP) is relevant. The council's engineer originally objected to the proposals as the EVCP proposed were not of a sufficient level for domestic properties. The applicant has submitted an updated Car Charging Plan to provide a faster mode charging point. This plan now shows that each property would be provided with its own external Mode 3 (Fast) Car Charging Point. This is considered to be acceptable. Should members resolve to approve the application, this provision can be secured by condition.

#### Flood Risk and Drainage

9.25 The site is located within Flood Zone 1 and therefore has the lowest probability of fluvial flooding. As the site exceeds 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted. There is no requirement for the applicant to satisfy the sequential or exceptions tests with regard to flood risk. The relevant drainage bodies have been consulted, as well as the council's drainage engineer.

9.26 The council's drainage engineer originally objected, considering the surface water discharge rate from the site to be too high, and also as the easements required for connection to the watercourse were too close to proposed properties. The applicant has submitted revised plans and the surface water drainage is now proposed to discharge at a maximum rate of 5.2 l/s. The drainage plan details that the surface water and foul would be drained separately with separate drainage pipes under the roads within the site. Surface water would discharge to an existing culvert which runs east to west through the site with its outfall to the west. Cellular attenuation is also proposed for surface water under the area of open space to the side of Plot 4, and in the southern part of the larger area of green space in the site near plots 31-33. The application proposes to divert the existing combined sewer that runs north west of the site to the south of the site, so that it diverts back to the existing combined sewer to the east of the site. The drainage engineer has no objections to the revised drainage proposals. The surface water discharge rate has been lowered and the position of the surface water easement will sit between proposed properties at the appropriate width of easement.

9.27 United Utilities (UU) have objected to the application on the basis that they consider the proposal which includes the diversion of the sewer line would result in flood risk. It is understood that there is an existing manhole on the site in the south east corner that sits at a lower land level and currently floods. UU's concern is that the development could exacerbate existing problems. One of the responses received refers to sewer flooding, and states that the existing sewer is a combined sewer with twin pipes within it, whereas the applicant is proposing a single pipe and UU require full understanding as to how this would work.

9.28 As the existing sewer is a combined sewer UU have been contacted by officers to try to discern whether UU's concerns are solely foul drainage related or also in relation to surface water. UU's responses states that foul and surface



water should be drained on separate systems, and the applicants proposed plans detail that surface water from the development would be drained separately to the foul. UU have now confirmed that their concerns relate to foul drainage only, but no further details have been provided. The Council has therefore considered Case Law judgements by the courts (Barratt Homes Limited v Welsh Water [2009] UKSC 13, in December 2009). Members are advised that Case Law is clear that if the issue is foul drainage then UU as the statutory undertaker is required to take foul drainage connections for developments and provide the necessary improvements required. In this instance, the application proposes that foul would connect to the existing sewer network albeit the sewer would be diverted within the site, and that surface water would drain separately to the foul. Whether or not the foul drainage would be adopted and the specific details of pipelines within the sewer is considered to be a matter for UU as the statutory undertaker. In terms of surface water, land levels are proposed to change on the site in the location of the proposed internal access road, however the Council's Drainage Engineer has considered the proposals and is satisfied that the surface water drainage proposals for the site are acceptable with outfall to the west of the site.

9.29 The LLFA have objected to the proposal as they are unclear as to the proposed surface water discharge rate. This has been clarified on the latest plans that the proposal seeks the lower discharge rate of 5.2 l/s. Therefore this reason given for the LLFA's objection cannot be upheld. The other reason for the LLFA objecting is that the applicant has not clarified or demonstrated the condition of the existing culverts and whether they are free-flowing. The council's drainage engineer has been asked for his comments on this matter, and has replied that if the developer wishes for the culverts to be adopted by UU as part of the drainage system they will need to be in good condition. Otherwise, they would be privately managed and maintained usually through a maintenance company, and the council has powers to require riparian owners to keep the culverts in good working order.

9.30 Overall there is a drainage solution for this site. As UU have not fully substantiated their concerns, the council's drainage engineer is content with the surface water proposals, the condition of any culvert is a matter for adoption, and any foul connection and pipework associated with that is the responsibility of the statutory undertaker to both take and upgrade such connections, it is considered that there is no grounds for the Council to uphold a reason for refusal of the application on drainage matters. Should members resolve to approve this application pre-commencement conditions would be required to ensure full details of surface water and foul drainage are provided, and that there is appropriate management and maintenance of the SUDS features including the existing culverted ordinary watercourse.

Visual impact /design/ impact on the street scene

9.31 The site is sandwiched between the West Coast main railway line to the west, and the A6 to the east. There is existing built development to the north of the site in the form of an existing Cheese factory, to the south of the site are some existing larger detached dwellings with housing also further south, and to

the east across the A6 is existing housing development. To the west are agricultural fields beyond the railway line. The periphery of the site currently comprises larger trees to the southern boundary, and a mixture of boundary treatments with intermittent hedgerow, tree and shrubbery planting, stock fencing, and a section of timber fencing on the east boundary. The north boundary is stock fencing, and the western boundary is mainly open within some very sparse existing hedgerow.

9.32 The site would not be widely viewed from the north and south, only from immediate views when passing the site due to adjacent development. This is also the case for the site frontage which would be viewed along the immediate length of the A6 passing the site. Countryside is to the west beyond the railway line, however the site is constrained by the presence of the railway line and therefore the proposal would not result in a projection into the countryside area. Furthermore from views from the west, the site would be viewed alongside existing development. The proposed semi-detached and terraced dwellings would be two storey height designed as mews style properties, and the apartments buildings would also be two storey buildings. Existing dwellings in the nearby area, and also along the length of the railway line, are also predominantly two storey buildings. The proposed development is not considered to result in unacceptable visual harm to the area. Land levels are proposed to remain the same on the majority of the site, but would be increased along the length of the internal access road by between 0.5m and 0.97m depending upon the precise location of the roads within the site. Existing land levels within the site vary between 32.10 and 34.45 as there is a slight rise to the northern extent of the site. The finished floor levels of the plots would be between 33.60 (on the western boundary), and 34.00 (northern boundary). The proposed levels are considered to be visually acceptable, and overall the proposed development is not considered to result in unacceptable visual harm to the area.

9.33 The site frontage would comprise of a dual aspect plot (plot 1), and plots 25-30 and 34-39 which are designed to face the A6. Areas of green open space would be between the front building line of these southern plots and the road. These dwellings would clearly be visible from the A6. It is considered that this site frontage with two storey properties facing the A6 is acceptable as the layout and orientation of existing dwellings in the nearby area are also predominantly two storey buildings with their front elevations facing the A6 with some degree of set back from the road. It is considered the site would therefore be in keeping with the character and context of the existing street scene along the A6.

9.34 Behind the site frontage properties, the internal layout of the site would have an L shaped access road leading eventually to the north of the site, and the dwellings would be sited to front this internal access road. This layout would mean that the majority of the properties would have an outlook towards areas of green infrastructure. There would be a row of properties with their rear elevations towards the railway line. Again this is considered to be in keeping with other developments in the area including those that have been granted permission and are under construction further south. This layout has been accepted in the wider area partly for acoustic reasons so that appropriate measures can be installed within the nearest properties to the railway, and so that sound does not travel

through the site. Overall the scale and visual impact of the proposed dwellings is considered to be acceptable.

9.35 In terms of design the properties are proposed as mews style dwellings. Whilst this is not typical of the immediate surrounding area, there is no one particular style of residential property in the area surrounding the site. Existing properties are a mix of traditional and relatively modern designs. The principle of mews style properties is therefore considered acceptable.

9.36 The dwellings would be all constructed in brick. Those on the eastern side of the site, and the northern plots are proposed in Ibstock Alderley Russet Blend facing brick (red with a light texture), and Ibstock Ravenhead smooth red brick detailing. Those of the western side of the site are proposed in Ibstock Calderstone Claret facing brick (a multi-textured red brick) and Ibstock Ravenhead Smooth Red. As red brick is a dominant material in the area, along with some partially rendered properties, and as the site would have some variety of brick materials, the brick materials proposed are considered acceptable. All of the dwellings are proposed to have Russell Grampian or similar grey roof tiles, white UPVC window frames, black front door and rainwater goods. These materials are considered appropriate.

9.37 Boundary treatment plans have been provided, and are proposed as stock fencing to parts of the east of the site, timber fencing to divide gardens, garden walls to key plots, and acoustic fencing to the west, majority of the south, and part of the north boundaries. The proposed acoustic fencing would be inside the line of the existing hedgerow and trees to remain on adjacent land to the south. The landscaping plan indicates that on the western boundary the acoustic fencing would be on the edge of the site adjacent the railway, with a new hedge to be planted on the inside of this fencing for the length of the whole boundary. The proposed boundary treatments are considered to be appropriate and visually acceptable. Should members resolve to approve this application conditions would be required to ensure the development would take place in accordance with the proposed materials, and boundary treatments, and to secure full details of boundary planting.

#### Impact upon Residential Amenity

9.38 There are existing residential properties to the east across the A6. All such properties are a minimum of 32m away from the application site frontage. Therefore there would be no significant impacts in terms of overlooking, overbearing or loss of light upon these properties. Other existing properties on the opposite side of the A6 are further north and south of the site and therefore at a greater distance from the proposal and therefore the location of the proposed dwellings would not result in an unacceptable impact upon the amenity of these properties.

9.39 There is an existing residential property to the south of the application site. This is currently south of the existing sub-station to be demolished and the existing south site boundary of hedgerows and trees. The side elevation of this existing property would be more than 13m away from the rear elevation of the

proposed properties, therefore complying with the requirements of the SPG in terms of separation distances. Due to this, and as there is existing boundary screening to be retained, it is considered that there would not be an unacceptable impact upon the amenity of this property through overlooking, overbearing, loss of light, or privacy.

9.40 Running alongside part of the eastern boundary of the site there is an existing building at 867 Garstang Road which is a commercial property (industrial use and storage). To the north of the application site is an existing dairy (known as Rostock Dairy). Neither of these are primarily residential properties, being commercial ventures, and therefore it is considered the proposed dwellings would not result in unacceptable impact upon these properties.

9.41 The development would comply with the separation distance requirements set out within SPG4, except for the 2m separation distance usually required between side elevations. There would be a 1m separation distance between plots 2 and 3, 12 and 13, and 16 and 17. This is not considered a significant issue in this case or an issue that would result in a recommendation for refusal of the application alone, as access can still be gained between these plots, and it is not prevalent across the site, being limited to a handful of plots. It is noted that there is less than 21m between the front elevation of plot 18 and the west elevation of plot 33, however plot 33 is a dual aspect property and has a main elevation that would face northwards towards the public open space. Plot 18 is also orientated on a slight angle from plot 33 and therefore it is considered there would be no unacceptable harm to the outlook from this property.

#### Noise and Odour

9.42 The application site is located between the west coast main railway line and the A6. The applicant has submitted a Noise Assessment as part of the application, and this recommends noise mitigation measures in the form of ventilation and extraction systems for the windows of the properties, and acoustic barriers to be erected around the site at 2.4m height to the western boundary and part of the north and south boundaries, and at 2m height to the eastern boundary and part of the north and south boundaries. The Environmental Health Officer has been consulted, and has raised no objections subject to a condition that the mitigation outlined in the noise report, specifically covering glazing specifications for the various building types, powered ventilation systems and the erection of acoustic barriers, is required by planning condition.

9.43 Some concern has been raised through letters received over the potential amenity impact of the surrounding commercial uses on the dwellings proposed, particularly with regard to the cheese production unit to the north and the recent planning permission granted on the land to the east. In respect of the unit to the north, Members are advised that permission of the cheese production unit (ref: 12/00611/FUL) included a condition requiring an odour scheme for that site. The management of odour is therefore a matter for the adjacent premises and if the condition were not complied with or there were any future problems from this premises, there is separate legislation aside from the planning process for Environment Health to consider to prevent any such odour nuisance aside of

the planning process. In terms of noise the Environmental Health Officer has not raised any concerns in relation to noise upon the proposed dwellings from either of the existing adjacent commercial buildings. Acoustic fencing is also proposed as mentioned above. Therefore it is considered the proposed dwellings would not be unduly affected by noise and odour from these adjacent properties.

#### Ecology and Trees/Hedgerows

9.44 GMEU has been consulted and requested additional bat and reptile surveys, in the form of an emergence survey for bats, and confirming the presence/ absence of slow worms. Information was also requested on how the development will contribute to the natural environment. GMEU considered matters relating to nesting birds, amphibians (including Great Crested Newts which have reasonably been discounted as being present) and ecological mitigation.

9.45 The applicant has submitted further information in the form of a Bat Tree Assessment (including emergence survey), and a Reptile Survey. Following re-consultation GMEU have no objection and agree with the findings of the submitted reports. In relation to bats GMEU agree that the trees have negligible bat roosting potential, that there was no evidence of bats roosting in the existing building and therefore no further surveys are required. With regard to reptiles GMEU agree the site is sub-optimal and that the railway provides the core habitat, and are satisfied given the low number of reptiles present (one slow worm on railway boundary) that the reasonable avoidance measures during development and compensation measures proposed are adequate. One such measure requires fence gaps on the western boundary of the site. The detail of the type of fencing proposed is including in the submitted boundary treatment plans. Details of location of bat and bird boxes throughout the site have also been provided. Should members resolve to approve this application conditions would be required to ensure the proposal would take place in accordance with the reptile survey, the boundary treatment plans, and bat and bird boxes plan. A condition is also needed stating that if the demolition of the existing small building does not commence before 30th April 2022 then this will need to be reassessed for bat roosting potential. An informative is also recommended to advise the applicant of regulations in relation to protected species.

9.46 GMEU also provided comments in relation to landscaping. Whilst content that a moderate amount of green infrastructure is to be provided on site, and there is potential to achieve enhancement of habitats given the currently low ecological value of the grassland, they considered the enhancement is considered to be borderline. GMEU therefore whilst not objecting, recommended the value of landscaping should be maximized with the inclusion of certain planting species included in their response. The NPPF activity encourages the provision of net gains for biodiversity, and therefore this recommendation for GMEU is considered to be reasonable and necessary to achieve better biodiversity enhancement. The applicant has submitted an updated landscaping plan which includes some of the species suggested by GMEU. This has been received and GMEU have advised the revised landscaping plan is acceptable along with the bird bat box details provided.

9.47 The application site does not contain any protected trees. There are however existing trees and hedgerows along the site boundaries. The applicant has submitted a Tree Survey detailing the location of the existing trees and hedgerows and their retention category value. The survey details that the existing hedge along the north east corner of the site and the sporadic sections of hedgerow near the site access is of Category A value (highest value). The hedgerows along the southern boundary, and in part along the eastern boundary with the A6 are Category B value (moderate). Individual trees within the site boundaries and the limited planting on the western boundary are considered to be of lower value. The Council's Tree Officer has been consulted and has raised no objections to the proposals stating that he concurs with the submitted Tree Survey. He states that a tree protection plan should be provided showing the type and position of heras fencing, and details of how trees along site boundaries will be safely retained. This can be secured by condition

9.48 The proposal would remove a very short section of category A hedgerow to form the site access, the very southern tip of a section of existing hedgerow to the north of the site entrance, and the southern tip of hedgerow H3 to provide a pedestrian link from the site to the A6. The Tree Officer has not raised any objection to the removal of these short sections of hedgerow, nor has he raised any objection to the felling of T1, T2, T6 and T7 which are individual category U and C trees already suffering from die back or of very limited value within the hedgerows of the eastern boundary site. It is considered the removal of such short sections of hedgerow is acceptable, as there would be new and additional hedgerow planting within the site, especially along the extent of the western boundary.

#### OTHER MATTERS:

##### Contamination

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

9.50 The applicant has submitted a desk study and a site investigation report for the site. Having considered these Environmental Health have no objections to the application subject to the council's standard watching brief condition, as well as a Materials Validation condition (assuming soils are to be imported on to the site during the redevelopment) be attached. Should members resolve to approve this application, subject to a watching brief condition it is considered the proposal would be acceptable in terms of ground conditions and would comply with the provisions of the NPPF. It is considered the Materials Validation condition is not considered reasonably necessary, as land levels remain the same around the proposed dwellings, with only the finished floor levels, paths ways and road raised, with limited need for import of soils.

## Climate change

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

9.52 As mentioned earlier in this report the applicant has submitted a car charging plan. The development would also provide for additional tree planting and hedgerow planting on the site, and this is also considered a measures that would help to meet the challenge of climate change. The application site is also within Flood Zone 1, with the lowest risk of fluvial flooding. Overall it is considered therefore that the matter of climate change has been adequately considered and that the proposal would comply with Policy SP2 (6) of the Adopted Local Plan. With regards to an objection raising concern that solar panels have not been provided, there is no specific policy requiring this.

## Waste management

9.53 The National Planning Policy for waste seeks to ensure that new development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities, for example by ensuring there is discrete provision for bins to facilitate a high quality, comprehensive and frequent collection service.

9.54 The applicant has submitted a Proposed Site Layout which shows the location of bin storage for each property. The proposed maisonettes would have a shared communal bin store located to the side of each block, whereas the remainder of the properties would each have their own private bin stores located within the rear of side garden of each property dependent on the particular plot. It is considered appropriate waste storage will be provided on the site and its provision can be ensured by condition should members resolve to approve the application.

9.55 The Council's Head of Waste Management has been consulted and has stated that access does not appear to be an issue, and has provided guidance on where particular plots would need to present their bins. If waste is to be collected by the Council then bins will need to be presented on the adopted highway. There are therefore no general concerns regarding waste storage and collection for the site.

## Network Rail

9.56 Network Rail have provided a list of measures they wish the applicant to consider, and recommendations on tree planting species. Network Rail request a series of conditions including requiring a suitable trespass proof fence adjacent the line of the railway, details of scaffolding work within 10m of the railway, planting, and a Risk Assessment and Method Statement to be submitted to

Network Rail for all works to be undertaken within 10m of the railway, and a vibro-impact risk assessment and method statement. They also request details of ground levels and earthworks/excavation, and of surface water and foul drainage. In terms of drainage the Council's standard pre-commencement condition can be attached, and Network Rail would be consulted on any potential subsequent discharge of conditions applications. Details of ground levels are shown on the submitted drainage plans and clearly show no level changes close to the railway line. The condition suggested requiring documents to be submitted to Network Rail, and a vibro-impact risk assessment is not considered reasonable or necessary as although the applicant has submitted a Vibration Assessment it is separate to planning requirements and the planning process. The conditions requiring details of trespass proof fencing and scaffolding works are also not considered reasonable and necessary as the plans clearly show where fencing would be provided and their design, and that any landscaping proposed would be contained within the site. The applicant would be responsible for securing any separate consents needed from Network Rail.

## **10.0 CONCLUSION**

10.1 The principle of developing the site for housing is supported by Policies SP1 and SA1/25 of the Wyre Local Plan as the site is allocated for such purpose in the Adopted Local Plan and is well-related to the existing settlement of Barton.

10.2 The Local Highway Authority has raised no objections to the development on the grounds of sustainability, highway capacity or safety subject to conditions. The council's drainage engineer has raised no objections to the drainage proposals, and notwithstanding United Utilities and the Lead Local Flood Authorities' objections there is a drainage solution for the site and full details of drainage can be required and resolved through the imposition of appropriate conditions. Foul drainage connection is a matter for the statutory undertaker. GMEU raise no objections to the ecology impacts subject to conditions. Trees, hedgerow, landscaping impacts including mitigation can be controlled by condition.

10.3 The proposal is considered to be acceptable in terms of design and visual impact and also in terms of impact upon neighbouring residential amenity. The housing mix and provision of adaptable and accessible homes and green infrastructure provision is also considered to be appropriate.

10.4 Subject to financial contributions the impacts of the developments upon the highway network, education and health care provision can be adequately mitigated. These can be secured by legal agreement along with 30% affordable housing provision.

## **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 section 106 agreement to secure financial contributions towards health care, education, sustainable transport and on-site affordable housing (30%). That the Head of Planning Services be authorised to issue the decision following the satisfactory completion of the S106 agreement.

### **Recommendation: Permit**

#### **Conditions: -**

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 28.09.2020 including the following plans/documents:

- Drawing No. A6 Garstang Rd / Proposed Site Layout Rev L received 15th November 2021
- Drawing No. A6 Garstang Rd / Plots 03&04 received 29th March 2021
- Drawing No. A6 Garstang Rd / Plots 01&02 received 29th March 2021
- Drawing No. A6 Garstang Rd / 3B5P HT, 3 BEDROOM 5 PERSON HOUSE TYPE FLOOR PLANS & ELEVATIONS received 29.09.2020
- Drawing No. A6 Garstang Rd / Plots 04-09, PLOTS 04-09 FLOOR PLANS & ELEVATIONS received 29.09.2020
- Drawing No. A6 Garstang Rd / Plots 20-21, PLOTS 20-21 FLOOR PLANS & ELEVATIONS received 29.09.2020
- Drawing No. A6 Garstang Rd / Plots 24-29, PLOTS 24 - 29 FLOOR PLANS & ELEVATIONS received 29.09.2020
- Drawing No. A6 Garstang Rd / Plots 34-39, PLOTS 34 - 39 FLOOR PLANS & ELEVATIONS received 29.09.2020
- Drawing No. A6 Garstang Rd / Maisonette Cycle Store, MAISONETTE CYCLE STORES PLAN & ELEVATIONS received 29.09.2020
- Drawing No. A6 Garstang Rd / Boundary Treatments Plan Rev H received 22nd April 2021
- Drawing No. A6 Garstang Rd / Boundary Treatments Rev A received 29th April 2020
- Drawing No. A6 A6 Garstang Rd / Street Scene Elevations Rev C received 29th March 2021

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 Drawing No. A6 Garstang Rd / Materials Distribution Plan Rev E, unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

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

4. The development shall take place in accordance with the submitted Drawing No. A6 Garstang Rd / Boundary Treatments Plan Rev H received 22nd April 2021, and Drawing No. A6 Garstang Rd / Boundary Treatments Rev A received 29th April 2020.

The approved boundary treatment to all individual dwellings and apartment blocks shall be completed before the associated dwelling is first occupied; the boundary treatments to either side of the site entrance alongside the area identified as Green Infrastructure (GI), and the boundary treatments to the areas identified as Public Open Space (POS) shall be installed prior to their first use. 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 Adopted Wyre Borough Local Plan (WLP31).

5. Prior to the commencement of development a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters (with a surface water discharge rate of 5.2 l/s), 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 the National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national guidance / standards.

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 Policy CDMP2 of the Adopted Wyre Borough Local Plan (WLP31) 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.

6. Prior to the commencement of development, details of an appropriate management and maintenance plan for the sustainable drainage system including the existing culverted ordinary watercourse, for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Residents' Management Company

b) Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

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

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

7. The development shall take place in strict accordance with the finished floor levels, road levels and ground levels as shown on drawing No. 30448/100 Revision E (Preliminary Drainage Layout), unless alternative ground and finished floor levels are submitted and approved in writing by the Local Planning Authority prior to such change taking place. The ground levels shall be constructed and completed in accordance with the approved details.

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity, and a minimum risk of flooding, in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31).

8. Prior to first occupation of any dwelling hereby approved the following off-site works of highway improvement shall be carried out, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority, in which case the off-site highway works shall be carried out in accordance with any alternative approved timetable for implementation: -

- Site access works including assessment of the street lighting and provision of tactile paving within the A6;
- Right turn lane to serve the site and provision of pedestrian refuge island to the north of the site access within the A6 together with associated modifications to the existing on road cycle lanes to accommodate the refuse and right turn lane
- Assessment of the street lighting for the pedestrian refuse

- Removal of the two accesses to the south of the new site access and one access to the north of the site access, to be reinstated as footway with the kerbs raised

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

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

- (a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays
- (d) contractors' compounds and other storage arrangements
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period
- (f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities and/or power wash/ road sweepers and how, when and where to be used)
- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (h) external lighting of the site during the 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) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

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).

10. Prior to commencement of development the visibility splays shall be provided measuring 2.4 metres by 124 metres in both directions to the site access, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of A6 Garstang Road. Thereafter the visibility splays shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

Reason: The splays are required prior to commencement of the development to ensure the safe, efficient and convenient movement of all highway users including all construction traffic, and for the free flow of traffic, in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

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

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

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

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

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

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

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

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

13. No dwelling hereby permitted shall be first occupied until the parking / turning area(s) shown on the approved Drawing No. A6 Garstang Rd / Proposed Site Layout Rev L, 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 Adopted Wyre Borough Local Plan (WLP31).

14. Prior to first occupation of any part of the development hereby approved the secure cycle storage provision and waste storage areas shown on the approved plans No. A6 Garstang Rd / Proposed Site Layout Rev L, shall be provided and thereafter maintained and retained.

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

15. 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).

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

The soft landscaping works for the development shall be carried out in full accordance with the approved soft landscaping details drawing 6335.01 Rev B, prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology, and that there is sufficient provision for ecological enhancement 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, and as full details of hard landscaping have not been submitted with the application.

17. No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a suitably qualified ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority before any vegetation is cleared.

Reason: In order to ensure that nesting birds are not unacceptably affected, in accordance with the National Planning Policy Framework, and Policy CDMP4 of the Adopted Wyre Local Plan 2011-2031.

18. Prior to the commencement of development, including any demolition or tree works, a Tree Protection Plan for the retained tree(s) and hedgerows shall



be submitted to and agreed in writing by the Local Planning Authority. Thereafter these measures shall be implemented in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development including any demolition, 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" and "retained hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and the submitted Tree Survey by Iain Tavendale Arboricultural Consultant.

Reason: In order to protect trees from damage or loss in the interests of the amenity of the area in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981. The details are required to be approved prior to commencement of development to ensure timely tree protection measures are in place.

19. The development hereby approved shall be implemented in full accordance with the following submitted plans/ documents:

- Reptile Presence / Absence Survey by United Environmental Services Ltd, received 26th February 2021, including all the mitigation measures set out in that report.
- Drawing No. A6 Garstang Rd / Bird & Bat Box Plan Revision A

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.

20. If demolition of the existing building on site hereby approved does not commence before 30th April 2022, the building shall be reassessed for bat roosting potential and a report which establishes the presence or otherwise of European protected species (defined in the Conservation of Habitats and Species Regulations 2010 or in any statutory instrument revoking and re-enacting those regulations with or without modification) shall be submitted to and approved in writing by the Local Planning Authority. If a European protected species is confirmed to be present the report shall include mitigation measures, including timescales, to avoid and / or mitigate any possible harm to the European protected species. Those approved mitigation measures shall then be implemented.

Reason: To prevent possible harm to ecology if the development were commenced without the necessary mitigation measures in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

21. An Open Space Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all areas of open space, other than privately owned domestic gardens, as shown on Drawing No. A6 Garstang Rd / Proposed Site Layout Rev L, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling whichever is the sooner for its permitted use. The Management Plan shall be implemented in accordance with the approved details during the lifetime of the development.

Reason: To ensure the long term management and maintenance of open space within the site in the interests of visual amenity and the health and wellbeing of occupants in accordance with Policies SP8 and HP9 of the Wyre Local Plan (2011-31).

22. The areas identified as GI (Green Infrastructure) and POS (Public Open Space) on the approved site layout plan (Drawing No. A6 Garstang Rd / Proposed Site Layout Rev L) shall be landscaped and available for use prior to first occupation of the 26th dwelling hereby approved, unless an alternative timetable is first agreed in writing with the Local Planning Authority.

Reason: To ensure delivery of on-site green infrastructure in a timely manner in accordance with Policy HP9 of the Adopted Local Plan 2011-312 (WLP31).

23. The following noise mitigation measures as set out in the submitted Road and Rail Noise Assessment (version Revised 17th March 2021) by Martec Environmental Consultants Ltd shall be implemented prior to first occupation of the respective dwelling to which they relate:

- The glazing standard and vents to meet or better such acoustic performance specifications as set out in Tables 12, 13, 14 and 15 of the submitted assessment.
- Boundary treatments shall be to installed in accordance with the submitted acoustic fencing shown on Drawing Nos. A6 Garstang Rd / Boundary Treatments Plan Rev H received 22nd April 2021, and A6 Garstang Rd / Boundary Treatments Rev A received 29th April 2020

These approved noise mitigation measures shall thereafter be retained and maintained.

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

24. Electric Vehicle Charging Points (EVCP) shall be provided in accordance with Drawing No. A6 Garstang Rd / Car Charging Plan Revision G, prior to first occupation of any dwelling to which they relate, and retained and maintained at all times thereafter.

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

25. The development hereby approved shall be carried out in full accordance with Drawing No. A6 Garstang Rd / Proposed Site Layout Rev L with all of the adaptable plots as the ground floor maisonettes of apartment block 5-10, Plot 11, Plot 14, Plot 23, ground floor maisonettes of apartment block 25-30, Plot 31, and ground floor maisonettes of apartment block 34-39 with wider parking for those plots. These plots shall be provided to M4(2) standard of the Building Regulations, and retained and maintained at all times thereafter as accessible and adaptable lifetime homes.

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

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order):

(a) no fences, gates or walls other than those shown on approved Drawings No.s A6 Garstang Rd / Proposed Site Layout Rev L, No. A6 Garstang Rd / Boundary Treatments Plan Rev H, and No. A6 Garstang Rd / Boundary Treatment, shall be erected along the front or side boundaries of any dwellinghouse forward of the main front elevation or side elevation of that dwellinghouse; and

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

Reason: The estate is proposed with an open plan layout and a variety of individual walls/fences would seriously detract from the overall appearance of the development. The loss of front landscaping areas would also seriously detract from the overall streetscene which would become dominated by car parking. This would be contrary to Policy CDMP3 of the Wyre Borough Local Plan (WLP31) and the provisions section 12 of the NPPF.

27. Notwithstanding the provisions of Schedule 2 Part 1 Classes A-D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), the dwellings on plots 31-33 hereby approved shall not be altered or extended, without express planning permission.

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

**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.

# Planning Committee

20/00907/FULMAJ - Land west of Garstang Road Barton



Scale : 1:1726

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 2
Date	15 November 2021
S/LA Number	100018720

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## Committee Report

Date: 1<sup>st</sup> December 2021

<b>Item Number</b>	<b>03</b>
<b>Application Number</b>	<b>21/00898/FUL</b>
<b>Proposal</b>	<b>Erection of four detached dwellings with access from Skippool Road (following demolition of existing buildings) (amendment to planning permission reference 20/00882/FUL)</b>
<b>Location</b>	<b>Prospect Farm Skippool Road Thornton Cleveleys Lancashire FY5 5LD</b>
<b>Applicant</b>	<b>Mr Basri</b>
<b>Correspondence Address</b>	<b>c/o Mr Carter's Consultancy The Big Shippon Clifton Fields Preston PR4 0XG United Kingdom</b>
<b>Recommendation</b>	<b>Permit</b>

## REPORT OF THE HEAD OF PLANNING SERVICES

### CASE OFFICER - Mr Rob McKillop

#### 1.0 INTRODUCTION

1.1 This application is before Members of the Planning Committee for a decision given the application involves amendments that are materially different to the scheme approved by Planning Committee in January 2021. A site visit is recommended to enable Members to understand the proposal beyond the submitted plans.

#### 2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site lies north of Amounderness Way (A585) accessed via a long driveway leading from the west side of Skippool Road. The site comprises a two storey farmhouse as well as a mix of brick, timber and portal framed buildings associated with the former agricultural use. The buildings vary in height and size although are dilapidated in appearance. The access to Skippool Road also serves other dwellings, namely Barton House and Aloha. There is a group of trees (19 poplars and 2 sycamores) along the southern boundary with Amounderness Way covered by a Tree Preservation Order (TPO). Since the previous application was considered by members, a number of these trees have been removed (please refer to 9.16 of this report for further details). The site is within the Green Belt as designated in the adopted Local Plan, with open fields beyond to the north and west.

### **3.0 THE PROPOSAL**

3.1 The proposal is for the demolition of existing agricultural buildings and erection of four detached dwellings. The dwellings would be set in two pairs, with Plots 1 and 2 sharing identical designs, and Plots 3 and 4 being larger with alternative features, but also matching. The dwellings would all have five en-suite bedrooms at first floor, with large open-plan areas at ground floor. The larger dwellings to Plots 3 and 4 would also have a swimming pool and extra bedroom at ground floor level. The proposed designs include large windows and glazing to the roof as well as green roofs and landscaping areas. Access would continue to be from Skippool Road.

3.2 In terms of the differences from the approved scheme, the basement level has now been removed from Plots 3 and 4 and the ground floor footprint for these dwellings has been increased (to the side and rear). The previous ground floor level to Plots 3 and 4 was slightly "sunken" and this has now been raised, with the effect being that these dwellings would now appear 1.0m higher (above the adjacent land level) when compared to the previous scheme. The proposed rear boundary of these plots has also been extended to the north to allow for larger rear gardens.

3.3 In respect of Plots 1 and 2, the double garage element would now project to the side of the dwellings, with an en-suite bedroom above. This would allow for an additional large snug and study at ground floor level.

3.4 The application also includes details in respect to the removal of the trees along the southern boundary and replacement tree planting.

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

- Design & Access Statement
- Planning Statement
- Tree Survey and Protection Plan
- Barn Owl, Bat and Nesting Bird Survey
- Great Crested Newt Statement
- Noise Impact Assessment
- Drainage Plans

### **4.0 RELEVANT PLANNING HISTORY**

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

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

4.3 20/00882/FUL: Erection of four detached dwellings with access from Skippool Road (following demolition of existing buildings). Permitted.



## **5.0 PLANNING POLICY**

### **5.1 ADOPTED WYRE BOROUGH LOCAL PLAN**

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

5.1.2 The following policies contained within the WLP31 are of most relevance:

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

### **5.2 OTHER MATERIAL CONSIDERATIONS**

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 20th July 2021. 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 2021 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are relevant to the determination of this application:

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

5.2.3 In accordance with the National Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF) Para 74, the council must be able to demonstrate a 5 year housing land supply position (with a 5% buffer) when dealing with applications and appeals. The latest available evidence on housing delivery is that set out in the council's Housing Implementation Strategy (published 30 September 2021) which demonstrates a deliverable housing land supply position of 6.4 years. The council's position therefore is that it is able to demonstrate a deliverable 5 year housing land supply.

### 5.3 OTHER RELEVANT GUIDANCE / LEGISLATION

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

## 6.0 CONSULTATION RESPONSES

### 6.1 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.1.1 No objections.

### 6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.2.1 No objections subject to conditions

### 6.3 LANCASHIRE FIRE & RESCUE SERVICE

6.3.1 Standing advice with reference made to current building regulations.

### 6.4 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.4.1 No response received.

### 6.5 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE)

6.5.1 No response received

### 6.6 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LAND CONTAMINATION)

6.6.1 No response received.

### 6.7 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREE OFFICER)

6.7.1 Additional detail and conditions required.

## **7.0 REPRESENTATIONS**

7.1 No public representations received.

## **8.0 CONTACT WITH APPLICANT/AGENT**

8.1 Additional/Revised plans have been submitted for consideration during the application process.

## **9.0 ISSUES**

9.1 The main Planning issues are:

- Principle of development and Policy compliance
- Visual Impact / Design
- Impact on Residential Amenity
- Impact on Highway / Parking
- Flood Risk / Drainage
- Ecology
- Trees/Landscaping
- Contamination

Principle of development and Policy compliance

9.2 The site is within an area defined as Green Belt. Policy SP3(1) of the Wyre Local Plan (WLP31) reflects national planning policy (set out in the NPPF) stating that planning permission will not be granted for inappropriate development as defined in national policy, except in very special circumstances. Part 2 of policy SP3 sets out that where development is deemed appropriate, it should meet the requirements of other Core Development Management Policies and should seek to minimise the impact on the openness of the Green Belt. Part 3 of the policy states that the construction of new buildings is inappropriate development in the Green Belt, except for categories of development defined in national policy. Paragraph 149 (Part G) of the NPPF lists the exceptions which are not inappropriate in the Green Belt.

9.3 Given the previous use of the site for agriculture, according to current planning policy, the proposed residential development would represent an inappropriate form of development in the Green Belt. However, permission 20/00882/FUL remains extant and is considered to represent a legitimate fall-back position which carries significant weight in this case. As such, it is accepted that the principle of the proposed development is already established at the application site and the main consideration in the determination of this application is whether the amendments to the approved scheme would result in any unacceptable additional harm to the openness of the Green Belt.

9.4 In terms of the increased garden to Plots 3 and 4, this would not encroach significantly further into the Green Belt to the north, and agricultural

fields beyond this would still be retained. The resultant curtilage sizes for these two plots is not considered to be excessive and is not considered to result in any unacceptable impact on the openness of the Green Belt. It is suggested that a condition should be added to remove permitted development rights to prevent any large outbuildings from being constructed which could impact on openness. The increased height of the Plots 3 and 4 by 1 metre compared to the approved scheme is not considered to result in any additional impact on the openness of the Green Belt, and the proposed side extension would not be prominent within views of the wider area. Additionally, the proposed double garage to the side of Plots 1 and 2 has been reduced during the application process, and its subservient appearance is not considered to result in any unacceptable impact on the openness of the Green Belt.

9.5 Overall, in view of the above, the application is considered to be acceptable in principle. Other material considerations are listed below.

#### Visual Impact / Design

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

9.7 The proposed dwellings are of a large scale, and whilst this is not unacceptable in itself, it will result in a larger mass of development with increased visibility from surrounding vantage points. However, there are a mixture of existing agricultural buildings on the site to be demolished and replaced by the proposed dwellings. The application details indicate that the extent of the replacement buildings would be similar to the extent of these existing buildings, and the proposed dwellings would have a comparatively lower overall volume. Importantly, the extant permission is considered to represent a legitimate fall-back position which carries significant weight in considering the visual impact of the current proposal, and the proposed dwellings would generally be similar in scale and appearance to those previously approved.

9.8 The increased overall height of 1.0m for Plots 3 and 4 results from a change to the floor level following the removal of the basement level. Given the layout would not be significantly altered, this overall increase in height is not considered to present any significant visual implications within the surrounding area compared to the previously approved scheme. The increased ground floor area would wrap around the side and rear of these plots and is not likely to be visually prominent in views within the surrounding area. The proposals would still allow a gap and some views between these plots from certain aspects.

9.9 In respect of Plots 1 and 2, the proposed double garage element with bedroom above would project to the side of these dwellings. This would partially close the gap between these plots and following officer concerns, this side element has been reduced in height by 0.2m and in depth by 0.4m. This

would ensure it appears secondary, rather than a continuation of these dwellings. This is considered more appropriate given the possibility of views from the A585, and the layout would still allowing for views between building Plots 1 and 2.

9.10 A contemporary design approach is proposed with high quality materials, including large glazed elements to the front of the proposed dwelling. This reflects the previously approved scheme and is considered an acceptable design approach in the circumstances. Overall, the scheme is not considered to result in any significant additional harm to the openness of the Green Belt when compared to the previously approved scheme and is still considered to be a high quality and innovative design with high level sustainable credentials as was afforded significant weight in the fall-back position. In conclusion, the proposed dwellings would not conflict with Policies SP3 and CDMP3 of the Local Plan and the design guidance set out in the NPPF.

#### Impact on Residential Amenity

9.11 The nearest existing residential neighbours are a significant distance away from the proposed dwellings. The existing shared access would be used, however the proposals are not likely to result in any increase in vehicle movements or disturbance compared to the approved scheme or the previous use of the site for agriculture.

9.12 In terms of amenity impacts for future occupiers, the proposed dwellings include balconies, however they would not have a direct outlook towards other plots and the scheme would provide an acceptable level of amenity for future occupiers. Sufficiently sized private garden areas are proposed. Given the site's proximity to the A585, noise mitigation measures have been included within the application details, which would prevent any unacceptable noise impact for future occupiers. Overall, subject to conditions, the application would have an acceptable impact on residential amenity and would accord with Policies CDMP1 and CDMP3 of the WLP31, SPG4 (Housing Layouts) and the NPPF.

#### Impact on Highway / Parking

9.13 Access to the site would be via an existing access and driveway leading from the west side of Skippool Road to the north of the roundabout. This currently provides access to the existing farmstead and the two neighbouring dwellings adjacent to Skippool Road. This access is unrestricted at present, with potential for it to be used by larger agricultural vehicles. There is also an existing access to the southern boundary on to Amounderness Way (A585) which would also allow for use by agricultural vehicles. Given the busy nature of Amounderness Way, it would be undesirable for this access to be used in the interests of highway safety. The removal of the farm buildings is likely to result in a reduced use of this access and the proposed development would be served via the east access drive only. Furthermore, there would be sufficient space for vehicle parking/turning

within the site confines. On this basis, the application is deemed not to result in any additional impacts in terms of highway safety. LCC Highways have reviewed the application and raise no objections to the proposal, subject to conditions in respect of access details, hard surfacing areas and wheel washing during construction. The existing access track is already hard surfaced up to the boundary with the adopted highway. Given that only four dwellings are proposed which would be at the end of an existing farm access track, it is not considered reasonably necessary for wheel washing facilities to be provided given the reduced likelihood of mud and loose material being deposited within the highway. Furthermore this condition was not imposed on the previous permission. Subject to appropriately worded conditions in respect of the access and parking provision, the application would have an acceptable impact on highway safety in accordance with Policy CDMP6 of the Local Plan (2011-31).

#### Flood Risk / Drainage

9.14 The site is within Flood Zone 1 (lowest risk) and so the flood risk sequential and exception tests are not required. The drainage proposals reflect the approved scheme with surface water discharging to an existing watercourse to the north of the site and a foul water connection to the public sewer on Skippool Road. Updated plans can be secured by condition to take account of the minor layout changes and alterations to house types. On this basis, the application would have an acceptable impact on drainage and would not increase flooding on the site or local area in accordance with Policy CDMP2 of the WLP31.

#### Ecology

9.15 A bat survey was submitted in relation to the previous permission which found no bats within the buildings that are proposed for demolition. GMEU has confirmed that this survey remains applicable to the development and therefore no harm to bats would arise. In respect of great crested newts, GMEU previously advised (under permission 20/00882/FUL), that any risks are very low and no objections were raised subject to mitigation measures being made into a condition. This condition would be reattached, should permission be granted.

9.16 Overall, subject to suitably worded conditions, it is not considered that the proposed development would result in any unacceptable impacts on protected species and their habitats and the application would accord with the Conservation of Species and Habitats Regulations 2017, the NPPF and Policy CDMP4 of the WLP31.

#### Trees / Landscaping

9.17 A number of trees, protected under the group TPO to the southern boundary fronting Amounderness Way have been removed. Whilst these were not directly affected by the proposed development, groundworks associated with the ongoing major highway improvement schemes along

Amounderness Way (by Highways England) had resulted in damage to parts of the root structure to these trees. It is noted that the submitted survey states several of these trees were in need of removal, and given their close proximity to each other, any removal was considered likely to destabilise any remaining trees. Therefore, these trees have been removed and replacement planting (native species) is now proposed. The council's Tree Officer has advised that this is acceptable, subject to the proposed mitigation planting being secured by way of planning condition. Additional landscaping is proposed around the north, east and west boundaries, however precise details have not been provided and would need to be secured by conditions should permission be granted. Overall, subject to appropriate conditions, it is considered that there would be no unacceptable impact on trees and appropriate planting is proposed to mitigate and loss of trees in accordance with Policy CDMP4 of the WLP31.

### Contamination

9.18 A condition would be added to any permission granted to require appropriate site investigation and remediation strategy if required. On this basis, the development would have an acceptable impact in terms of land contamination in accordance with Policy CDMP1 of the WLP31.

### Other Issues

9.19 There would be room for bin storage within the site, however the collection details are unclear given the unadopted nature of the access drive. A condition would be added to any permission granted to ensure details are provided for approval prior to development.

9.20 Policy SP2 of the WLP31 requires development proposals to make an appropriate response to climate change. The Design and Access Statement outlines that the dwellings would be designed as zero carbon homes to include high levels of insulation, solar energy and photovoltaic panels, green roofs, efficient non fossil fuel heating systems and ventilation, thermal massing properties and rainwater harvesting. New tree planting is also proposed. Furthermore policy CDMP6 of the WLP31 requires the dwellings to be served by electric vehicle recharging points. Subject to appropriately worded conditions to secure these aspects, the development is considered to satisfy policy SP2 of the WLP31.

## **10.0 CONCLUSION**

10.1 Notwithstanding the conflict with Policy SP3 of the WLP31 and Paragraphs 147 and 149 of the NPPF, the principle of development has been established via grant of permission 20/00882/FUL which represents a legitimate fall-back position and carries significant weight in this case. It is considered that this application would not result in any significant additional impacts on the openness of the Green Belt. The dwellings would have a similar appearance to the previously approved scheme and the development is considered to have an acceptable visual impact. Whilst there has been

some removal of trees, which is understood to have been necessary due to ground works being carried out outside of the applicant's control, appropriate replacement and new landscaping is proposed to mitigate for their loss. Overall no unacceptable impacts would arise in respect of amenity, highways safety, drainage, ecology, landscaping and contamination. It is therefore recommended that the application is granted planning permission.

## **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 14.07.2021 including the following plans/documents:

- Site Location Plan PR SP-0003 Rev P1
- Site Access Plan Drg No.SP-1008
- Proposed Site Plan Drg No.PR SP-0001 Rev P2, received 17th November 2021;
  
- Ground Floor Plan Drg No.T2-GA-1101 Rev P1;
- First Floor Plan Drg No.T2-GA-1102 Rev P1;
- First Floor Plan - Mezzanine Drg No.T2-GA-1103 Rev P1;
- Roof Plan Drg No.T2-GA-1104 Rev P1;
- Proposed Sections Drg No.T2-SC-1105 Rev P1;
- Proposed Elevations Drg No.T2-EL-1101 Rev P1;
  
- Ground Floor Plan Drg No.T1-GA-1102 Rev P2, received 17th November 2021;



- First floor Plan Drg No.T1-GA-1103 Rev P2, received 17th November 2021;
- Roof Plan Drg No.T1-GA-1104 Rev P2, received 17th November 2021;
- Proposed Sections T1-SC1105 Rev P2, received 17th November 2021;
- Proposed Elevations Drg No.T1-EL-1101 Rev P2, received 17th November 2021

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 (T2-EL-1101 Rev P1 and T1-EL-1101 Rev P2) 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 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, with evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates to be submitted. 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 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.

5. No dwelling hereby approved shall be first occupied until the parking / turning areas shown on the approved Proposed Site Plan Drg No.PR SP-0001 Rev P2 and Ground Floor Plan Drg No.T1-GA-1102 Rev P2, as relating to that dwelling, has been laid out, surfaced and drained. The parking / turning areas shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles without express planning consent from the local planning authority first being obtained.

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

6. An electric vehicle recharging (EVCP) scheme shall be submitted for each dwellings 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).

7. Prior to first occupation of any dwelling hereby approved, works to amend the site access at the junction with Skippool Road, as shown on the approved access plan (Drawing No.SP-1008), shall be carried out, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority.

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

8. Before any dwelling is first occupied, that part of the access extending from the highway boundary for a minimum distance of 10m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

9. The development hereby approved shall be implemented in full accordance with the Envirotech Letter dated 1st December 2020 [Ref 2824] submitted with the planning application including all of the mitigation recommendations set out in that report (on Page 6) .

Reason: To prevent adverse impact on great crested newts which are protected species 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 commencement of the development hereby approved (excluding demolition of existing buildings), a statement outlining:

(i) the range of measures to be incorporated into the proposed development in respect of sustainable construction techniques; and

(ii) details of a mechanism for undertaking of post construction assessment (including timetables for submission of assessments for approval and implementation of measures) shall be submitted to and agreed in writing by the Local Planning Authority. The post construction assessment shall then be submitted to and agreed in writing by the Local Planning Authority in accordance with the agreed timetables and the development shall be carried out in accordance with the provisions of the approved post construction assessment and sustainable construction techniques / measures.

Reason: To ensure the environmental integrity of the scheme is secured in accordance with Policy CDMP4 of the Wyre Local Plan and given that the sustainability credentials of the development contributed to the very special circumstances identified in allowing the development in the Green Belt.

11. No development shall take place (excluding demolition of existing buildings) until details of the existing and 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 in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31). The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

12. Prior to the commencement of development (excluding any demolition works), a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken and submitted to and approved in writing by the Local Planning Authority. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been

submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

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

13. Prior to first occupation of any dwelling hereby approved, the scheme of noise insulation measures set out in Chapter 4 of the supporting Acoustic Assessment by Martin Environmental Solutions (Report No.1988-1, Dated October 2016) submitted with the application shall be implemented. The approved noise insulation measures shall thereafter be retained.

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

14. The measures contained within the approved Arboricultural Impact Assessment by Jon Oliver Arboriculture, Method Statement and Tree Protection Plan Dated 18.08.2021 with respect to those trees shown as being retained shall be implemented in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: In order to protect trees from damage or loss in the interests of the amenity of the area in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981.

15. 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 and replacement trees), 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 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework. The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development.

16. No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, has been submitted to and approved in writing by the Local Planning Authority, demonstrating that nesting / breeding birds have been shown to be absent.

Reason: To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

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

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

18. Prior to first occupation of any dwelling hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected, shall be submitted to and approved in writing by the Local

Planning Authority. The approved boundary treatment shall be completed before the dwellings are first occupied. The approved details shall thereafter be maintained and retained.

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

19. Prior to first occupation, 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.

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

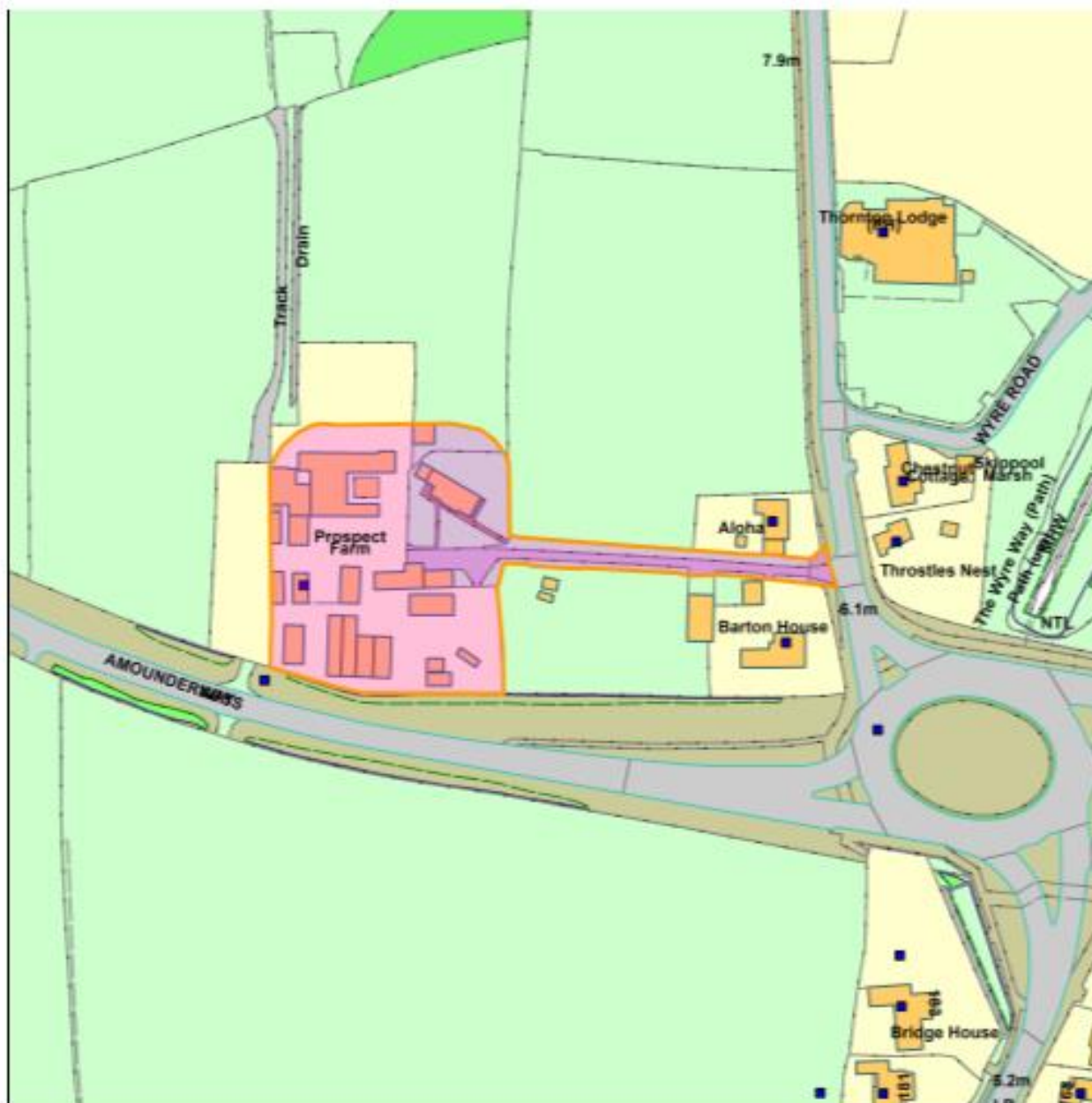
Reason: To ensure that the Local Planning Authority have control over any future development of the dwellings in the interests of preserving the character and amenity of the area in accordance with Policies SP3 and CDMP3 of the Wyre Local Plan (2011-31).

21. Prior to first occupation of any dwelling hereby approved, the existing dwelling and agricultural buildings as shown in red hatched lines on the approved proposed site plan shall be entirely demolished and any leftover materials removed from the site.

Reason: The retention of the existing dwelling/ buildings would impact on the openness of the Green Belt and fail to achieve a high quality development, contrary to policies SP3 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

# Planning Committee

21/00898/FUL - Propsect Farm Skippool Road Thornton Cleveleys



Scale : 1:1726

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 3
Date	15 November 2021
SLA Number	100018720

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## Committee Report

Date: 1<sup>st</sup> December 2021

<b>Item Number</b>	<b>04</b>
<b>Application Number</b>	<b>21/01083/FUL</b>
<b>Proposal</b>	<b>Change of Use from Residential (Class C3) to Children's Care Home (Class C2)</b>
<b>Location</b>	<b>85 Moorland Road Poulton Le Fylde Blackpool FY6 7ER</b>
<b>Applicant</b>	<b>Mr Simon Wright</b>
<b>Correspondence Address</b>	<b>c/o Mr Chris Weetman 1 Reeveswood Eccleston Chorley PR7 5RS</b>
<b>Recommendation</b>	<b>Permit</b>

## REPORT OF THE HEAD OF PLANNING SERVICES

### CASE OFFICER - Mrs Andrea Stewart

#### 1.0 INTRODUCTION

1.1 This planning application has been requested to be presented before planning committee at the request of Cllr Henderson. A site visit is recommended to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

#### 2.0 SITE DESCRIPTION AND LOCATION

2.1 The site which forms the subject of this application is a large two storey, four bedroom detached dwelling located on the western side of the southern end of Moorland Road adjacent to the junction with Garstang Road West in Poulton. The dwelling is constructed of a mixture of multi brick and white painted render with mock Tudor decorative boarding. Located to the west of the site is the railway embankment and railway line, to the east is residential apartments and dwellings and to the south is the electricity substation beyond which is Poulton Industrial Estate.

#### 3.0 THE PROPOSAL

3.1 This planning application proposes the change of use of the existing dwelling from residential (Use Class C3) to a children's care home (Use Class C2) to accommodate up to four young people from 8 to 18 years of age. The care home would offer planned and emergency placements.

3.2 The supporting statement submitted with the application stipulates that the children's home would employ up to seven staff comprising of four full time and two-part time support staff working on a shift basis to provide 24 hour care, 7 days a week; and a manager based at the site 9am - 5pm Monday to Friday. There will be a minimum of two staff on the site at all times, with support staff working in two shifts to cover the 24-hour period as follows: 8.30am to 10.30pm; and 10.30pm to 8.30am. Individual bedrooms are to be provided for each of the four residents, with a further bedroom made available for staff who would 'sleep in' during the evening shift. During night shift, the other member of staff would be awake.

3.3 The children would be educated externally with journeys to and from the site by private car. Apart from staff comings and goings there would be no need for any additional or unique comings and goings at the site beyond those normally associated with a dwelling house.

3.4 The proposal includes the formation of two additional car parking spaces in the front garden.

#### **4.0 RELEVANT PLANNING HISTORY**

4.1 08/00441/FUL - Rear Conservatory - Approved

4.2 90/01672 - Erection of 1no detached dwelling - 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.

- SP1 - Development strategy
- SP2 - Sustainable development
- SP8 - Health and well-being
- CDMP1 – Environmental Protection
- CDMP3 - Design
- CDMP6 - Accessibility and transport

##### **5.2 NATIONAL PLANNING POLICY FRAMEWORK 2021**

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 20th July 2021. 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 2021 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

## **6.0 CONSULTATION RESPONSES**

### **6.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)**

6.1.1 No objections

### **6.2 CADENT GAS**

6.2.1 No objection

### **6.3 HEALTH AND SAFETY EXECUTIVE (HSE)**

6.3.1 No not advise against

### **6.4 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY)**

6.4.1 No objections

## **7.0 REPRESENTATIONS**

7.1 At the time of compiling this report there has been one representation raising an objection. The primary concerns relate to the following points:

- The nature and type of residents in the property
- Concerns to public finances being used for the proposal
- Loss of residential property

## **8.0 CONTACTS WITH APPLICANT/AGENT**

8.1 During processing the planning application there has been contact with the agent to request additional/clarification of details and provide updates on the progress of the application.

## 9.0 ISSUES

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

- Principle of the Development
- Visual Impact, Design and Impact on the street scene
- Impacts upon Residential Amenity
- Impacts upon Highway Safety and Parking

### Principle of the Development

9.2 The subject property is an existing residential dwelling (use class C3) and the proposed use would result in a residential care home for young people in need of care (use class C2). The general principle of the proposal is compliant with Policy SP1 of the Wyre Local Plan 2011-2031 (WLP31) which steers new development to within settlement boundaries and it is considered that the proposed use is appropriate for this location within the main urban area of Poulton. In terms of sustainability and accessibility the site is located on a main road with bus stops and direct access to public transport and public footpath connections to the town centre and nearby services. Furthermore the site is in close proximity to both primary and secondary education facilities should these be needed, which strengthens the appropriateness of the location and would ensure the proposal complies with Policy SP2 of the WLP31.

9.3 Policy SP8 of the WLP31 seeks to support development that promotes the health and well-being of local communities and which helps to maximise opportunities to improve quality of life and to make it easier for people in Wyre to lead healthy, active lifestyles. The change of use of the property to a care home for children and young people is considered to provide a home where they could live a safe and active lifestyle and so satisfying Policy SP8.

9.4 The principle of the development complies with Policies SP1, SP2 and SP8 of the WLP31.

### Visual Impact, Design and Impact on the street scene

9.5 No external alterations are proposed to the existing building. Two additional car parking spaces are proposed within the front garden, resulting in four car parking spaces to serve the property. The proposed car parking spaces are screened from views from adjacent highways due to a high wall and fence along with some landscaping to the boundary. The proposal would not have a detrimental impact on the visual amenity of the property or area and therefore satisfies policy CDMP3 of the WLP31.

### Impacts upon Residential Amenity

9.6 The scale and nature of the development, involving four bedrooms for the children/young people and one room at ground floor for a staff sleepover bedroom would function in a similar manner to that as a residential dwelling. Noise from children/young people playing in the garden would not be significantly different from that which could be generated by a four bedroom household. What makes this proposal different to a family home is the on-site presence and changeover of staff, which would result in additional activity compared to its use as a single dwelling. Staff would work on a rota comprising two shifts per 24 hour period, with changeover times being 8.30am and 10.30pm. Although it is not considered reasonable or enforceable that the staff changeover times can be conditioned, this information gives an indication of how the proposal would reasonably operate. As staff would provide a 1:1 support to the children there would be a maximum of 4 members of staff present through the day along with a manager based at the site 9am -5pm Monday to Friday. At night-time two staff members would be present. The application site does not directly abut another domestic curtilage as it is surrounded by the railway line and roads. The adjacent roads include busy main roads therefore background noise levels are higher. There would be an increase in noise and activity at the site from traffic movement mainly during shift changes but this would only be for short periods of time. The proposed use in this location is not considered to have a significant impact on residential amenity and is not considered sufficiently harmful to justify refusal. No objections have been raised by the council's Environmental Health Officer and no additional mitigation is required in light of the existing boundary treatments providing good levels of screening. As such the proposal would not have a detrimental impact on residential amenity and would comply with Policies CDMP1 and CDMP3 of the WLP31.

#### Impacts upon Highway Safety and Parking

9.7 The agent has explained that if the maximum number of 4 children are cared for at the site, this would result in 4 staff at the property with an additional manager during daytime. There could also be other visitors to the site during the daytime. At change over time up to six cars could be on site (excluding the daytime manager who would not be on the premises at this point). Four car parking spaces are proposed within the front garden along with two within the integral garage, meaning six parking spaces available in total. Therefore the car parking provision is considered sufficient and there is sufficient manoeuvring space for cars leaving the site in forward gear. Lancashire County Council Highways have raised no objection to the application and state the proposed development will not have any significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. As such the proposal would not have a detrimental impact on highway safety and would comply with Policy CDMP6 of the WLP31. As the proposal would involve the provision of additional parking and coming and goings at the site, then it is reasonable to require an Electric Vehicle Charging Point, as required by policy CDMP6, which can be secured by condition.

#### Other Matters

9.8 Flood Risk - The application site is not located in an area that is at risk of flooding.

9.9 Ecology and Trees - The application site lies within a SSSI Impact Risk Zone identified by Natural England due to its potential to provide goose and swan functional land. However, this proposal is within a domestic curtilage and is for the change of use of the building with only a small area developed to form two additional car parking spaces. Therefore it does not require further consideration under the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019. The proposal would not have a detrimental impact on ecology. No existing onsite or off site trees will be affected by the proposal. As such the proposal would comply with Policy CDMP4 of the WLP31.

9.10 Land Contamination - No issues identified

9.11 High Pressure Gas Pipeline - The application site falls within the Health and Safety Executive (HSE) consultation zone given its proximity to a high pressure gas pipeline located within Moorland Road. Following consultation with the HSE they do not advise against the proposal. Cadent Gas who operate the asset initially provided a holding objection but have since removed this and do not object to the proposal. Given the application is for a change of use with minimal external works it is not considered that there would be any impacts upon the gas pipeline and the proposal would comply with Policy CDMP1 of the WLP31.

9.12 A third party representation has raised concern about the nature and type of residents in the property, for example young offenders, given the close proximity of the site to schools and by being in a built up residential area. The agent has confirmed that no young offenders are proposed to be accommodated on the site, however there would be no way of restricting who can reside in the property by planning condition. Concerns about public safety, anti-social behaviour and safeguarding issues / the welfare of children are a material planning consideration, although there is no specific planning policy or guidance on these matters, for example restricting C2 uses within a certain distance to schools. National Planning Practice Guidance (NPPG) provides general guidance on promoting healthy and safe communities as referred to in section 8 of the NPPF including designing out crime and disorder having regard to Section 17 of the Crime and Disorder Act 1998 (as amended), although in the absence of any specific risks / evidence of risks identified, it is not considered that the proposal would be in conflict with the NPPG. Therefore there are considered insufficient grounds to refuse the application on this basis.

9.13 A third party representation has raised concern about the use of public finance on this project. The application is being made as a private enterprise, but regardless how the applicant is to fund the project and what public funds are being relied upon are not a material planning consideration and so this comment should be afforded no weight.

9.14 A third party representation has raised the concern about the loss of a residential dwelling. Whilst maintaining a healthy housing supply remains a Government priority, there is no policy preventing the loss of a C3 dwelling in this case. The loss of the dwelling does not materially impact on the council's 5 year housing supply.

## **10.0 CONCLUSION**

10.1 The proposed change of use to a residential care home for children / young people is considered acceptable in principle and the use is compatible with the neighbouring residential uses whilst being within a sustainable location. The proposal would not result in detrimental harm to neighbouring residential amenity, and would not result in significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. No material planning considerations have been identified which would outweigh this support. The proposed use is considered to comply with the relevant policies of the WLP31 and the National Planning Policy Framework and is therefore recommended for approval with 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 31.08.2021 including the following plans/documents:

- Site location and site plan drawing 21.032.PL01 received on 31.08.21

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

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

3. The premises shall be used for a children's residential home (C2 use) 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 Policy CDMP3 of the Wyre Local Plan (2011-31).

4. The number of children to be cared for at the premises shall be limited to 4 at any one time.

Reason: To enable the Local Planning Authority to retain a measure of control over the development thereby safeguarding the amenities of the area including neighbouring properties in accordance with Policy CDMP3 of the adopted Wyre Local Plan 2011-31.

5. 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).

6. The development hereby approved shall not be first occupied or brought into use until the parking / turning area shown on the approved plan (Proposed Site Plan Drawing Number 21.032.PL01) has been laid out, surfaced and drained. The parking / turning area 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).

**Notes: -**

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

Cadent have identified operational gas apparatus adjacent to the application site boundary. This may include a legal interest (easements or wayleaves) in



the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

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

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

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

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# Planning Committee

21/01083/FUL - 85 Moorland Road Poulton



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Organization	Wyre Council
Department	Planning Department
Comments	Item 4
Date	15 November 2021
SLA Number	100018720

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