



## **Planning Committee Agenda**

**Wyre Borough Council**  
**Date of Publication: 23 February 2022**  
**Please ask for : Daphne Courtenage**  
**Assistant Democratic Services Officer**  
**Tel: 01253 887476**

**Planning Committee meeting on Wednesday, 2 March 2022 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 02 February 2022 (already circulated by email).

**4. Appeals**

(Pages 3 - 26)

The Schedule of Appeals lodged and decided between 15 January 2022 – 15 February 2022, 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 East of Carr End Lane, Stalmine-with-Staynall, Lancashire (20/00773/FULMAJ)<br>Erection of 74 dwellings, with associated car parking, landscaping and all other associated works.   | (Pages 27 - 64)   |
| (b) | Application B - Land at Norcross Lane, Thornton-Cleveleys, Lancashire, FY5 3TZ (21/01089/FULMAJ)<br>Erection of 93 dwellings with associated car parking, landscaping, open space improvements and access from Norcross Lane.  | (Pages 65 - 88)   |
| (c) | Application C - 135 West Drive, Thornton-Cleveleys, Lancashire, FY5 2EG (21/01327/FUL)<br>Erection of a replacement dwelling.  | (Pages 89 - 98)   |
| (d) | Application D - Land South of A586 and North West of Copp Lane, Great Eccleston, Lancashire (19/00860/OULMAJ)<br>Outline application for the erection of up to 350 dwellings, 1 hectare of employment land, a medical centre, a school, village hall and convenience store (all matters reserved). | (Pages 99 - 144)  |
| 6.  | <b>Wyre Council Tree Preservation Order No 14 of 2021: Land at Westfield Farm, Garstang By-Pass Road, Cloughton-on-Brock, PR3 0PU</b>  | (Pages 145 - 166) |

Report of the Corporate Director Environment.

**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> January – 15<sup>th</sup> February 2022

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
21/01140/FUL	7 Hillylaid Road Thornton Cleveleys Lancashire FY5 4DY	Single storey side and rear extension	Delegated	Fast track appeal	31 <sup>st</sup> January 2022
21/00191/NOCOMP	10 The Close Queens Walk Thornton Cleveleys Lancashire FY5 1JX	Appeal against the enforcement notice	Delegated	Written Representations	11 <sup>th</sup> February 2022

### Appeals Decided between – 15<sup>th</sup> January – 15<sup>th</sup> February 2022

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
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) (resubmission of 20/00413/OUT)	Delegated	Dismissed	28 <sup>th</sup> January 2022
21/00358/LAWP	12 Chiltern Avenue Poulton-Le-Fylde Lancashire FY6 7DY	Certificate of lawful development for proposed use from dwelling (C3) to children's care home (C2) for up to 2 children with care provided by two staff	Delegated	Allowed	7 <sup>th</sup> February 2022

21/00041/FUL	Land North Of New Lane And West Of Rose Cottage New Lane Eagland Hill Pilling PR3 6BA	Erection of two holiday cottages (resubmission of 20/00030/FUL)	Delegated	Dismissed	7 <sup>th</sup> February 2022
21/00556/FUL	82 Lancaster Road Garstang Preston Lancashire PR3 1JB	One and a half storey front, rear and side extension (resubmission of 20/00764/FUL).	Delegated	Allowed	7 <sup>th</sup> February 2022



# Appeal Decision

Site visit made on 11 January 2022

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2022

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## Appeal Ref: APP/U2370/W/21/3279846

### Land off Old Bridge Lane, Hambleton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs Collinson against the decision of Wyre Council.
  - The application Ref 20/01197/OUT, dated 27 November 2020, was refused by notice dated 28 January 2021.
  - The development proposed is described on the application form as outline application for 3 residential plots with access off Old Bridge Lane.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was submitted in outline with approval of access sought. Detailed matters relating to layout, appearance, landscaping and scale are reserved for future consideration. I have determined the appeal on this basis, treating supporting plans as illustrative.
3. The address in the banner heading is the one used by the Council on its decision notice. This address is also shown on the appeal form and tallies with the submitted plans. I have proceeded on this basis.
4. The appeal scheme is the resubmission of a proposal previously refused by the Council<sup>1</sup>. The Council has highlighted that the application was refused prior to the issuing of the appeal decision for this previously refused application. The Inspector for this appeal<sup>2</sup> concluded that the effect on the living conditions of future occupiers, with particular regard to noise, would be acceptable. The Council does not therefore seek to defend refusal reason number two on its decision notice. I have determined the appeal scheme accordingly.

### Main Issue

5. The main issue is whether the appeal site would be a suitable location for new housing having regard to the development strategy for the area.

### Reasons

6. The appeal site is an open parcel of land located on the corner of Shard Road (the A588) and Old Bridge Lane. There are a number of residential properties to the south east on the lane, with the Shard Riverside Inn further to the south

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<sup>1</sup> Application ref 20/00413/OUT

<sup>2</sup> Appeal ref APP/U2370/W/20/3264033

east. To the south is the River Wyre. There are agricultural fields to the west and east, and to the north beyond the junction of Shard Road and Old Bridge Lane.

7. The proposed development would comprise three self-build and custom plots, with the indicative layout showing the plots in a broadly linear pattern. Access would be taken from Old Bridge Lane.
8. The site is located outside of the defined limits of any settlement as defined in the Wyre Local Plan (2011 – 2031), adopted 2019 (the Local Plan). It is therefore within a countryside area as defined in the Local Plan. The Local Plan strictly limits new built development outside of settlements with defined boundaries. Part 2 of Policy S4 sets out the forms of development that may be acceptable. The only forms of housing considered acceptable in countryside areas are affordable housing or that proposed for agricultural, forestry or rural workers. No specific policy support is given for self-build or custom build housing in countryside areas, and no evidence has been submitted to demonstrate that the proposed development would fall within the specified categories.
9. Given the proximity of other development to the appeal site, it would not be isolated in the sense referred to in paragraph 80 of the National Planning Policy Framework (the Framework). Nonetheless, whilst the surrounding area is not free from development, the adjacent properties do not form part of a recognised settlement and are surrounded by the open countryside. None of the five listed circumstances in paragraph 80 of the Framework for housing in the open countryside would apply to the proposed development.
10. Although there is some built development in the vicinity of the site, it nevertheless has a distinctly rural character. The surrounding area is essentially an open rural landscape. Scattered groups of farm buildings and residential properties are present within the landscape, many of which are served by relatively narrow hedge lined roads. In its present state the site is consistent with its open rural surroundings. The proposed development would be visible both from nearby and certain more distant vantage points.
11. The proposal would extend built development further into the open countryside. Car parking areas, the presence of cars within the site, the laying out of gardens and boundary enclosures and the general domestic activities associated with a residential use would further exacerbate the urbanising effect when viewed from Old Bridge Lane, Shard Road and the wider area to the north and south. This would be markedly at odds with the open rural character of the site and surrounding area. Although some screening is afforded by the trees to the north and by the boundary hedging, the proposed development would still be visible in views from the surrounding area.
12. The proposed development would result in the encroachment of built development into what is an open area of land beyond the built-up extent of the existing group of properties on Old Bridge Lane and would constitute an erosion of the open, rural landscape of the area. It would therefore have an adverse impact on the open and rural character of the countryside.
13. Part 1 of Policy S4 seeks to protect the open and rural character of the countryside from development that would adversely impact on it unless the

harm is necessary to achieve substantial public benefits that outweigh the harm.

14. The appellants state that the proposal would provide three self-build or custom build plots. A unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 has been submitted in support of the appeal. This was completed following the Council's decision on the application. It requires the development to be undertaken in a manner that accords with the legal definition of self-build and custom housebuilding as defined in the Self-Build and Custom Housebuilding Act 2015 (as amended). The Council has not disputed its content.
15. The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) (the Act) imposes certain duties on planning authorities, one of which is to keep a register of all individuals and organisations who are interested in acquiring a self-build/custom-build site. Paragraph 62 of the Framework states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).
16. There is no requirement within paragraph 62 that there must be a specific policy addressing each of these needs, but it should inform development plan policies. The Council identifies that during the examination of the Local Plan, the Inspector questioned whether consideration had been given to the need for a specific policy relating to self-build development. The response provided by the Council to this question identified that its self-build register did not indicate a need that should be reflected in a policy. The evidence before me therefore demonstrates that the Council took into account the needs of these groups when preparing the Local Plan.
17. Whilst the number of people on the Council's register has risen from two entries at the time of the Local Plan examination to 11 as at December 2021, demand is still low. Self-build and custom build housing would be one of the types of development falling within the remit of the general housing policies of the Local Plan, including Policy HP2. This policy seeks to widen the choice of housing and requires proposals to provide an appropriate mix in terms of size, type and tenure to meet identified housing need and local market demand. Policy HP2 allows for developments that would be suitable for self-build or custom build housing albeit that this is not explicitly stated.
18. As such, I do not agree with the appellants' assertion that a lack of a specific policy on self-build or custom build housing means that the Local Plan is out of date. I note the appeal decision cited by the appellants to support their position<sup>3</sup>. However, I am not aware of the evidence presented in that appeal case, or the local plan evidence base. There is no dispute that the Council can demonstrate a five year supply of deliverable housing land. Therefore, the policies most relevant for determining the application are not out-of-date and as such paragraph 11d) of the Framework is not engaged.

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<sup>3</sup> APP/T2350/W/19/3236414

19. The Council identifies 34 sites totalling 66 plots with extant planning permission (outline or detailed) for new build dwellings considered available for self-build as of 15 December 2021 on sites with a capacity of 6 dwellings or less. The Planning Practice Guidance advises that off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer are not considered to meet the definition of self-build and custom build housing. Therefore, taking account of just those sites with extant outline only planning permission, the figures are 11 sites totalling 22 plots.
20. The appellants and Council clearly have a different view on the requirement of the Act to give suitable development permissions in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding.
21. Based on its figures for extant planning permissions, the Council considers that it has sufficient suitable development permissions in place to meet demand and has cited a number of appeal decisions<sup>4</sup> to support its position. The appellants' view is that these permissions are not restricted to self-build and custom build housing, and so there is an unmet demand. The appellants have also highlighted a number of appeal decisions<sup>5</sup> to support their position. This includes the decision for the previously refused application at the site, where the Inspector stated that a mechanism is required to ensure the proposal complies with the provisions of the Act.
22. Whilst the previous appeal decision for the site is a material consideration given that it was issued relatively recently and related to the same development proposal, I am not aware of the evidence that was presented in that case. Furthermore, I am mindful that the Act clarifies that development permission is "suitable" if it is permission in respect of development that **could** [emphasis added] include self-build and custom build housing. Therefore, whilst some of the permissions identified by the Council may not be specifically restricted to self-build or custom housing, that does not mean that someone on the Council's register could not acquire a plot to construct this type of unit. I therefore find that the Council is meeting the demand for self-build and custom build housing. Consequently, the provision of three self-build and custom plots would not represent a substantial public benefit that outweighs the identified harm to the open and rural character of the countryside.
23. For the reasons given, the appeal site would not be a suitable location as, without sufficiently compelling reason to depart therefrom, it would undermine the Council's development strategy. As such, the proposed development would conflict with Policies SP1 and SP4 of the Local Plan, which have been summarised above. It would also conflict with the Framework as it would not satisfy the exceptional circumstances identified for houses in the countryside.

### Other Matters

24. The site is adjacent to the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), the Morecambe Bay Special Area of Conservation (SAC) protected under the Conservation of Habitats and Species Regulations 2017, and the Morecambe Bay Ramsar site, listed under the Ramsar Convention.

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<sup>4</sup> APP/L3245/W/20/3260681; APP/H1840/W/19/3241879; APP/M2325/W/20/3246446

<sup>5</sup> APP/G2435/W/18/3214451 and APP/G2435/Q/18/3214498; APP/T2350/W/19/3236414; APP/U2370/W/20/3264033



25. The consultation response from Natural England states that there is insufficient information to determine whether the likelihood of significant effects can be ruled out, regarding water quality, functionally linked land and recreational disturbance. The Council considers that the Screening Opinion for the previous proposal<sup>6</sup> remains valid, given that the appeal scheme is a resubmission of that proposal and the short period of time that has elapsed. This Screening Opinion concluded that, based on the available information and advice, the proposal was unlikely to have a significant effect on any European site.
26. However, from the information submitted, I am not able to conclude that the proposed development would not adversely affect the integrity of the SPA, SAC and Ramsar sites. Applying a precautionary principle therefore, the proposed development could result in likely significant effects. In line with paragraph 182 of the Framework, if I were minded to allow this appeal, it would be necessary for me to carry out an Appropriate Assessment to address this matter. However, given my overall findings on this appeal, it is not necessary for me to reach a view on this matter.
27. The site would be reasonably well located in relation to the services and facilities in Hambleton, the bus services on Shard Road and the Shard Riverside Inn. However, I give this matter limited weight as dwellings should be in sustainable locations and provide a genuine choice of transport modes to services and facilities.
28. I note that permission has previously been granted at the site for residential development. However, I do not have the full details of this proposal. Since that decision was made the Council has adopted a new local plan. This represents a material change in circumstances since the previous permission was granted and, consequently, the circumstances are not comparable to those now before me.

### **Conclusion**

29. The proposed development would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*F Wilkinson*

INSPECTOR

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<sup>6</sup> Application ref 20/00413/OUT

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## Appeal Decision

Site visit made on 24 January 2022

**by A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC**

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

**Decision date: 07 February 2022**

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**Appeal Ref: APP/U2370/X/21/3277997**

**12 Chiltern Avenue, Poulton-Le-Fylde FY6 7DY**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mr D Haliday against the decision of Wyre Borough Council.
  - The application Ref 21/00358/LAWP, dated 11 March 2021, was refused by notice dated 20 May 2021.
  - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
  - The use for which a certificate of lawful use or development is sought is use of the dwellinghouse as a home for the care of up to two young persons under the age of 18 years old, with 24 hour care provided by carers operating on a shift basis.
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### Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is considered to be lawful.

### Main Issue

2. The main issue is whether the Council's decision to refuse to grant a certificate of lawful use or development was well-founded. In this case that turns on whether the proposed use is a material change of use from the lawful use as a single dwellinghouse falling within Class C3.

### Reasons

3. The appeal property is a three bedroom semi-detached house with front and rear gardens situated within a predominantly residential part of Poulton-Le-Fylde. It is situated on the northern side of Chiltern Avenue which is a cul de sac and pedestrian and vehicular access is directly off Chiltern Avenue with parking provided in the driveway to the front and side. In the rear garden is a detached building which I understand is used as an office with a shower room. At ground floor the accommodation comprises a hall, lounge, dining area and kitchen whilst at first floor level there is a landing, three bedrooms and a bathroom.
4. The proposed use is as a home for the care of up to two young people with care provided 24 hours a day by four staff on a rota basis. It is my understanding that there would only be two carers present during the daytime and no more than two carers present overnight. The carers would be responsible for the day-to-day needs of the young people and provide support with the daily routine. The carers will have breakfast at the property each

- morning before taking the young people to school or other activities and will then return home with the young people, spend the evening with them and participate in normal household activities.
5. Section 55(1) of the 1990 Act sets out the meaning of development which includes the making of any material change in the use of a building. Section 55(2) states that in the case of buildings which are used for a purpose of any class specified by the Secretary of State the use of the building for any purpose within the same use class shall not be taken for the purpose of the Act as being development. Planning permission is required for the carrying out of any development of land and s336(1) defines "land" as including a building.
  6. The appeal property is an existing self-contained residential unit including facilities for cooking, eating, sleeping and living and consequently falls within Class C3 of the Town and Country Planning (Use Classes) Order 1987 as amended (the UCO). C3 use includes use as a dwelling house by not more than six residents living together as a single household where care is provided for residents. "Care" is specifically defined as personal care for people in need and in Class C2 it includes the personal care of children. Class C2 is defined as use for the provision of residential accommodation and care to people in need of care (other than use within C3 (dwelling houses)).
  7. Case law<sup>1</sup> determined that children cannot form a household and that if their carers do not live permanently at the property, the use would fall within Class C2 of the UCO. Therefore, in this current case, the proposal would result in a change of use from Class C3 to C2. However, a change of use to a different use class only requires planning permission if it is material in planning terms. The *North Devon* case also determined that whilst a change of use had occurred, it was not a material change of use and therefore planning permission was not required. Consequently, it is necessary to determine whether the proposed use of the property would constitute a material change.
  8. There is no dispute between the main parties with respect to the appearance of the property, layout and the proposed level of occupation. However, on the number of vehicles, parking, nature of occupation and character of the buildings in the surrounding area the Council considers there are material differences with respect to the existing and proposed use.
  9. With respect to vehicle movements the proposed shift changeover would be at 0800 every 48 hours and there would be other traffic movements associated with other professionals visiting the property to provide management services as well as social care as necessary. The 0800 time reflects the time of day when local residents may be leaving their homes to go to work or take children to school, for example. Therefore, the movement associated with the shift change is unlikely to be at odds with other movements in the locality or even be discernible to other residents in the area. The movements associated with the staff changeover are unlikely to be materially different to the movements that may be expected with a family residential dwelling house. The evidence before me also shows that there may be occasional visits from the property manager and the local authority social worker who would attend the property once every three months. Therefore the level of vehicle movements associated with the change of use are unlikely to be materially different from the existing conditions.

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<sup>1</sup> North Devon District Council v FSS & Southern Childcare Ltd (QBD 30.1.03 Collins J) [2004] 1 P. & C. R. 38

10. The appeal property has its own off street parking to the front and side and there are no proposals to alter the existing arrangements. The Council considers there to be inadequate parking on site to accommodate vehicles associated with shift changeovers and therefore parking would be mainly on the road in a quiet cul de sac. The number of cars associated with the proposed use is unlikely to be higher than the number associated with other residential uses along the street and in the wider locality. On street parking was evident at the time of my site visit and the pattern of parking is not unusual for a residential street such as this. The proposed parking requirements would not be materially different from the existing residential use or the surrounding area and given the on-site provision available I see no clear justification for the Council's assertion that parking would be mainly on the road.
11. The Council contends that the property would become a place of work for the carers and the alternation of workers results in a property of commercial employment practices and not purely domestic. The *North Devon* case was one where the home operated with non-resident carers on a shift pattern, but it was found that a material change of use had not occurred. I understand that the appeal property would be a place of employment for staff, but that does not on its own determine whether or not a material change of use is proposed.
12. The property would accommodate up to two young people who would be cared for in a way which reflects family life as far as practicable. The level of occupancy and level of use would be similar to other residential properties in the locality and I see no justification for the assertions that the type of accommodation, the presence of carers, movements and overall pattern of use would be materially different from its current use as a residential unit or any other family-occupied residential property in the vicinity.
13. I am aware of the concerns of local residents, but I have made this determination on the evidence presented to me and the specific circumstances of the proposed use in the light of the case law and associated legislation to which my attention has been drawn.

### **Conclusion**

14. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of use of the property as a home for the care of up to two young persons under the age of 18 years old, with 24 hour care provided by carers operating on a shift basis was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

*A A Phillips*

INSPECTOR



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## Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015: ARTICLE 39

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**IT IS HEREBY CERTIFIED** that on 11 March 2021 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use, whilst falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), would not represent a material change from the authorised use of the site as a Class C3 dwellinghouse.

Signed

*A A Phillips*  
INSPECTOR

Date: 07 February 2022

Reference: APP/U2370/X/21/3277997

### **First Schedule**

Use of dwellinghouse as a home for the care of up to two young persons under the age of 18 years old, with 24 hour care provided by carers on a shift basis.

### **Second Schedule**

Land at 12 Chiltern Avenue, Poulton-Le-Fylde FY6 7DY

## NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



## Plan

This is the plan referred to in the Lawful Development Certificate dated:07 February 2022

by **A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC**

**Land at: 12 Chiltern Avenue, Poulton-Le-Fylde FY6 7DY**

**Reference: APP/U2370/X/21/3277997**

Scale: Do not scale







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# Appeal Decision

Site Visit made on 23 November 2021

**by Mark Caine BSc (Hons) MTPL MRTPI LSRA**

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

**Decision date: 25 January 2022**

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**Appeal Ref: APP/U2370/W/21/3277209**

**Rose Cottage, New Lane, England Hill, Pilling PR3 6BA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Julie Higham against the decision of Wyre Borough Council.
  - The application Ref 21/00041/FUL, dated 12 January 2021, was refused by notice dated 9 March 2021.
  - The development proposed is described as 'Erection of two holiday cottages. Set below the level of the highway.'
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to the determination of this appeal. References to the Framework in this decision therefore reflect the revised Framework.

## Main Issues

3. The main issues are:
  - Whether the location of the site would be acceptable for holiday accommodation, having particular regard to the provisions of the development plan and the effect of the proposed development on the character and appearance of the area.
  - Whether the proposed development would be in an accessible location with regard to local services and facilities.
  - The effect of the proposed development on the Pilling Moss Biological Heritage Site, with particular regard to the presence of pink footed geese.

## Reasons

### *Location and Character and Appearance*

4. The appeal relates to a large agricultural field that is largely contained by mature hedgerows and is accessed via a metal field gate. Due to the topography of the area this and other adjoining fields sit at a lower level than the adjacent New Lane highway. Although there are some houses nearby, the surrounding area is rural, comprising open fields and agricultural land.

5. Policy SP1 of the Wyre Local Plan (2011 – 2031) (February 2019) (LP) sets out the settlement hierarchy for the borough. This indicates that new development should take place within the settlement boundaries, as defined on the Policies Map, with the majority of new development taking place in the settlements higher up the hierarchy. Outside of settlements with defined boundaries new built development is strictly limited, with the forms of development that may be acceptable being set out in LP Policy SP4.
6. It is uncontested that the appeal site is located outside of a settlement boundary as defined in the Policies Map of the LP. For the purpose of the LP the appeal site is therefore located within a designated 'Countryside Area'.
7. In this regard, LP Policy SP4 identifies holiday accommodation in line with LP Policy EP9, as an appropriate form of development in the countryside. This is providing that it does not adversely impact on the open and rural character of the countryside unless it is demonstrated that the harm to this character is necessary to achieve substantial public benefits that outweigh the harm.
8. LP Policy EP9 supports the creation of new holiday accommodation sites provided that the totality of development is of appropriate scale and appearance to the landscape; any new buildings and supporting infrastructure are necessary; and that the proposal is supported by a sound business plan demonstrating long term viability.
9. I appreciate that the residential properties in the surrounding area vary in scale and design, and that the proposed buildings would be sited in an area where a substantially smaller polytunnel is currently located. The appellant has also put forward that the proposal would be constructed to a high standard of design with quality materials. Nonetheless, the introduction of two cottages, the associated hard surfacing for car parking, and the long access track onto this expansive open land would increase the built form and density of development across the site. This urbanisation and resultant loss of openness would be detrimental to the intrinsic value and character of the rural landscape and countryside in this location.
10. Whilst there are mature hedgerows along New Lane, and the appeal site sits at a lower level than this highway, the proposed cottages would be of substantial size and scale, with large footprints, tall central chimney features, and ridge heights of approximately 5.3 metres and 6.4 metres respectively. As a result of these factors, they would be readily apparent above this vegetation and from a number of vantage points, including along New Lane and nearby public footpaths. Similarly, even though new planting is proposed, this would take a significant period of time to establish, and would not constitute permanent screening, particularly in the winter months when the trees would not be in leaf.
11. The appellant has put forward that the proposal would be designed to deliver spacious luxury buildings that would provide access to all, initially bringing employment opportunities during the construction of the buildings and to manage and maintain them in the future. It would also provide facilities to holiday makers who would spend and contribute to the local economy and source local products to be used in welcome baskets for these guests. The appellant's aspirations to form strategic alliances with local attractions and leisure facilities are also noted. However, as the proposed development is only for two cottages, any benefits in these respects would be somewhat limited.

As such they do not constitute substantial public benefits that are necessary to outweigh the harm to the character of the countryside that I have identified. It has consequently not been demonstrated that the proposed buildings are necessary in this location.

12. I therefore find that the location of the site would not be acceptable for holiday accommodation, having particular regard to the provisions of the development plan and the effect of the proposed development on the character and appearance of the area. It would thereby conflict with LP Policies SP4 and EP9 and would not accord with the objectives of the Framework that require development to recognise the intrinsic character and beauty of the countryside.

#### *Accessibility*

13. I could not locate any local services or community facilities such as shops, a post office, health centre or school on my site visit. It is undisputed that the nearest settlement, which contains a reasonable range of services and facilities is Pilling, which is approximately 2.6 miles away. The appellant also accepts that there is no bus route serving the location. Given the lack of public transport in the area, access to Pilling would have to involve utilising narrow unlit rural roads which in the vicinity of the appeal site have no pavements, or using unlit public footpaths via expansive agricultural fields.
14. Despite being utilised for holiday purposes, and in an area where birdwatching, fishing, equestrian and walking activities could take place, the proposal would comprise self-catering accommodation. Travel to the nearest settlement would therefore still be necessary for activities such as obtaining essential supplies and potentially undertaking activities that visitors to an area might reasonably be expected to take part in. These include eating and drinking out, shopping, and visiting local attractions.
15. The distances involved and the nature of the roads and footpaths would therefore be likely to deter pedestrians, wheelchair users and cyclists, particularly after dark and in bad weather. As a result, there would be a strong likelihood that most future occupiers of the proposed cottages would be dependent on the private car to access the majority of the services in the area and further afield. Whilst food deliveries may be available they would not overcome the remoteness of the site in terms of the ability of future holiday makers being able to access local shops or community facilities, for example.
16. I therefore find that the proposed development would not be in an accessible location with regard to local services and facilities. It would therefore conflict with the requirements of LP Policies SP1, SP2 and CDMP6 with regards to the development strategy, ensuring accessible places and minimising the need to travel by car. It would also fail to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling; as advised in paragraph 105 of the Framework.

#### *Pilling Moss Biological Heritage Site*

17. The appeal site is also located within the Pilling Moss Biological Heritage Site (BHS) which the appellant's Ecological Appraisal (EA) states has been designated for its ornithological importance as a winter feeding ground for flocks of pink-footed geese and whooper swans. The EA also confirms that the habitat on the site represents that found within Pilling Moss, which it states

- provides moderate potential for feeding wildfowl, and that a small proportion of this will be lost for the construction of the proposed buildings.
18. It is uncontested by both main parties that pink footed geese are sensitive to public disturbance. The EA stipulates that the likelihood of a large number of such geese and swans using the site is reduced by regular human disturbance and the presence of nearby power lines. The appellant has also referred to RSPB research in respect of the likelihood of pink-footed geese feeding in fields that are close to roads.
  19. However, I do not have this RSPB research before me. The EA also appears to significantly rely on a data search and a desk study of the site, as well as records from third parties, to establish the presence of protected species on the site and its surroundings, as indicated in Figure 12. Nonetheless, this data and information has not been included with the EA to substantiate its recommendations, which limits the weight that I can give to it as a material consideration. Furthermore, it appears that only one site visit and site survey was carried out, back in November 2019, where geese were heard flying overhead. This is also something that I heard on my site visit. I therefore cannot be certain that the EA provides an up-to-date and fully representative picture of the presence of pink footed geese on the site or in the surroundings.
  20. Moreover, the EA recommends precautionary mitigation through the provision of landscaping which it states will be seed bearing and provide food for birds in the winter. However, I am mindful of the Greater Manchester Ecology Unit's (GMEU) concerns about this landscaping not being specifically beneficial to the species of birds for which the BHS has been designated. This has not been disputed by the appellant and I have no substantive reason to disagree. Therefore, notwithstanding the credentials of the Ecological Consultancy, a planning condition requiring the development to be carried out in accordance with the EA would not provide sufficient mitigation for the loss of habitat and disturbance to pink footed geese.
  21. In reaching this view, I acknowledge that the peak holiday season would be during the summer months, when these geese are not likely to be present. A suitably worded planning condition to ensure that construction works would only take place between April and September, would reduce disturbance to them during the construction process. Nonetheless, there is little before me to suggest that the cottages would not be available and occupied in the winter months. As such these measures would also not negate the harm in respect of the public disturbance, caused by the comings and goings and general activity of holiday makers, to these birds.
  22. Insufficient evidence has therefore been advanced to enable me to find that there would not be material harm caused to the natural environment of the Pilling Moss Biological Heritage Site, with particular regard to the presence of pink footed geese. As such the proposed development conflicts with LP Policies SP2 and CDMP4, which seek, amongst other matters to protect habitats, species and ecological networks. Furthermore, paragraph 180 of the Framework states that local planning authorities should refuse planning permission if significant harm to biodiversity from a development cannot be avoided, adequately mitigated or as a last resort, compensated for. I have found this to be the case in this instance.

## Other Matters

23. The Lancashire County Council Highways and Transport Section (LCC) has not objected to the proposal. I am mindful of their comments in respect of the road layout limiting vehicle speeds and the lack of recorded collisions in the vicinity of the site for the past five years. I have also had regard to an email from the LCC to the appellant in respect of planned road repair works in the area and equestrian facilities in the vicinity that use horse boxes and are accessed via New Lane or Bradshaw Lane.
24. Furthermore, there was a previous planning permission on the appeal site for stables and a sand paddock (05/00924/FUL) which would have also required the use of these roads in connection with this equestrian use. However, these matters relate to highway and pedestrian safety, which did not appear to be contentious in the appeal. They would therefore not overcome my concerns in respect of the remoteness of the site and lack of accessibility to local facilities and services by means other than a private motor vehicle.
25. The GMEU also raised no objections in respect of the impact of the proposal on Great Crested Newts subject to planning conditions to ensure that the measures in the EA are implemented. The lack of harm in these respects would therefore be neutral factors, that do not weigh in favour of the proposal.
26. My attention has been drawn to a number of appeal decisions<sup>1</sup> that relate to the character of the countryside, accessibility to services and facilities, and European protected species. Whilst I have had regard to both main parties' points on these cases, I can confirm that these have not been decisive in my assessment of this appeal as I have determined it based on its own merits.
27. I also note that subsequent to the date of the Council's decision, it has produced additional guidance for applicants in respect of interpreting and implementing LP Policies EP9 and SP2. I am aware of the appellant's view that this should be given limited weight. However, in light of my reasoning above this would not alter my findings on the main issues of this appeal.
28. All of the matters above therefore do not overcome or outweigh the significant harm that I have identified in respect of the main issues of this case. As a result, the appeal scheme would not be sustainable development for which the presumption in favour applies.

## Conclusion

29. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations including the provisions of the Framework, the appeal should therefore be dismissed.

*Mark Caine*

INSPECTOR

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<sup>1</sup> APP/U2370/W/21/3273598, APP/U2370/W/20/3256711, APP/M2325/W/16/3164834, APP/U2370/W/20/3251061, APP/D1265/W/20/3250955, APP/Q1153/W/20/3245715

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## Appeal Decision

Site visit made on 10 January 2022

**by Ian McHugh Dip TP MRTPI**

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

**Decision date: 1<sup>ST</sup> February 2022**

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### **Appeal Ref: APP/U2370/D/21/3287022 82 Lancaster Road, Garstang, PR3 1JB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Doyle against the decision of Wyre Borough Council.
  - The application Ref 21/00556/FUL, dated 27 April 2021, was refused by notice dated 25 August 2021.
  - The development proposed is a one and a half storey front, rear and side extension.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for a one and a half storey front, rear and side extension at 82 Lancaster Road, Garstang, PR3 1JB in accordance with the terms of the application Ref 21/00556/FUL, dated 27 April 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan GA3289-LP-01; Existing Site Plan GA3289-ESP-01; Existing Floor Plans and Elevations GA3289-001; Proposed Site Plan GA3289-PSP-01; and Proposed Floor Plans and Elevations GA3289-002F.
  - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

### **Main Issue**

2. The main issue is the effect of the proposal on the character and appearance of the existing dwelling and the streetscene.

### **Reasons**

3. The appeal property is a relatively small semi-detached single-storey bungalow with a gabled projection at the front. It is situated in a residential area and faces Lancaster Road. The bungalow is one of a row of similar semi-detached bungalows, but other dwellings along Lancaster Road include two-storey houses and dormer-bungalows.
4. The proposal, which is a resubmission following a previous refusal for an extension (20/00764/FUL), is to construct a one and a half storey front, rear and side extension. It would include rooms at first-floor level and, as a result,

it would be taller than the existing roof of the bungalow. It would also extend beyond the existing rear wall of the property by just over 4m.

5. Policy CDMP3 of the adopted Wyre Local Plan (LP) requires development to respect or enhance the character of the area, with particular regard to scale, mass and height. The Council's Supplementary Planning Document – Extending Your Home 2007 (SPD) also advises (amongst other things) that extensions should be subordinate to the original dwelling and that over-large extensions can have a harmful effect on the appearance of the property and the character of the surrounding area. The Council contends that the proposed extension would conflict with Policy CDMP3, because it would be over dominant as a result of its height, bulk and mass.
6. There is no doubt that the proposed extension would be a significant addition to the existing bungalow and that it would be a prominent feature in the streetscene, because of its height and mass. The extended property would also appear different to the adjoining semi and the other bungalows in the row. Consequently, there would be some conflict with Policy CDMP3 of the LP. It is a statutory requirement that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.
7. A material consideration that has been brought to my attention, by the appellant, is the presence of two existing nearby extensions at numbers 3 and 11 Manor Road. Having viewed these during my site visit, I agree that, whilst there are some differences, these extensions are comparable to the appeal proposal in terms of their position in the streetscene and their scale and general design. In my opinion, these extensions have not had a harmful effect on the streetscene or on the appearance of the host and neighbouring properties. I acknowledge that these two extensions were granted permission prior to the publication of the Council's current SPD, but nevertheless, I consider the test is whether the appeal proposal would be unacceptably harmful, despite any conflict. In my opinion, the evidence on the ground is that this would not be the case.
8. Accordingly, I consider that any conflict with Policy CDMP3 is outweighed by the material considerations that I have referred to above.
9. In reaching my decision, I have noted that objections to the proposal from local residents were received by the Council. The Council considered these comments when determining the planning application and concluded that the proposal would not be detrimental to neighbouring properties. I have no reason to disagree with the Council on this issue.

### **Conditions**

10. The Council has suggested conditions in the event of the appeal being allowed. I have included these in my decision. In addition to the standard conditions relating to the commencement of development and the list of approved plans, a condition is also imposed requiring the use of matching external materials. This is necessary to ensure a satisfactory external appearance.



**Conclusion**

11. For the reasons given above, it is concluded that the appeal be allowed.

*Ian McHugh*

INSPECTOR

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**Committee Report****Date: 02.03.2022**

<b>Item Number</b>	<b>1</b>
<b>Application Number</b>	<b>20/00773/FULMAJ</b>
<b>Proposal</b>	<b>Erection of 74 dwellings, with associated car parking, landscaping and all other associated works</b>
<b>Location</b>	<b>Land East Of Carr End Lane Stalmine-With-Staynall Lancashire</b>
<b>Applicant</b>	<b>Wainhomes (North West) Limited</b>
<b>Correspondence Address</b>	<b>c/o Maybern Planning &amp; Development Ltd FAO Hollie Barton Beehive Lofts Beehive Mill Jersey Street Manchester M4 6JG UK</b>
<b>Recommendation</b>	<b>Permit</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Miss Lucy Embery****1.0 INTRODUCTION**

1.1 This application is before the Planning Committee for consideration at the request of Councillor Bowen. Furthermore the application site falls within an allocated site in the Wyre Local Plan and is of strategic importance. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site is an existing field approximately 2.73 hectares in size located adjacent to the main rural settlement of Stalmine. The existing built up area of Stalmine adjoins the northern boundary of the site. Immediately to the north is a well-established residential area of mid-20th century houses, bungalows and dormer bungalows fronting onto the three cul-de-sacs of Harwood Close, Malvern Avenue, and Lynwood Drive. To the east is land where planning permission has been approved for residential development for up to 81 dwellings which are under construction, and to the west is Carr End Lane and open fields beyond. There are stables and a paddock to the south of the application site. Further south of this, is an existing detached dwelling known as West Dene.

2.2 The site is part of a wider site allocation for housing within the Adopted Wyre Borough Local Plan 2011-2031 and is the western parcel of land in allocated 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 considered as Phase 2. The approved development under construction to the east is Phase 1.

2.3 The application site is located in Flood Zone 1. It is bound by hedging with intermittent tree planting on all sides, including the northern boundary with the existing residential area. There is an oak tree protected by a Tree Preservation Order (TPO) along with western site boundary with Carr End Lane. The site is generally rectangular in shape and has a slight gradient from east to west with a change in levels across the site of approximately two metres.

### **3.0 THE PROPOSAL**

3.1 This application seeks full planning permission for the erection of 74 residential dwellings with associated car parking, landscaping and all other associated works. Access to the site is proposed from Carr End Lane to the west of the site. The access point would be located slightly north of the central point of this western boundary.

3.2 The majority of the proposed dwellings are shown to be two storey properties. The Jenner House Type would be two and a half storey properties and represent four houses internally located within the site at key focal points and on part of the eastern boundary. The plans indicate that the proposed materials would comprise of red brick to the walls of the dwellings, and grey tile for the roofing.

3.3 The proposed layout would see the 9 properties at the front of the site facing towards Carr End Lane, and plots 5-7, and 70-72 behind them would be turned ninety degrees to face the internal access road. The internal access road would split into two within the site, with one heading northwards and then bending east, and the other heading southwards and then splitting again to run in an east-west direction.

3.4 Generally the site layout is designed with dwellings facing the internal access roads. This would result in a linear row of properties facing towards the main access at the point where the internal road first splits. Part of the south of the site would be a line of properties with their front elevations facing the internal access road, and their rear gardens towards the site boundary. This would also be the general arrangement to the northern boundary. The central part of the site would include terraced properties located to the rear of adjacent proposed dwellings

3.5 Green infrastructure is proposed along the site frontage and also to the rear of the site as a larger area of open space which is also proposed to include an on-site play area. A footpath would run through this open space to link to the internal access roads.

### **4.0 RELEVANT PLANNING HISTORY**

The site has the following relevant planning history:

Application Site (Phase 2 of whole allocation):

4.1 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). Resolution to grant permission subject to S106 Agreement. S106 process ongoing.

4.2 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). Application refused. Appeal allowed.

Adjacent land to the east (Phase 1 of whole allocation):

4.3 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 subject a S106 Legal Agreement.

4.4 17/00026/REMMAJ - Reserved matters application (appearance, landscaping, layout and scale) for residential development following outline approval 14/00226/OUTMAJ. Application permitted.

4.5 16/00363/REMMAJ - Formation of a new vehicular and pedestrian access from Stricklands Lane and erection of 89 dwellings with associated car parking and creation of a footpath link to Stalmine Primary School. Application refused.

4.6 14/00226/OUTMAJ - Outline application for erection of up to 77 dwellings, associated parking and footpath link for Stalmine Primary School. Application permitted.

Land to the south west (Phase 3 of allocation):

4.7 21/00981/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) (resubmission of 20/01175/FULMAJ). Refused.

4.8 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). Refused. Appeal pending.

## **5.0 PLANNING POLICY**

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

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

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

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP8 - Health and 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
- SA1/7 - 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 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 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)

#### 5.7 NATURAL ENGLAND REGIONAL AGRICULTURAL LAND CLASSIFICATION MAP NORTH WEST REGION

### **6.0 CONSULTATION RESPONSES**

#### 6.1 STALMINE PARISH COUNCIL

##### 6.1.1 Objects to this application on the following basis:

- Considers the proposal with additional homes is inappropriate, disproportionate to the previous application, and amounts to over development of the site.
- Consider density (27 per ha / 11.31 per acre) with 74 dwellings is too high. Should be 68.
- Application 16/00363 was refused at density of 25.42 per ha, over intensification.
- Additional homes likely to have a significant and adverse effect on the ability of the drainage system to cope. Will increase drainage problems.
- Application states 'no groundwater flood risk has been identified' when there is known flooding in locality.
- Existing surface water drainage system from rainfall and field run-off cannot cope; Wardleys Pool taking surface water from Stalmine is at capacity; Carr End Lane floods on a regular basis. Water has already entered properties on Carr End Lane.
- Would not comply with Policy CDMP2. Would adversely impact tidal and fluvial defences.
- Additional infrastructure is needed to be provided to accommodate the increase in capacity.
- Would not comply with Policy SP8 (3), or Section 100 para 10 of the NPPF. Impact upon health of the local population of homes cannot be accessed due to flood risk.
- Concern at amount of grey water created. Need alternative sustainable arrangements.

- Sewerage disposal already a problem - backs up into homes, severely affecting residents health and human rights. Affects wildlife.
- Policy CDMP1 relevant - Concerns about cross-contamination of surface and foul water.
- Policy CDMP6 1b, c,e,f and 3 and 4 are relevant. - Road flooding will prevent residents from exiting and entering the development and impede access by emergency services.
- Significant adverse effect on volume of traffic on Carr End Lane.
- Access to the site is limited to Carr End Lane; a narrow rural lane, mostly without pavements.
- Additional vehicles entering and leaving the site will be significant, providing a hazard to pedestrians and other road users.
- Carr End Lane should be widened by 3m. Accesses already extremely dangerous A588 (Stricklands) Lane. Already numerous accidents on this road and at this junction.
- The development relies on vehicular access and fails to reduce car reliance.
- Lack of open amenity space per head of population.
- The proposal fails Policy SP2 (f, h, i and j, and part 5).
- Not sustainable development. Does not contribute positively to the overall physical, environmental and economic character of the area; potentially adversely affects the physical and environmental character of neighbouring properties and along the dyke/ditch structure; will add to the need to travel by car; will increase flood risk; will not enhance biodiversity or landscape; has the potential to impact protected species in adjacent fields; and has potential to adversely affect the health and well-being of local residents; fails to improve health and wellbeing of local residents.
- Would like to see s106 agreement remain for pedestrian crossing.

## 6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.2.1 No objections subject to conditions and a Travel Plan contribution, following submission of amended plans and Travel Plan. The new site access, sight lines; carriageway widening and footpath provision are acceptable and a safe access can be provided for all users of the site.

6.2.2 The new 2m footpath around the site access and leading from the site access to Lynwood Drive is acceptable. The new site access and off site works will need to be constructed under a section 278 agreement.

6.2.3 As part of the sustainability of the site a new zebra crossing and the upgrade of two bus stops are being offered on the A588 Mill Lane near the junction of Smithy Lane. The applicant has provided an acceptable Framework Travel Plan. Highways recommends a S106 contribution of £6,000 towards travel planning

## 6.3 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.3.1 No objections subject to conditions and the mitigation measures outlined in the HRA are complied with. GMEU have raised the following points and requirements:

- A condition requiring a Method Statement for measures to be taken during any groundworks or construction.
- Consider most important habitats on the site are the boundary hedgerows, ditches and trees, and that these should be retained and protected, or if to be lost compensatory habitats to be provided.



- State the area of open greenspace (public open space) proposed is satisfactory.
- Conditions suggested regarding timing of works for nesting birds, requiring that any mature trees scheduled for removal (whilst not proposed currently) must be inspected for the presence of roosting bats prior to any tree works commencing.
- Request a condition to ensure wildlife features are incorporated in the interests of achieving a biodiversity gain.

#### 6.4 NATURAL ENGLAND

6.4.1 No objections - Originally requested a Habitats Regulations Assessment, and assessment of recreational disturbance. Following receipt of this, no objection subject to appropriate mitigation being secured. Without appropriate mitigation the application would have an adverse effect on the integrity of the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), Morecambe Bay Special Area Conservation (SAC) and Morecambe Bay Ramsar site, and damage or destroy the interest features for which the Wyre Estuary Site of Special Scientific Interest (SSSI) has been notified. Conditions required for mitigation in the form of a Construction Environmental Method Statement (CEMP), and provision of homeowner packs.

#### 6.5 UNITED UTILITIES

6.5.1 No objections raised. Conditions should be attached requiring the development to take place in accordance with the submitted Flood Risk Assessment, and that foul and surface water be drained on separate systems.

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

6.6.1 This proposal will generate 284 new patient registrations. The proposed development falls within the catchment area of Over Wyre Medical Centre (Preesall). This need, with other new developments in the area, can only be met through an extension and reconfiguration of the existing premises in order to ensure sustainable general practice. A financial contribution of £28,480 is required towards the provision of this infrastructure.

#### 6.7 LANCASHIRE COUNTY COUNCIL (LOCAL EDUCATION AUTHORITY)

6.7.1 A financial contribution of £267,999.36 is required towards 16no primary school places towards Hambleton Academy and/or Stalmine Primary School. LCC will not be seeking a contribution for secondary school places.

#### 6.8 LANCASHIRE FIRE AND RESCUE SERVICE

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

#### 6.9 NATIONAL AIR TRAFFIC SERVICES (NATS)

6.9.1 No safeguarding objections to the proposal.

#### 6.10 BLACKPOOL TEACHING HOSPITALS NHS FOUNDATION TRUST

6.10.1 Requests a contribution from this development of £148,030.00.

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

6.11.1 No objection subject to conditions requiring the proposal to take place in accordance with the submitted Flood Risk Assessment; detailed surface water drainage scheme to be submitted; submission of a Construction Phase Surface Water Management Plan); and a Verification Report for drainage.

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

6.12.1 Comments the revised illustrative planning layout which shows reduced dwelling numbers to 74 now correctly shows the green space at the front of site. Considers the tree survey to be very detailed and suitable to be followed. Concurs with its contents. Considers the landscaping plans, schedule and specifications for soft landscaping elements are appropriately covered and a desirable palette of suitable plant species has been provided. There is little impact on the existing boundary tree cover. But use of close board fencing, and posts can be positioned to avoid roots. Play provision in the form of a LAP (Local Area of Play) is required on site. Split of on-site and off-site Green Infrastructure is acceptable, with 0.3ha on site (out of the 0.73ha required and a financial contribution of £167,001.48 towards off site provision.

6.13 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.13.1 No objection in principle. As in the FRA para 3.1.4, all existing watercourses are to remain open with 5m easement for access. No existing watercourse shall be culverted. A condition should be attached requiring a Management regime for management of SuDS features, including existing ordinary watercourses. Notes Carr End Lane has a long history of frequent highway flooding from surcharging foul sewers close to the site access. As per FRA para 5.7.1 no surface water from the site shall discharge to the public foul system, either directly or indirectly - the system is currently at, or close to, full capacity.

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

6.14.1 Based on the information provided, should permission be granted it is recommended that the standard Post Phase 1 desk study condition should be attached requiring a site investigation, and remediation and verification if required, and also a watching brief condition.

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

6.15.1 No objections subject to conditions requiring a Construction Environmental Management Plan including that hours of work will be limited to 08.00 and 18.00 Monday to Fridays and 08.00-13.00 Saturdays and no working on Sundays and Bank (Public) Holidays. Conditions also requested to ensure noise levels comply with British Standard 8233:2014, and a scheme of lighting to control light spillage to be agreed.

6.16 WBC HEAD OF WASTE MANAGEMENT

6.16.1 There are no vehicle access concerns, but all the properties that have shared access driveways will have to present on the mouth/entrance to the shared driveways.

## 7.0 REPRESENTATIONS

7.1 The application has been advertised by press notice, site notices and neighbour notification letters, and re-consultation has also taken place. 51 letters of objection have been received from 39 individual objectors. Three letters have also been received from Stalmine with Staynall Residents Association strongly objecting to this application. The primary reasons for objection are:

Highways and traffic:

- The road infrastructure already cannot cope, and is unsuitable for further development.
- The A588 is one of the most dangerous roads in the country and is the only road in and out.
- Will result in additional traffic, pollution, congestion and queuing over Shard Bridge.
- There is reliance on the private car.
- Increase in traffic would have an unsustainable impact upon Carr End Lane.
- Access onto Carr End Lane is unsafe from the site and also the junction with the A588, and visibility is limited. It is narrow, cannot take two way traffic, is unlit, and would represent a hazard to drivers and pedestrians. Residents will be put off walking down Carr End Lane.
- Concern the proposed footway to connecting to the Malvern Avenue hammerhead will be unsafe with vehicles turning and cars parked.
- Construction will affect residents needing to access and use Carr End Lane.
- Combined construction of site together with the bypass and Halite gas storage will make traffic problems worse.
- Increased dangers to pedestrians to the school
- There should be additional safety measures incorporated (additional street lights, new bus stops and zebra crossings).
- Plans to widen Carr End Lane and provide a footpath are only at the point where the houses are being built
- Residents will be forced to travel further afield to school increasing traffic.
  
- Flood Risk and Drainage:
  - The development would result in further flooding impact.
  - Existing drainage is inadequate. There are drainage problems through to Hambleton. Carr End Lane and others in Stalmine has ongoing flooding problems and standing water. Dyke between Carr End Lane and the development already subject to flooding. Query who will maintain dykes.
    - Existing drainage issues should be addressed before more building.
    - Development will reduce space for absorption into the land and increase runoff.
  - Utilities already cannot cope and there are existing sewerage problems in area, including sewerage flowing onto Carr End Lane and into the dyke. No upgrades have taken place.
    - Two properties on Carr End Lane flooded in 2017. Significant concerns these will flood again.
    - Disagree with the applicant's statement that flooding is very low risk.

- Site allocation:
- Concern there are more houses being proposed than previously
- A previous application on the site was refused.

#### Facilities:

- More houses needs better infrastructure
- Lack of/limited infrastructure such as schools, dentist, doctors surgeries, vicar, leisure facilities, shops, police and ambulance services, fire service, power supplies, and bus services. There are long waiting lists.
- Character of the area and Design:
- Stalmine will become a town - More houses are taking away from the rural area and character.
- The site is agricultural land and is at the end of a popular rural public footpath.
- To develop more housing is inconsiderate to everyone in Stalmine and will impact upon quality of life.
- Stalmine will be for commuter residents only and this will remove heart of the community.
- Design of the dwellings not in keeping with the area.
- Environment and Ecology:
- Loss of wildlife and habitat - such as for birds, deer, hare, hedgehogs, woodpeckers, protected species of bats, owls, and contains ponds and dykes which are habitat to wildlife (e.g., Great Crested Newts).
- Construction of the development will have an negative impact upon the environment and residents
- Housing Need:
- There are many empty properties in the UK. No need for new builds.
- Houses on the adjacent site are not yet built or occupied.

#### Amenity:

- Proposal will impact upon light and privacy to existing bordering properties.
- The longest and largest buildings should not be built next to bungalows
- Other matters that are not material planning considerations:
- Intentions of the applicant
- Loss of view and being able to see new development
- Reasons why properties were purchased and residents moved to the area
- The application should not have been allowed to be made
- Impact upon insurance premiums
- Assertions planning applications are approved based of the financial gain e.g. Council Tax
- Impact of pandemic and retention of the land for possible future food shortages.
- Request for the developer to provide defibrillators - development considered to add to longer ambulance response times
- Issues with adjacent developments and delivery
- Unhappy with design of houses already built

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

8.1 Ongoing contact and communication has been undertaken with the applicant Including requests for amended layout to achieve adequate separation

distances between plots, boundary treatments, and to show provision of on-site play area; request for clarification of green infrastructure provision particularly at the front of the site; request for extension of time to the application to take into account revisions to the scheme, and discussion and clarification requested as to whether further housing mix information to be submitted. Revised plans, and further Housing Mix information received.

## **9.0 ISSUES**

9.1 The key considerations in the assessment of this application are:

- Principle of Development and Policy Compliance
- Location of the development and sustainability
- Loss of Agricultural Land
- Impact Upon the Highway Network, Safety, Access, and Parking
- Flood Risk and Drainage
- Infrastructure Provision
- Housing Mix and Adaptable Housing
- Visual Impact, Design and Layout
- Impact on residential amenity
- Ecology, nature conservation and trees

### Principle of Development and Policy Compliance

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 2. Outline planning permission has previously been granted on this phase at Appeal for up to 65 dwellings. Phase 1 has already been granted planning permission for 81 dwellings and is under construction. Two recent application for Phase 3 seeking full permission on part of the phase for 2 care homes, and outline for up to 50 dwellings on the other part have been refused. An Appeal has been lodged to the first of these applications.

9.3 The whole site allocation SA1/7 is allocated 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 (previously permission of Phase 2, and 81 dwellings on Phase 1). There is a pending Appeal on phase 3 for up to 50 dwellings. This proposal seeks full permission for 74 dwellings, which (if any forthcoming Appeal on Phase 3 was allowed) would take the total number of committed dwellings to 205no. 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. The principle of accepting a greater number of units on this phase than the previous outline approval for 65 dwellings on the site is therefore also acceptable subject to all other relevant policy requirements being met.

9.4 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 outline permission for up to 65 dwellings on this Phase 2 site 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 is not considered to be required. The requirements of the other KDC's of Policy SA1/7 are considered throughout this report.

9.5 This full planning application proposes that the site would be accessed off Carr End Lane, and accessed separately from the rest of the site allocation. The internal spine road is proposed to terminate within the site and therefore the development would be served by a single new access point from Carr End Lane in approximately the same location as the existing agricultural access point on the western boundary of the site. There would be no road or pedestrian linkage to the site to the east in similarity to the previous outline application on the site (18/00899/OUTMAJ for the erection of up to 65 dwellings) which Members considered and resolved to approve subject to a S106 Agreement. In this regard this full application proposal would be no different to the outline application 18/00899/OUTMAJ.

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 the original application on this site (application 18/00075/OUTMAJ) 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. There is no change to this position. 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 74 dwellings are considered below in this report.

#### Location of the Development and Sustainability

9.7 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. In respect of walking distances it was confirmed under previous application 18/00899/OUTMAJ on this same site that the site is located within 1000m of the primary school, well within the 2000m maximum usually identified by the Highway Authority. It was also identified that in respect of the bus stops the application site is 690m away, the National Travel Survey identifies that the 85 percentile of walking distances to bus stops is 800m. The application site therefore also falls well within that distance. Objectors have raised concerns about facilities available in the area, such matters and sustainability and facilities are considered during the Local Plan process and allocation of sites, and this is an allocated site.

Whilst Parish Council concerns about car reliance is acknowledged, LCC Highways raise no concern about the sustainability of either development, as other nearby development have paid, a Travel Plan contribution would be required, and a footpath connection would be provided from the site into the village.

#### Loss of agricultural land

9.8 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

9.9 LCC Highways have been consulted and have considered the submitted transport and TRICS data. In summary (LCC) Highways originally objected on highway safety grounds, but have removed this objection following submission of amended plans and a Framework Travel Plan. The amended plans include the provision of a zebra crossing and the upgrading of two bus stops at A588 Mill Lane near the junction of Smithy Lane further north east of the site.

9.10 LCC Highways conclude that in terms of capacity the overall development of site whole allocation SA1/7 which includes this proposal will not have a severe impact on highway capacity on the local highway network. Also LCC note Highways England have started works on the highway improvements on the A585 Singleton by-pass road and they anticipate that this will significantly reduce the highway capacity issues at the A588 Shard Road junction. In terms of Highway safety LCC note that since their original response the A588 highway improvement works to improve highway safety and improve sustainable transport and links has now started. The originally requested contribution of £100,000 to the A588 Highway Safety Bid, is no longer requested as LCC have secured funding from the Department for Transport and these works have commenced. However they have confirmed that whilst the revised proposals will slightly reduce the impact of the development on the local highway network this will not be to the extent that the previously highway improvements should be removed. Therefore, the need to provide a zebra crossing on the A588 and the upgrading of bus stops as shown on the submitted plan are necessary for the development to be considered acceptable and for them to support this proposal. Whilst not expressly mentioned in the Highways response to his application, the reasoning for the need for this crossing and bus stop upgrade was provided by Highways under application 18/00899/OUTMAJ that they are necessary given that the removal of the internal link between the two sites means that these bus stops will be the closest to the development and it will enable a safer crossing to the southbound bus stop. These will need to be provided under a S278 Agreement. Members are advised that should the application be approved, a condition would be necessary to ensure the delivery of these upgrades before the development is occupied.

9.11 In terms of the site access LCC Highways state their data indicates there has not been any reported incidents near the access to the new development on Carr End Lane. During the course of the application amended plans have been submitted showing the sight lines, carriageway widening, footpath provision from the access northwards, and lighting for the access and new 2m wide footpath. A Travel Plan has

also been submitted. Overall Highways have removed their objection and are satisfied all of this provision is acceptable and will provide a safe access for all users of the site. The new site access will need to be constructed under a S278 Agreement.

9.12 Regarding sustainable links LCC Highways consider the proposed new 2m footpath leading from the site access to Lynwood Drive is acceptable, and all sustainable footway links serving the site to comply with the Inclusive Mobility Guidance. The 2m footpath will need to be constructed under a S278 Agreement. Highways also noted that the new zebra crossing and the upgrade of two bus stops also relate to the sustainability of the site, and as mentioned above this will also be required to be constructed under a S278 Agreement. No contributions are requested or required towards sustainable transport in this case as contributions have been secured as part of planning application 14/00226/OUTMAJ (Phase 1 of the allocation) to enhance the existing bus services through the village, and no further contributions are considered necessary. Should Members be minded to approve the application subject to conditions requiring the access and footpath works to be carried out as part of a S278 agreement it is considered the proposal would be acceptable in terms of highway capacity and safety on Carr End Lane.

9.13 A financial contribution of £6000 is requested towards Travel Planning. It is considered that this financial contribution request should be upheld. However, LCC also recommends the developer provides a commitment for funds to be made available for the full duration of the development buildout and made available for 5 years post completion of each dwelling and recycled if not spent. Members are advised this request for further monies is not considered reasonable, and should not be upheld.

9.14 The layout of the site has also been considered and most dwellings are proposed to be served by 2 external parking spaces, which is considered sufficient. The Shackleton House Type is now proposed with one external parking space and an integral garage. Provided the integral garage is conditioned to be retained as a parking space for this three bedroom house type it is considered there would be sufficient parking. However LCC originally considered the layout did not conform to driveway standards. The applicant has provided amended plans and Highways are satisfied the layout does now conform to required standards and all roads within the site are considered suitable for adoption.

9.15 As the proposal would result in new parking provision Policy CDMP6 is relevant and requires such proposals to make appropriate provision for electric vehicle charging points (EVCP). There is no information within the submission detailing EVCP. However should the application be approved this provision can be required by condition to ensure that the properties would be provided with electric vehicle charging points in accordance with Policy CDMP6.

#### Flood Risk and Drainage

9.16 The site is located within Flood Zone 1 on the Environment Agency's mapping service and therefore has the lowest probability of fluvial flooding. As the site exceeds 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted. There is no requirement for the applicant to demonstrate accordance with the sequential or exceptions tests with regard to flood risk.

9.17 The Parish Council, Residents Association, and individual objectors have raised concerns relating to flooding, drainage, including existing drainage capacity



and sewage system, and the proposed drainage for the site. These observations have all acknowledged.

9.18 KDC4 of Policy SA1/7 states that residual surface water from the allocation should drain to the south into the River Wyre. However Members are advised that when considering the two previous applications on this site it has been accepted that drainage from this particular parcel of land can drain to the north separately from the remainder of the site allocation. The submitted FRA and Drainage Strategy states that foul would discharge to the public sewer network to the north of the site at Lynwood Avenue. In terms of surface water the submission states that on-site infiltration is not possible, and proposes that surface water would likely be drained to the land drain and Ordinary Watercourse network currently serving the site. The FRA acknowledges that full details would need to be provided, and run-off restricted to mimic a pre-development greenfield scenario, and restricted discharge rate will generate a requirement to provide onsite attenuation during the extreme storm events. Members are also reminded that they requested further drainage information for previous outline application on this site 18/00899/OUTMAJ. It was confirmed under that application that the stretch of ditch immediately adjacent to Carr End Lane does fall within the application site and it was envisaged that this length of ditch would be managed by a management company who would manage all amenity space on behalf of residents.

9.19 The Council's Drainage Engineer has been consulted on the proposals and has raised no objection in principle. It is noted that Carr End Lane has a long history of frequent highway flooding from surcharging foul sewers close to the site access. Therefore as stated in the FRA para 5.7.1 the Drainage Engineer considers no surface water from the site should discharge to the public foul system, either directly or indirectly as the system is currently at, or close to, full capacity. Should Members resolve to approve the application it is recommended the Council's standard pre-commencement drainage condition should be attached and can include these requirements. The Drainage Engineer also states that as in the FRA all existing watercourses need to remain open with 5m easement for access, and no existing watercourse shall be culverted. A condition is also recommended to be attached requiring a Management regime for management of SuDS features, including existing ordinary watercourses.

9.20 United Utilities (UU) and the Lead Local Flood Authority (LLFA) have also been consulted and raise no objections subject to conditions. In addition to the conditions set out above the LLFA have also requested conditions requiring submission of a Construction Phase Surface Water Management Plan, and a Verification Report for drainage. It is considered the Management Plan should be conditioned especially as the watercourses would need LLFA's Land drainage consent and an agreement on their maintenance. The requested verification strategy condition is not considered reasonable as the implementation of the drainage is a matter for the drainage bodies outside of the planning process. Notwithstanding the concerns raised by objectors about flooding, given this professional advice from all drainage consultees it is considered that surface water run-off could be adequately drained from the site without increasing flood risk elsewhere. Whilst local concerns in relation to flooding are acknowledged, based on the development satisfying Policy CDMP2 of the WLP31 and the comments from the relevant professional consultees, it is not considered that there would be an unacceptable flood risk from the proposal. As such and subject to conditions, no unacceptable drainage issues are anticipated. It will be a matter for UU to address any issues regarding the capacity of the foul sewer.

## Infrastructure Provision

9.21 Policy SP7 of the WLP31 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 request for a contribution from the developments of £28,480 towards the Over Wyre Medical Centre (Preesall) is therefore supported. 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.

9.22 Policy HP3 of the WLP31 requires this development in Stalmine to include 30% affordable housing provision on site, meaning that 30% of the 74 plots proposed on the latest plans must be affordable to comply with Policy. This application proposes 22 affordable houses. This would equate to 30% affordable housing for the additional plots proposed, and the proposal would be Policy compliant. The provision of affordable housing, including the number, type and tenure, and occupation criteria, would be secured by a Section 106 Agreement.

9.23 Lancashire County Council (LCC) as the Local Education Authority (LEA) requires £267,999.36 towards 16 primary school places with the named infrastructure project as either Hambleton Academy and/or Stalmine Primary School, but do not require any secondary education contributions. This contribution will need to be secured by a section 106 agreement.

9.24 Policy HP9 of the WLP31 requires an appropriate quantity of green infrastructure (GI) 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.

9.25 In this instance the amount of green infrastructure required from the housing development is 0.73ha based on the submitted housing mix proposed. The application proposes 0.3ha on site. Through Officer discussions with the Parks and Landscape Officer it has been determined that a mix of on-site and off-site green infrastructure provision would be appropriate in this case, and that an on-site play area should be provided. Whilst KDC2 of Policy SA1/7 requires a landscape and green infrastructure plan and stipulates on-site open space to include formal Local Area of Play (LAP), 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. A condition securing provision of landscaping including this open space on-site can be attached. The submitted amended plans also propose an on-site play area and again this, and its design, can be secured by means of a condition. An off-site contribution of £167,001.48 is required. The Parks and Landscape Officer has also confirmed there are numerous projects in the area which these monies would go towards. These include;

improvements to Stalmine Playing fields to include enhancements to increase accessibility; upgrading and extending the existing play and exercise offer at Stalmine Playing Field (known as Douglas Avenue play area) to upgrade to play facilities for young children: and woodland/habitat enhancements such as native tree replanting, significant arboricultural work, creation of natural woodland trails and low key forest school areas for local school, trails/picnic seating areas and interpretation signage. There is therefore confidence that the full monetary contributions will be utilised. The off-site financial contribution would need to be secured by S106 Legal Agreement.

## Housing Mix and Adaptable Housing

9.26 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 the adaptable housing requirements can be secured by condition.

9.27 In terms of the housing mix, the application proposes a mix with 50% of the dwellings as larger (4 and 5 bed roomed) properties. This is not compliant with the mix set out in the SHMA which identifies a need for anywhere between 13-23% larger properties on a site. However Policy HP2 allows applicants to submit market evidence to demonstrate why an alternative mix should be supported. The applicant advised that they wish to submit market evidence in this case and this has been submitted and assessed. The applicant has provided a Market Demand report which suggests there is a local demand for the larger properties in the local market area. The submission also asserts that the existing housing mix in the area comprises mainly of smaller units. This has been considered and compared to data accessible to the Authority, and it is considered the applicant has justified the mix in terms of the current housing mix in the local market area. Further evidence submitted also includes letter from local agents of what properties they are being approached for. It is considered that whilst not all matters within the information submitted may be agreed with, overall there is sufficient evidence for the mix to be accepted by the Authority. It is acknowledged that in addition to the bedroom mix, the development is providing a wide choice of house types (detached, semi-detached, terraced and apartments) and floorspace sizes to appeal to different household needs. Thirteen different house types are proposed. There is a step up in floorspace size from the smallest three bedroom properties to the larger three bedrooms properties. There is also a range of four bedrooms properties from only slightly above the floor space size of the larger three bedroom properties, ranging up to through to much larger four bed properties. A variety of sizes of four bedroom properties is therefore proposed. Overall whilst the mix proposed is significantly different to the SHMA, there is sufficient evidence for the proposed housing mix and range of housetypes to be accepted, and the proposal would provide for an appropriate mix of size, tenure and type of housing to provide choice within the local market area as required by Policy HP2.

9.28 In terms of adaptable homes the applicant is proposing the Wren, Wrenbury, and Shackleton House Types as the adaptable units. This equates to 15no. units which equates to 20% provision on the site in accordance with Policy HP2. The applicant has been advised that such properties require wider parking space provision and that this information is required upfront to ensure such parking can be

provided. The submitted amended plans show the required wider driveways and parking spaces for the relevant plots, and are considered acceptable.

#### Visual Impact, Design and Layout

9.29 When viewed from the south looking north along the lane the site is read as an agricultural field with a backdrop of existing residential development. Heading in the opposite direction out of Stalmine, the site is viewed as adjacent to other agricultural fields to the south, east and west, although the field to the east will become urban in character following completion of the approved housing site there. In the summer months the site is visible from Carr End Lane and has a modest contribution to visual amenity along the lane as the boundary hedgerows are so established that their height makes it difficult to get wide views of the site, particularly from a pedestrian level. However in the winter months when hedgerows and tree boundary growth has died back the site would be widely visible from Carr End Lane, and the site would have a higher contribution to visual amenity from the lane. It is considered however that the site makes a modest contribution to visual amenity overall as although it would be widely visible from Carr End Lane immediately to the west of the site, it is not widely visible from the south or east screened being screened in part by existing individual housing development, and being viewed at a distance behind existing soft boundary features including trees, whether more or less established.

9.30 KDC3 of Policy SA1/7 requires the development to provide an organic extension to the village, to utilise important key vistas into the adjoining open countryside and provide a rural transition zone between the development and wider countryside. Particular attention should be given to boundary treatments. The proposal does not provide the most comfortable layout in terms of relationship to the existing village and development under construction, however any linkage to the site to east has been ruled out through the previous appeal decision on this site. Also the principle of developing the site for housing has been established by the site allocation, and this allocation is immediately adjacent to existing dwellings to the north. In this sense it would provide an organic extension and would not be detached from the existing settlement. The application proposes the majority of the dwellings, including apartment blocks buildings, at two storey height. However four properties as the Jenner House Type would be 2 and a half storeys. The applicant was asked to move these taller properties away from the more sensitive site boundaries with the countryside. Amended plans now proposed these taller units at focal points internally within the site, and on part of the eastern boundary where there would be a backdrop behind of houses on Phase 1. The scale of the dwellings in general across the site, and the amended location of these taller properties is considered acceptable. The applicant has submitted cross sections of the proposed land levels of the site. This show that the levels would be raised by 1m on average with the finished floor levels of the dwellings on average 0.2m above the proposed land levels. In general however the increase in levels proposed in considered appropriate. The proposed housing would also correlate with the design of the properties under construction to the east. The site frontage would comprise an area of green space averaging 8.5m depth with the served by private access roads behind. This is considered to help to provide a soft buffer to the site with Carr End Lane and the countryside further to the west. The existing soft hedgerow would also be retained to the site frontage with Carr End Lane except for the point where it would need to be removed to provide the access.

9.31 The submitted house type plans indicate that all of the dwellings and garages would be constructed in brick walls and grey roofing. This is considered

generally acceptable and to accord with other properties under construction and present in the settlement. A materials schedule has also been provided but only specifies the use of one brick type to the walls for all of the dwellings. It is not considered this is a sufficient range of wall materials for 74no. dwellings. Therefore as full details have not been provided, and as there needs to be a greater range of wall materials, should Members resolve to approve the application a condition would need to be attached requiring full details of proposed materials for the dwellings and garages.

9.32 Boundary treatment plans have been provided. These shown that the amenity open space would be bound in part by 0.45m high knee rail fencing and also sections of hedge planting. The open space would remain publicly accessible via the proposed paths and the open space frontage to the main internal access road. Rear garden boundaries would be 1.8m high timber close boarded fencing. Garden boundaries between rear gardens of adjacent properties would be 1.8m high close boarded plot divisional screen fencing. Corner plots and those with gardens side on to the internal roads would have low brick wall and piers, with timber infill panel to a total height 1.8m. Overall the proposed boundary treatments are considered acceptable and appropriate. However should the application be approved it is considered that to ensure the brick walls to boundaries match the brick used to the dwellings, these details should also be requested in any materials condition.

#### Impact on Residential Amenity

9.33 There are existing residential properties to the north of the site at the end of Lynwood Drive, Harwood Close, and Malvern Avenue. Objectors have raised concern about impact upon light and privacy to these properties. There are also properties that have been approved and are under construction on the Wainhomes site to the east at Linley Grange. South of the south west corner of the site is an existing detached property. The proposal has been considered against SPG4 in terms of separation distances between existing and proposed dwellings. The proposal complies will all required separation distances. There is one proposed dwelling which is 19.7m away from the existing property at the end of Harwood Close, however this is a side to rear relationship and therefore exceeds the 13m requirement of SPG4. Furthermore the proposed property would be sited partially westwards of existing dwellings and be orientated so that its main outlook would face away from the existing property. As such there would be no significant impacts in terms of overlooking, overbearing or loss of light upon this existing property or any other properties surrounding the site. All other residential properties in the area are located further away from the proposal well beyond the required separation distances.

9.34 Objectors have also raised concerns about the siting of the two storey apartment block in the north east corner adjacent to existing bungalows to the north. The apartment block, whilst two storey, would be side on to the side elevation of the nearest existing bungalow again complying with SPG4. The difference in scale between the existing and proposed buildings would only be apparent at very immediate views. The main windows and outlook from the front of these existing properties is onto Harwood Close, and would still be retained. Given the exiting hedgerow to be retained along the north site boundary, together with the garden of the apartment block being to the rear of it in similarity to the adjacent existing property on Hardwood Close, and the separation distances involved it is considered privacy would not be adversely affected.

9.35 Within the site the siting of the proposed properties has also been considered against SPG4. All required separation distances between front and side elevations, rear and side elevations, and rear to rear elevations meet with the required separation distances. Some properties within the site have a separation distance of 18m between their front elevations facing each other (such as plot 5 with plot 72, and plot 6 with plot 71) rather than the usually required 21m distance. The scheme has been considered by officers and the 18m separation distances proposed between front elevations in some parts of the site is considered acceptable as this layout has removed runs of frontage parking throughout the site so that the street scene is less car dominant. It has also enables some plots to be sited as key focal plots with the front elevations of the houses fronting the roads with lawn rather than a front elevation with cars parked directly in front.

9.36 The applicant has submitted amended plans to clarify the site boundaries so that the size of the proposed gardens was clear. Amendments to gardens sizes were also requested as some plots had insufficient garden space. These amended plans have been received. The majority of plots achieve the 10.5m garden length specified in SPG4. There are also a number of plots where gardens are proposed at 10m length however some of these have wider gardens (such as plots 1 and 8 and 31) which is considered to mitigate any shortfall in garden length. Plots on the southern boundary of the site which contain the existing land ditches have shorter gardens than required in the SPG4. The amended boundary plan also shows plots 13-17 on the northern boundary would also have gardens averaging 9.5m in length and therefore shorter than usually required, as the boundary fence has been brought inwards to retain the existing boundary hedgerow. However these plots with shorter gardens on the south and north boundaries would not result in any overlooking or issues with neighbouring amenity, and on this basis it is considered there would be no unacceptable amenity impact as a result of the proposal. Each dwelling would still be provided with its own private outdoor space.

9.37 The development would, during the construction phase, result in some impact upon residents of existing properties in the area. However this would be temporary. Environmental Health (Amenity) have been consulted and have no objections subject to conditions to ensure the proposal does not cause unacceptable harm to amenity during construction. These conditions require a Construction Environmental Management Plan including that hours of work will be limited to 08.00 and 18.00 Monday to Fridays and 08.00-13.00 Saturdays and no working on Sundays and Bank (Public) Holidays. Conditions are also requested to ensure noise levels comply with British Standard 8233:2014, and a scheme of lighting to control light spillage to be agreed. It is considered these conditions would be necessary and should be attached should Members resolve to approve the application.

#### Ecology, Nature Conservation and Trees

9.38 The application site is not within an area of ecological designation. As per KDC5 of Policy SA1/7 potential ecological impacts need to be considered as the site is greenfield and is bound by hedgerows and trees. Also as listed in KDC6 it is within 3.5km of the Morecambe Bay European Protected site. Both Natural England and GMEU have been consulted. Natural England requested a Habitats Regulations Assessment, and assessment of recreational disturbance. Following receipt of this, they have no objections subject to appropriate mitigation being secured to ensure there is no adverse effect on the integrity of the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), Morecambe Bay Special Area Conservation (SAC) and Morecambe Bay Ramsar site, or the interest features for which the Wyre Estuary Site of Special Scientific Interest (SSSI) has been notified. The mitigation

measures required are a Construction Environmental Management Plan, and Homeowners Packs. These can be secured by condition.

9.39 GMEU have also responded with no objections. They state they are familiar with the site, and the development to the east. They consider the submitted ecology surveys have been carried out by suitably qualified consultants and are generally to appropriate standards, and that it is reasonable to have certain reliance on previous surveys of the site and adjacent sites undertaken in support of other development plans, given those surveys were relatively comprehensive and up-to-date, and the overall ecological character of the site and its current and recent land-use. The site is dominated by species-poor improved agricultural grassland. The site is within 2km of the Morecambe Bay and Duddon Estuary Special Protection Area (SPA) and the Wyre Estuary Site of Special Scientific Interest (SSSI). GMEU accept the proposal will not have any harmful impacts on these designated sites, providing that mitigation measures described in the HRA (as mentioned above) are implemented.

9.40 GMEU also consider the development is unlikely to cause harm to great crested newts but recommend a Method Statement should be required giving details of reasonable measures to be taken to avoid any potential harm to amphibians during the course of any groundworks or construction. This can be secured by condition. It is considered most the important habitats on the site are the boundary hedgerows, ditches and trees. GMEU advise these should be retained and protected, or compensatory habitats required to be provided if any of these features are lost. The plans show that the existing north, south and eastern hedge boundaries would be retained. The proposal would remove a very short section of hedgerow to form the site access. It is considered the removal of such a short section of hedgerow is acceptable, as there would be new and additional planting within the site to mitigate its loss.

9.41 Overall there are no ecology objections to the proposal subject to the HRA mitigation conditions, and conditions regarding timing of works for nesting birds, that any mature trees scheduled for removal (whilst not proposed currently) must be inspected for the presence of roosting bats prior to any tree works commencing. Whilst the landscape plans and area of public open space are considered reasonable GMEU also suggested a condition in the interests of achieving a biodiversity gain requiring further features for wildlife to be incorporated into the design of the scheme (e.g. bird boxes, bat boxes, nectar and fruit bearing plants in landscaping, porous boundaries). It is considered all such suggested conditions should be attached should Members resolve to approve the application.

9.42 Objectors have raised concerns about impact upon a protected tree TPO/179 (Land east of Carr End Lane, Stalmine) 2007. The Tree Officer has been consulted and considers the submitted tree survey to be very detailed and suitable to be followed. He agrees with its contents. The Tree Officer states that there is little impact on the existing boundary tree cover, but the use of close board fencing, and posts can be positioned to avoid roots. The Tree Officer also considered impact upon the protected tree during the course of previous application 18/00899/OUTMAJ to which he considered there was potential for impact on the protected oak tree from the widening of the carriageway and 2m footpath width. It is stated that although there is a ditch separating the tree from the carriageway the proposal would bring the footpath within the root protection area of the tree. It was suggested that details should be submitted as to how the tree would be protected during any works. This proposal is no different to the previous application as the same footpath and carriageway widening is proposed, and the siting of the houses themselves would not

affect the root protection area of the tree. These details of protection of the tree can be required by a condition.

## Other Matters

### Contamination

9.43 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.

9.44 Environmental Health are satisfied with the submitted desk study, and have no objections to the application subject to conditions requiring the developer to submit a detailed site investigation, and detail any remediation measures if necessary prior to commencement of development, and a watching brief during the works. Should Members resolve to approve the application, subject to these conditions it is considered the proposal would be acceptable in terms of ground conditions and would comply with the provisions of the NPPF.

### Waste Management

9.45 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.

9.46 Objectors have raised concern about waste collection and believe the applicants waste strategy is out of date as four bins are now required for each property. The council's Head of Waste Management has been consulted and has no vehicle access concerns, but has noted all the properties that have shared access driveways will have to present on the mouth/entrance to the shared driveways. Members are advised this is usual for major housing sites in the borough as the council's waste collection service collects from adopted roads. Therefore there are no waste collection concerns. In terms of waste storage the submitted plans demonstrate that bins will be stored in the rear gardens of each proposed two, three and four bedroom property. The plans show there is sufficient space for bin storage whether or not that needs to be for up to four bins. The apartment block would have its own bin store adjacent the parking spaces for these units. There are no concerns in relation to waste storage.

### Emergency Services

9.47 The Lancashire Fire and Rescue Service has provided a consultation response advising that any potential development on the site should comply with Building Regulations in terms of facilities for the fire service (such as appropriate turning heads for vehicles), and that the proposal is provided with suitable provision of Fire Fighting water. Whilst objectors have raised concerns about provision for emergency vehicles, these building Regulations stand outside of planning considerations.



## **10.0 CONCLUSION**

10.1 The principle of developing the site for housing is supported by Policy SP1 of the Wyre Local Plan as the site is allocated for such purpose in the Local Plan and is well-related to the existing settlement of Stalmine. Whilst the specific site allocation Policy SA1/7 allocates the site for housing subject to the production of a masterplan, the Appeal Inspector for application 18/00075/OUTMAJ considered that it was not possible for the Appellant to comply with this element of the policy as Phase 1 of the site allocation was a fixed element and prevented comprehensive development of the allocation. It was also considered under application 18/00899/OUTMAJ that, in similarity to this current application, the fact that there is no link between this site and an approved development to the east as shown on a "masterplan" document considered by the Inspector does not make it contrary to policy SA1/7.

10.2 The Local Highway Authority has raised no objections based on sustainability, highway capacity or safety subject to the necessary provision of a zebra crossing and the upgrading of two bus stops at A588 Mill Lane near the junction of Smithy Lane further north east of the site, the provision of a 2m wide footpath linking to Lynwood Drive, and widening of Carr End Lane. A Travel Plan contribution is also required. It is also considered that subject to a S278 condition and the financial contributions being secured by S106, the highways impacts of the development can be adequately mitigated.

10.3 Whilst the proposed housing mix does not conform with the SHMA, it is considered that overall there is sufficient evidence for the mix to be accepted, and that the proposal would provide an appropriate mix of size, type and tenure of housing in the local market area, thereby satisfying the aims and provisions of the WLP31.

10.4 A mix of on-site and off-site provision is considered acceptable in this case, with some green infrastructure on site including amenity open space, provision for play, and a frontage buffer with the countryside area to the west, and an off-site contribution which can be put towards a number of projects in Stalmine which is considered of benefit. It is therefore considered that subject to the financial contributions for green infrastructure the impacts of the development could be adequately mitigated.

10.5 It is considered that 74no. units can be adequately provided on site whilst also providing for sufficient parking and private amenity space for the units. Subject to the conditions requested by the relevant consultees it is considered the development would not result in risk to flooding on or off site, contamination risks, harm to ecology or impact upon trees, or harm to neighbouring residential amenity. It is also considered that subject to financial contributions the impacts of the development upon education provision and health care provision could be adequately mitigated, and that subject to conditions and an appropriate legal agreement to secure affordable housing provision the proposal would comply with the relevant housing policies of the Adopted Local Plan.

## **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 permission subject to conditions and a Section 106 Legal Agreement to secure education, health, travel plan, and green infrastructure contributions, and provision of 30% on site affordable housing. That the Head of Planning Services be authorised to issue the decision following the satisfactory completion of the S106 legal 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 20.08.2020 including the following plans/documents:

- Drawing No. 00 Site Location Plan
- Drawing No. 01 Rev P12 Proposed Site Layout
- Drawing No. ET-P1 Eton House Type (Floor Plans)
- Drawing No. ET-P2 Eton House Type (Elevations)
- Drawing No. OX-P1 Oxford House Type
- Drawing No. STE-P1 Stephenson House Type (Floor Plans)
- Drawing No. STE-P2 Stephenson House Type (Elevations)
- Drawing No. SHA-P1 Shakespeare House Type
- Drawing No. NT-P1 Newton House Type
- Drawing No. JEN-P1 Jenner House Type (Floor Plans)
- Drawing No. JEN- P2 Jenner House Type (Elevations)
- Drawing No. WRE-P1 Wren House Type
- Drawing No. WREB-P1 Wrenbury House Type
- Drawing No. 3.352/P/BU/L10 300 Rev # Shackleton House Type
- Drawing No. TRE-P1 Trevithick House Type
- Drawing No. BRD-P1 Baird House Type
- Drawing No. BL-P1 Bell House Type
- Chinley House Type Floor Plans and Elevations

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

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

3. Prior express planning permission from the Local Planning Authority no development above ground level shall be commenced until details of the materials to be used in the construction of the external surfaces of any dwelling and garage (including the external walls, roof, and windows) have first been submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

For the avoidance of doubt and brick walls to the gardens of the properties should match any brick used to construct the host dwelling and carried out in accordance with the approved details.

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. 04 Rev B (Boundary Treatment Layout) and the following plans:

- Drawing No. FD-001 Rev P1 (1.8m Screen Wall/Fence)
- Drawing No. FD-004 Rev P1 (1.8m Feather Edged Fence)
- Drawing No. FD-007 Rev P1 (0.45m Knee Rail)

For the avoidance of doubt, the boundary screening walls and entrance feature walls shall be constructed in brick to match the proposed brick to the walls of the associated host property.

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 the site entrance shall be installed prior to first occupation of any dwelling hereby approved; and the boundary treatments to the play area and 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, 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 and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

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

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

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

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

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

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

7. No development shall commence until details of how surface water and pollution prevention will be managed during construction have been submitted to and approved in writing by the local planning authority. Those details shall include, 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 they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

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.

Reasons: 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.

8. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy Report (FRA) [Ref: HYD538\_CARR.END.LANE\_FRA&DMS Rev 1.0 Dated 10/09/2020] prepared by Betts Hydro and the following mitigation measures detailed, including those within section 4.8 of the FRA:

1. No surface water from the site shall discharge to the public foul system, either directly or indirectly
2. All existing watercourses are to remain open with 5m easement for access. No existing watercourse shall be culverted.
3. Finished floor levels of the buildings set 150mm above existing ground levels
4. No build offset of between 6m and 8m expected to be required to the watercourse parallel the western site boundary
5. Any overland flows generated by the development to be carefully controlled.

6. Surface water run-off generated by the proposals to be managed effectively with the peak rates of run-off being restricted to the pre-development greenfield situation

7. Onsite surface water drainage system 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

8. Any drainage systems not be offered for adoption to either United Utilities, an appropriate maintenance regime should be scheduled with a suitably qualified management company for these private drainage systems

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

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

9. The development shall take place in strict accordance with the levels and road levels on approved Drawing No. 05 (Site Sections) received 14th February 2022 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).

10. 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: -

a) Site access including provision of tactile paving

b) Off-site works to include a zebra crossing and upgrade two bus stops on A588 Mill Lane near the junction of Smithy Lane, and provision of a 2m footpath, street lighting and changes to kerb line on Carr End Lane.

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).

11. 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 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
- (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 facilities, power wash, and road sweeping) including details of how, 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, and periods when plant and materials trips should not be made to and from the site (developer to identify times when trips of this nature should not be made)
- (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) measures to ensure that construction and delivery vehicles do not impede access to adjoining or nearby 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 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).

12. The visibility splays of 2.4 metres by 49 metres in a northerly direction and 2.4 meters by 53m in a southerly direction from the site access (as shown on submitted drawing no. A117134-P001 Rev A) measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Carr End Lane, shall be provided prior to commencement of any part of the development (other than works necessary to form the site access and associated visibility splays), and shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

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

13. 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).

14. (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).

15. The development hereby approved shall not be first occupied or brought into use until the parking / turning area(s) shown on the approved Drawing No. 01 Rev



P12 (Proposed Site Layout), 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.

For the avoidance of doubt the two parking spaces incorrectly labelled as 19 on this plan shall be used as two parking spaces to serve plot 18.

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).

16. Prior to the commencement of development 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. In the event that remediation measures are necessary, validation of the approved measures shall be submitted to, and approved by, the Local Planning Authority in writing on completion of the works.

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).

17. 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).

18. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

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

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

19. 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.

20. Notwithstanding the submitted Arboricultural Impact Assessment and Appendices, prior to the commencement of development a Tree Protection Plan for TPO/179 (oak tree on Land East of Carr End Lane) and the extent of hedgerow to remain adjacent to the tree, shall be submitted to and approved in writing by the Local Planning Authority. This shall indicate the methods and positioning of tree protection measures such as ground protection (where necessary), Heras protective fencing and details of any specialist demolition or construction methods if appropriate. All other retained trees and hedgerows on and adjacent to the site shall be protected in accordance with the measures set out in the submitted Arboricultural Impact Assessment and Appendices.

Such measures, including the Tree Protection Plan for TPO/179, 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 the Tree Preservation Order and adjacent hedgerow and all trees and hedgerows identified as being 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. The details are required to be approved prior to commencement of development to ensure timely tree protection measures are in place, in particular for the Protected Tree.

21. (A) Prior to commencement of development, a method statement shall be submitted 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.

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

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.

22. Prior to the commencement of development a Scheme of ecological enhancement (otherwise referred to as a Landscape and Habitat Creation and 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):

- Bird nesting boxes
- Bat boxes
- Introduction of nectar and fruit bearing plants
- Porous boundaries (where possible)

Reason: To ensure the long term management and maintenance of open space within the site in the interests of ecology, in accordance with Policy CDMP4 of the Wyre Local Plan (2011-31).

23. 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.

24. 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, and any EVCP should be a minimum of Mode 3. 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).

25. The development hereby approved shall be carried out in full accordance with Drawing No. 01 Rev P12 (Proposed Site Layout) showing plots 4, 12, 16, 17, 30, 32-34 (inclusive), 38, 39, 56, 61, 62, 67 and 68 (15no. units) as the adaptable plots along with wider parking space provision. These plots shall be provided to M4(2) standard of the Building Regulations as set out in the submitted Accessible Housing Statement (House Types - Adaptable Dwellings) by Anwyl Homes, and retained and maintained at all times thereafter as accessible and adaptable 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. The development shall be designed so that noise levels at each and every dwelling do not exceed the following levels as assessed in accordance with British Standard 8233:2014 guidelines and WHO guidelines (or any subsequent replacement national standards/guidance):

- 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 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).

27. Prior to the construction of any dwelling on the site full details of the local area of play (LAP) shown on Drawing No. 01 Rev P12 (Proposed Site Layout) shall be submitted and agreed, and this play area shall be installed in accordance with the approved details and available for use prior to first occupation of the 35th dwelling, unless an alternative timetable is first agreed in writing with the Local Planning Authority.

Reason: To ensure there is sufficient provision for play for all occupants of the site in a timely manner in accordance with Policy HP9 of the Adopted Local Plan 2011-312 (WLP31).

28. 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, 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).

29. 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 Drawing No. 01 P11 (Proposed Site Layout), 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.

Reason: The development has been designed 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.

30. 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 35-37 and 49-51 inclusive, 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).

31. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the garage(s) hereby approved for plots 17, 32, 33, 38, 56, 61, and 62, shall be retained solely for the housing of a private motor vehicle, and at no time shall any works be undertaken that would prevent it from being used for that purpose without prior express planning permission from the Local Planning Authority.

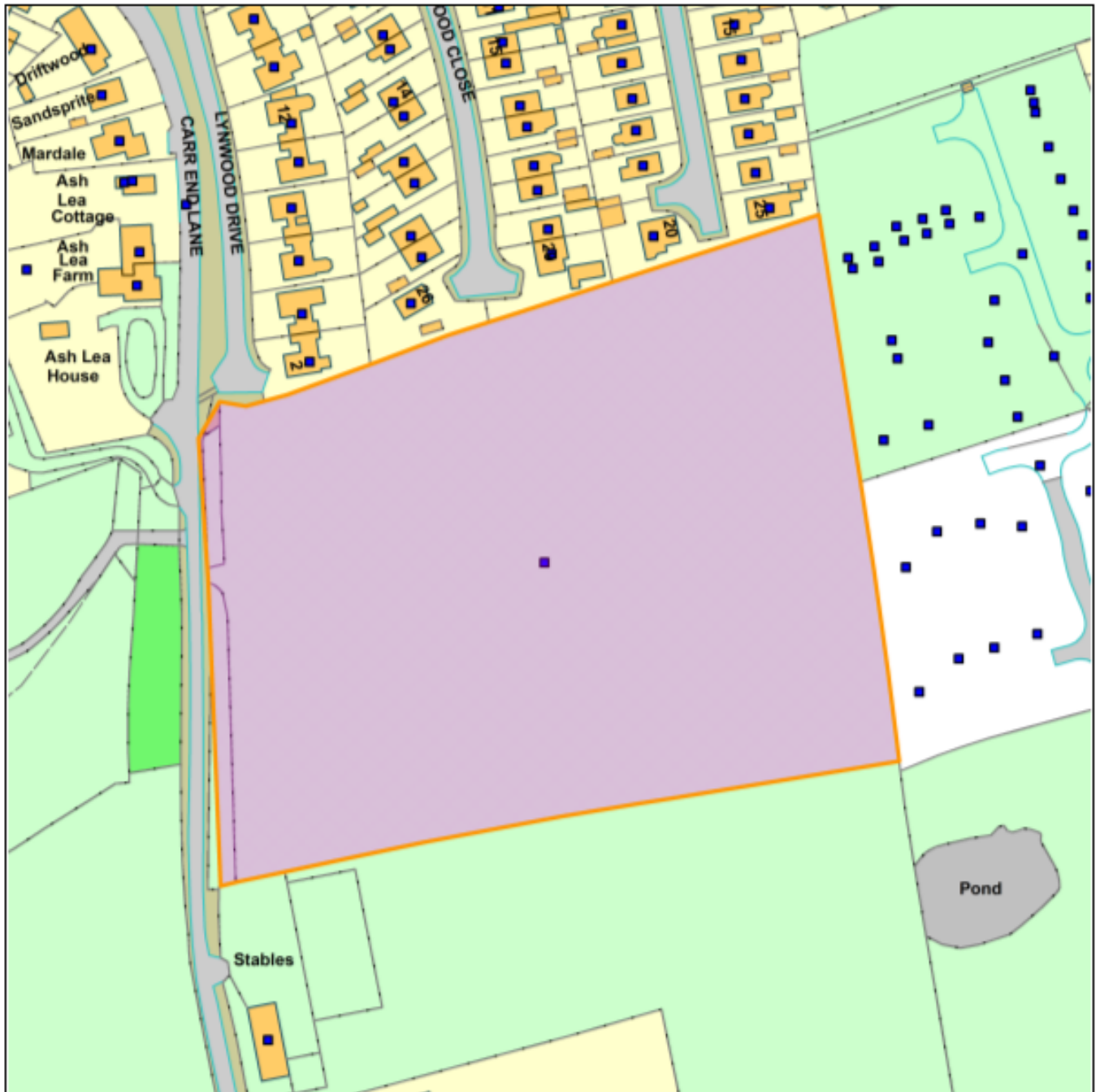
Reason: To ensure that there is sufficient off-highway parking for these three bedroom units which require two parking spaces and which without the garages would only have one external parking space, to ensure the on-site vehicle parking provision is maintained to avoid the standing of traffic on the adjoining highway to the detriment of the safety and free flow of traffic thereon, and in the interest of the amenity of the street scene, in accordance with Policies CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

**Notes: -**

1. You are advised that Montbretia, an invasive plant, has been recorded on site. Its spread is proscribed under the terms of the Wildlife and Countryside Act 1981 (as amended). It should be removed as part of any groundworks.

# Planning Committee

20/00773/FULMAJ - Land east of Carr End Lane Stalmine



Scale: 1:1636

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	16 February 2022
SLA Number	100018720

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**Committee Report****Date: 02.03.2022****Item Number 02****Application Number 21/01089/FULMAJ****Proposal Erection of 93 dwellings with associated car parking, landscaping, open space improvements and access from Norcross Lane****Location Land At Norcross Lane Thornton Cleveleys Lancashire FY5 3TZ****Applicant Mr M Wilkinson****Correspondence Address c/o Mr Mike Hughes  
Rational House 32 Winckley Square Preston PR1 3JJ****Recommendation Permit****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Rob McKillop****1.0 INTRODUCTION**

1.1 This application is before the Planning Committee for consideration at the request of Councillor Baxter. Furthermore the application site falls within an allocated site in the Wyre Local Plan and is of strategic importance. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site is on the northern side of Norcross Lane, in Thornton-Cleveleys and lies to the south west of Amounderness Way. This site forms part of a wider parcel of land that was previously occupied by buildings used by Department of Work and Pensions. The site is identified as part of a wider allocated site for housing under Policy SA1/9 of the Wyre Local Plan 2011-31 (WLP), and new residential development is part occupied and part under construction on land to the north. There is an office building to the western boundary and agricultural land to the south on the opposite side of Norcross Lane. The site is within Flood Zone 1.

**3.0 THE PROPOSAL**

3.1 This application seeks full planning permission for the erection of 93 dwellings with associated car parking, landscaping and open space improvements. Access would be provided from Norcross Lane at the southern boundary, and a highway link is proposed to the development to the north of the site that is currently under construction. The dwellings to the southern boundary would front towards Norcross Lane, with the rest of the site set out in a largely uniform pattern with

parking to the front of dwellings and gardens to the rear. The following housing mix is proposed:

- 19 x 2 bedroom houses (including 9no. affordable units)
- 45 x 3 bedroom houses
- 29 x 4 bedroom houses

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

- Design and Access Statement
- Transport Assessment
- Boundary Treatment Plan
- Materials Layout
- Landscape Proposals
- Market Demand Report (Housing Mix)
- Ecology Survey and Assessment
- Biodiversity Survey and Report
- Flood Risk Assessment
- Groundsure Environmental Information
- Topographical Survey
- Noise Impact Assessment
- Drainage Strategy

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

4.1 Relevant planning applications relating to the site and to adjacent land within the allocation SA1/9 are listed below.

4.2 20/00297/REMMAJ: Variation of condition 1 on application 18/00755/REMMAJ to substitute house types on plots 148, 149, 154 & 158. Permitted.

4.3 20/00296/FULMAJ: Variation of conditions 02 and 21 on application 18/00860/FULMAJ to substitute house types on plots 161, 164, 165, 170, 174, 175, 177, 199, 201, 213, 214, 216, 219 and 205-208. Permitted.

4.4 19/00466/REMMAJ: Reserved matters application (for matters relating to appearance, landscaping, layout and scale) following outline permission 17/00268/OULMAJ for the erection of 11 no. dwellings with associated car parking and landscaping. Permitted.

4.5 18/00860/FULMAJ: Erection of 66 dwellings with access from White Carr Lane, associated parking and landscaping. Permitted.

4.6 18/00755/REMMAJ: Reserved matters application (for matters relating to appearance, landscaping, layout and scale) following outline permission 17/00268/OULMAJ for the erection of 158 dwellings with associated car parking, open space and landscaping. Permitted.

4.7 18/00065/LMAJ: Variation of conditions 2, 5, 9b, 10, 18, 23 and 24 attached to planning permission 17/00122/LMAJ (Proposed Food Retail Units (Class A1), Non Food Retail Units (Class A1), Coffee Shops/Restaurants (Class A1/A3/A5), Commercial Units (Class A1/A2/A3/A5), access, customer parking and associated works as amended by Non-material amendment application 17/00122/NONMAT). Permitted.

4.8 17/00122/LMAJ: Proposed discount foodstore (Class A1), Two food retail units (Class A1), Three non food retail units (Class A1), Coffee Shop (Class A1/A3), retail units (A1/A2/A3/A5), restaurant (Class A3/A5), access, customer parking and associated works. Permitted.

4.9 13/00200/OULMAJ: Outline application for mixed use development consisting of Class B1 (office) floorspace, Class C3 (residential) and a local centre consisting of a supermarket, Class A1/A2/A3/A4 and A5 uses together with vehicular and pedestrian access, open space and landscaping. Permitted.

## **5.0 PLANNING POLICY**

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

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

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

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP3 - Green Belt
- SP7 - Infrastructure Provision and Developer Contributions
- SP8 - Health and Wellbeing
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk & Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility & Transport
- HP1 - Housing Supply
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Developments
- SA1/9 - North Of Norcross Lane, Norcross

### **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 14 - Meeting the challenge of climate change, flooding and coastal change
- 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 MATERIAL CONSIDERATIONS

#### WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 The following is of relevance to the determination of this application:-

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

#### OTHER GUIDANCE / LEGISLATION

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

5.3.3 THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

5.3.4 National Planning Practice Guidance (NPPG)

## 6.0 CONSULTATION RESPONSES

6.1 BLACKPOOL COUNCIL

6.1.1 No comments in respect of this application.

6.2 ENVIRONMENT AGENCY

6.2.1 Has no comments in respect of this application.

6.3 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

- 6.3.1 No objections subject to conditions.
  - 6.4 LANCASHIRE COUNTY COUNCIL (EDUCATION)
    - 6.4.1 No contribution required towards primary or secondary school places.
  - 6.5 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)
    - 6.5.1 No objections subject to conditions.
  - 6.6 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)
    - 6.6.1 No objections subject to conditions and off-site highway improvements to be undertaken by way of Section 278 agreement including:
      - a) Site access to Norcross Lane.
      - b) Shared footway / cycle lane to the Norcross Lane frontage of the development.
- A financial contribution of £6,000 towards travel planning is also required to be secured under Section 106 Legal Agreement
- 6.7 NATIONAL HIGHWAYS
    - 6.7.1 No objection.
  - 6.8 NHS FYLDE & WYRE CLINICAL COMMISSIONING GROUP (CCG)
    - 6.8.1 Seeking mitigation in the form of a £33,325.00 contribution towards extension and reconfiguration at Thornton Medical Centre and Beechwood Surgery.
  - 6.9 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)
    - 6.9.1 No objection in principle.
  - 6.10 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION)
    - 6.10.1 No observations received at the time of compiling this report
  - 6.11 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREE AND WOODLAND OFFICER)
    - 6.11.1 No objections.
  - 6.12 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (PUBLIC OPEN SPACES/GREEN INFRASTRUCTURE)
    - 6.12.1 No observations received at the time of compiling this report
  - 6.13 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY)
    - 6.13.1 No observations received at the time of compiling this report

## 7.0 REPRESENTATIONS

7.1 At the time of compiling this report 36 public representations have been received, 30 in objection and 6 in support of the application.

7.2 Public objections are summarised as follows:

- A shopping area is no longer proposed which is different to previous plans and shops are currently a long distance away;
- The removal of the retail park will remove potential job opportunities and the area needs jobs and industry to support residents;
- A vehicle connection between Norcross Lane and White Carr Lane is now proposed which will create a rat run and will be dangerous to pedestrians, children and other users;
- The road connection between developments will cause hazard to those living on the estate given the internal roads are quite narrow and unsuitable for increased vehicle use;
- White Carr Lane is already busy and increased use will make it more impossible to get on and off the site and result in extra pollution (harmful to health and wildlife);
- Houses on earlier phases will depreciate in value if residents live on a busy road and crime may increase without one way in and out;
- The developer has not considered residents and it is naïve to think traffic figures will be minimal;
- Existing owners were mis-sold on the basis they were advised no vehicle cut-through was proposed;
- More housing is not required, particularly housing that is not affordable for a lot of people. There is a shortage of affordable housing but this is only help to buy;
- The area is overpopulated;
- Development will further increase flood risk. The flood defence strategy is to use existing SuDs drainage however there is a lack of an effective maintenance plan for the existing development SuDs and a lack of consideration has been given to the CIRIA SuDs principles by McDermott Homes;
- There should be investment in schools, doctors, dentists and sports centres to support development. There should be more green spaces and playgrounds for young people;
- McDermott have not implemented Construction Plans which results in dust and disturbance to residents with health impacts;
- There should be a condition for the installation of sustainable underground energy.
- The existing road network already has too much traffic.

7.3 Supportive public comments are summarised below:

- The proposed road link will reduce the amount of traffic using White Carr Lane which is already too high for this narrow and unsuitable existing road;
- White Carr Lane should be protected from increased traffic given its hedgerows have biodiversity value;
- The road link will provide a better alternative route as White Carr Lane is prone to flooding;
- The link will reduce length of journeys for residents, deliveries and emergency vehicles which is of benefit;

- Royals Brook is to the west of the estate - the report incorrectly states it is to the east.
- An estate of this size should have two accesses as now proposed and reduce dependence of a single access.

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

8.1 Several issues have been discussed with the applicant/agent including:

- Design/layout;
- Housing mix;
- Parking; and
- Open space

## **9.0 ISSUES**

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

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

Principle of Development

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

9.3 The site is brownfield land given and forms part of a wider site that is allocated for residential development under Policy SA1/9 of WLP31. Residential development has been constructed on land to the north of the site in accordance with this site allocation. It is noted that permission was granted for a mixed use development on the site, including retail, food and drink and commercial units in March 2018, however this mixed use aspect is not required under Policy SA1/9 and the permission has now expired.

9.4 Policy SA1/9 sets out a number of Key Development Considerations (KDC's), or policy requirements, for this allocated site. One of these KDCs requires the site to be brought forward in line with a Masterplan. The vast majority of the allocated area is already developed in accordance with previous planning permissions that were approved in advance of the Adoption of the WLP31. As such, it would be unreasonable for a Masterplan to be prepared in support of this application, given there is no longer opportunity to consider connectivity to other parts of the allocated area. The other KDC's set out in Policy SA1/9, including green infrastructure, flooding, ecology will be considered further in the report below.

9.5 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. The site is well related to existing dwellings and local services in Thornton and future residents would have opportunity to meet their daily needs via walking, cycling or public transport.

9.6 Overall, the application is considered to be acceptable in principle. Other material consideration are covered in the report below.

#### Infrastructure Requirements

9.7 Policy SP7 of the WLP31 seeks to ensure the impacts of the development on local infrastructure are suitably mitigated against. In this case, mitigation is required in the form of green infrastructure, healthcare and highways improvements, which are set out in more detail below.

9.8 KDC2 of Policy SA1/9 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 also requires an appropriate provision of green infrastructure on site. Previous permissions within the allocated area (SA1/9) have contributed a significant overprovision of green infrastructure, albeit it on land adjacent to the site that lies within the green belt area adjacent to Amounderness Way. An area measuring 7.9 hectares of green infrastructure has already been secured via other permissions. Therefore the green infrastructure requirement for this proposal, equating to 0.89 hectares, is considered to be secured by previous permissions.

9.9 However, whilst the amount of green infrastructure is secured, the required typologies need to be considered further. KDC2 of Policy SA1/9 requires some form of formal/informal play to be provided, however the previous permissions on the allocated land to the north are considered to be lacking in terms of play provision. Given the green infrastructure is located within the green belt, it is considered undesirable to introduce a significant amount of equipment or infrastructure that could impact on the openness of this area. The applicant was advised at pre-application stage that a trim-trail is unlikely to be visually harmful, and could contribute towards the informal play area requirement. Accordingly, the proposed green infrastructure includes a trim trail and is within a short walk for future residents. As such its location, visual impact and recreation value are all considered acceptable. It is noted that the application proposes this green infrastructure area will be re-profiled with earth excavated from the site. A cross section has been provided, which indicates the levels changes would ensure the area remains functional for amenity and recreation purposes. A landscaping condition would be added to any permission granted to ensure suitable landscaping is provided within the green infrastructure area to ensure the recreation and leisure value is not unduly affected by traffic despite the relative proximity to Amounderness Way. On the basis of the above, the application is considered acceptable in relation to green infrastructure.

9.10 NHS Fylde & Wyre Clinical Commissioning Group (CCG) has been consulted on the application and advise that to mitigate against the population increase and demand for additional infrastructure and services, the CCG are seeking mitigation in the form of a £33,325.00 contribution towards extension and reconfiguration at Thornton Medical Centres and Beechwood Surgery. The applicant



has agreed to pay this and the contribution would be secured by way of a S106 Legal Agreement.

9.11 Lancashire County Council (LCC) Education were consulted on this application. Their responses, received on the 1st October 2021 did not request a financial contribution to either primary or secondary school places. However, LCC Education have been asked to provide an updated calculation based on the most up to date projected school places and demand, which can change depending on the status of other development in the area. Whilst it appears there may be sufficient projected school places in the area to support this development, to ensure an acceptable impact on education, an updated assessment will be requested and reported to members on the committee update sheet.

9.12 Lancashire County Council (LCC) Highways have requested the following works to mitigate any impacts on highway safety and the surrounding highway network;

- Site access to Norcross Lane;
- Shared footway / cycle lane to the Norcross Lane frontage of the development.

9.13 A contribution of £6,000 is also sought towards Travel Planning. The applicant has confirmed agreement of the requested works and contributions, which would be carried out under a s278 agreement (Highway Act 1980) and secured by condition. On this basis, the secured mitigation would prevent any unacceptable impacts from the proposed development on the transport network and on highway safety opposite the site access.

9.14 The site is a brownfield site in Thornton and Policy HP3 of the WLP31 requires an affordable housing contribution of 10% of the proposed units. The application proposes 9 units either for affordable rent or shared ownership/discounted market sale. This is considered to contribute towards meeting the need for affordable housing in the district and would need to be secured by S106 legal agreement.

#### Design / Visual Impact

9.15 Policy CDMP3 and Section 12 of the NPPF seek to ensure high quality design including layouts. Consideration has also been given to Building for Life 12 (BfL12) which local authorities should use as an assessment framework to help ensure the design and layout aspirations contained within the NPPF are achieved. Whilst a BfL12 assessment has not been submitted in support of the application, the relevant aspects have been considered to ensure the scheme takes account of them.

9.16 The layout shows properties to the southern boundary fronting towards Norcross Lane, with the other properties within the site fronting towards the internal access roads. Following discussions with the applicant, amended plans have been provided showing a straighter building lines for various plots and additional elevation details and/or to side elevations that are prominent within the public realm. These changes are considered positive in terms of design and layout. The scheme would generally reflect the layout of development approved on land to the north, with parking either to the front or side of dwellings and gardens to the rear. With the exception to Plots 241-242, the proposals would not result in any extended runs of continuous parking spaces and the street scene is punctuated by landscaping to the front of dwellings. The use of tandem parking spaces would ensure car parking

would not dominate the street scene. Sufficiently sized gardens are proposed, with space for bin storage/manoeuvring. The layout is considered acceptable in these circumstances.

9.17 In terms of visual impacts, the proposed dwellings would be two storey and mostly semi-detached and would be well related to the character and appearance of the site to the north (under construction). The office building to the western boundary and the farm on the opposite side of Norcross Lane to the south would be read in a separate visual context, and the proposed development is not considered to have any unacceptable harmful impacts in terms of existing development in the area. Subject to a suitable palate of materials being agreed, it is considered the development would be suitably well related to the appearance of existing dwellings in the area.

9.18 Overall, and subject to conditions, the development would result in an acceptable visual impact and would not detract from the character of the area. The application is deemed to accord with WLP31 policies CDMP3 and guidance within the NPPF.

#### Housing Mix and Adaptable Homes

9.19 Policy HP2 of WLP31 requires new housing developments to widen the choice of housing available in Wyre by providing a mix of house types and sizes in line with the latest evidence of need as set out in the Strategic Housing Market Assessment (SHMA), which in this case is the May 2018 Addendum 3 Supplementary Note. This sets out a need for 38% 1 & 2 bedroom properties, 43% 3 bedroom properties and 18% 4+ bedroom properties. Out of the 93 units proposed, there would be 21% 2 beds, 48% 3 beds and 31% 4 beds. The proposed mix is not in accordance with the SHMA as it comprises a higher proportion of larger units compared to the smaller (1, 2 and 3 bed) units. The applicant has provided a Market Demand report which suggests there is a local demand for the larger bed properties in the Thornton area. Whilst this has only been given limited weight, it is noted that the internal floor area for 4 bed properties differs by up to 165 sq ft between certain house types. Similarly, the floor area for 3 bed houses can differ by up to 125 sq ft and it is considered that this would go some way to broadening the choice/mix of properties proposed. Overall, whilst a greater number of smaller properties would usually be sought, on balance, the scheme is considered to provide a choice of semi-detached and detached properties comprising mix of bedroom numbers and internal floor areas that would provide reasonable comparative choice to potential homeowners. As such, the conflict with Policy HP2 is not considered to be significant in this instance and the proposed housing mix is accepted.

9.20 Policy HP2 also requires developments of this scale to design 20% of the dwellings to be suitable or adaptable for people with restricted mobility. The majority of properties would have level access and would be constructed to comply with Building Regulations (Part M) to provide good accessibility for future occupiers. A condition would be added to any permission granted to ensure the application meets the adaptability target of 20% of all units.

#### Impact on residential amenity

9.21 30 objection letters were received from members of the public, plus 6 letters in support of the scheme. There are no existing residential properties to the eastern or western site boundaries. The farm on the southern side of Norcross Lane, given the intervening distance, is not likely to be significantly impacted beyond the likely

disturbance caused during the period of construction. As such, the most likely affected neighbours would be the approved properties (under construction) along the northern and part of the eastern boundaries. Most of the properties to these boundaries have gardens backing towards the boundary and would maintain the relevant separation distances set out in the Council's Design SPG. The position of plot 326 would result in a separation distance of 11.8m from its rear wall to the side of Plot 79, which is a shortfall of 1.2m against the council's Design SPG. However Plot 326 would benefit from a relatively large garden and its amenity value is not considered to be significantly affected. Any shortfall in separation distances for other plots (see Plots 247 and 331) would only represent a minor shortfall and would not result in any significant loss of amenity. Any alterations to the scheme to increase separation distances is likely to result in an undesirable impacts on the layout or appearance of the scheme overall. All plots would benefit from adequately sized rear gardens and it is also noted that some plots benefit from additional amenity space to the front and side of properties in the proposed layout.

9.22 In respect of levels, a condition would be added to ensure the finished floor levels are compatible with approved development on adjacent sites. Similarly, appropriate boundary treatments would be secured by conditions should permission be granted.

9.23 In respect of objections raised by members of the public, devaluation of property and loss of views from private dwellings are not material planning considerations. Whilst some noise and disruption is unavoidable during construction, a condition would be added to any permission granted for a Construction Environmental Management Plan to reduce the impacts of noise and disruption during construction.

9.24 On this basis, and subject to suitably worded conditions, the development would not result in any unacceptable amenity impacts to neighbours and the development would also provide an acceptable level of amenity for future occupiers.

#### Highway Safety and Impact on the Highway Network

9.25 The site is in close proximity to bus routes, and is within walking and cycling distance of local services where future residents would be able to meet their needs through sustainable transport methods. Objections have been received from local residents in respect of highway safety, including the proposed vehicle link to the approved development to the north. LCC Highways have been consulted on the application and have not objected to the vehicle link between the earlier phases of development, allowing access north to White Carr Lane. It is considered that introducing additional traffic along White Carr Lane would not be positive given previous safety concerns and the subsequent traffic calming measures provided along this road. LCC Highways have noted that the vehicle link would allow traffic from the earlier development phases to avoid White Carr Lane when making journeys in the direction of Carleton and Poulton or towards Faraday Way. Using the link to Norcross Lane would offer a less tortuous route and is therefore likely to result in a reduction in movements along White Carr Lane. The trip distribution for this development phase is likely to be virtually identical to the earlier phases. LCC accept that there is no certainty that vehicles from the proposed "Phase 2" would not use White Carr Lane, however it is reasonable to assume that given improved accessibility onto Norcross Lane, and lower number of likely trips generated north towards the A585/Fleetwood, this is unlikely. Overall, LCC have concluded that the provision of a link between the earlier and proposed development phases would see

a reduction in traffic levels on White Carr Lane that would be beyond those that have occurred as a result of improvements on the A585.

9.26 In respect of other highways safety matters, LCC Highways have confirmed that the proposed site access on to Norcross Lane would be acceptable in terms of its geometry and visibility splays. The sight lines are achievable over the adopted highway thus ensuring their retention. It is noted that some internal garages would not meet the required dimension of 6 x 3m internally which are required to ensure future use for vehicle parking. The Grasmoor house type has been revised during the application, and now only falls slightly below the required dimensions. As such, only 14 units would now have a shortfall in terms of the required internal garage dimensions, however it is considered these garages still have potential to operate as a vehicle parking space. Overall, given the small number of plots this applies to, it is considered that the scheme would not result in any significant shortfall in terms of parking, and the development is not likely to lead to significant additional parking on surrounding roads, or any other highways safety issues.

9.27 LCC Highways have confirmed that the internal layout and the road layout will therefore be acceptable for adoption under section 38 of the highways act. Mitigation has been requested in the form of conditions and off-site highway works. The off-site highway improvements requested relate to the delivery of the site access to Norcross Lane and provision of a shared footway/cycleway to the Norcross Lane frontage of the development. These off-site highway improvements will need to be constructed under a section 278 agreement. A condition would be required requiring these works to be completed prior to occupation of any dwelling, and other conditions would be added to ensure the development would have an acceptable impact in line with the comments from LCC Highways.

9.28 It is noted that a footpath link opposite Plot 294 is was added during the application to ensure pedestrian connectivity from the site to the west. This would accord with KDC2 of Policy SA1/9 which supports pedestrian and cycle connectivity. Overall, the application is not considered to result in an unacceptable impact on highways safety and would accord with Policy CDMP6 of the WLP31 and the NPPF.

#### Flood Risk and Drainage

9.29 Concerns have been raised by members of the public in respect of drainage and flooding. The site falls within Flood Zone 1 which is the lowest risk of flooding and is allocated for residential development under Policy SA1/9 of WLP31. As such, flood risk sequential test is not required. Policy SA1/9 states that residual surface water should drain into the River Wyre via Royles Brook.

9.30 The Environment Agency has no comments to make on this scheme. Lancashire LLFA has not raised any objections to the proposals and submitted Flood Risk Assessment subject to conditions. The council's Drainage Engineer has not raised any objection to the development although they have recommended consideration of reducing surface water discharge to lessen the potential flood risk downstream towards White Carr Lane. Whilst the residential development could result in some additional surface water discharge compared to commercial units that were previously proposed on the site, any difference is not likely to be significant. The proposed Drainage Strategy has been designed in accordance with the approved drainage and surface water arrangement for the previously approved development phases. This incorporates a wetlands area with ponds, swales and a drainage channel to provide additional water storage adjacent to White Carr Lane. On this basis, the proposed drainage arrangements are considered acceptable.

9.31 A condition would be added to any permission granted to ensure the development is carried out in accordance with the agreed flood risk mitigation and drainage layout plans, which are deemed to be acceptable. On this basis, the application is considered to have an acceptable impact in terms of flooding and drainage in accordance with Chapter 14 of NPPF, the National Planning Policy Guidance 'Flood Risk and Coastal Change, and Policy CDMP2 of WLP31.

#### Ecology

9.32 The site comprises brownfield land and has limited ecological value in view of its surroundings. GMEU has been consulted and has no objections to the proposed development and biodiversity survey, subject to conditions. An additional survey of the land to the east, to be re-profiled and used for green infrastructure, has been submitted and GMEU is in agreement that the site would support relatively low value habitats. The only additional habitats present appears to be a hedgerow, which should be retained and included in any site management plan for the area of public open space. A condition would be added to any permission granted to ensure retention of existing landscaping and suitable new planting as required. GMEU have also requested conditions in respect of vegetation removal (outside nesting season) and biodiversity enhancements. On this basis, and subject to suitably worded conditions, the application is deemed to have an acceptable impact on ecology and would satisfy Policy CDMP4 of the WLP31.

#### Trees/Landscaping

9.33 KDC2 of SA1/9 requires a landscape and green infrastructure framework to be provided, and Policy CDMP4 of WLP31 sets out that development will be expected to incorporate existing trees and hedgerows into the design and layout of the scheme where possible. There are a small number of existing trees within the application site which are of limited amenity value. Their loss would be mitigated by new planting within the site that is deemed to result in an overall gain. The Council's Tree Officer has no objections to the submitted landscaping proposals, however as changes have been made to the layout during the application process, updated landscaping details will need to be secured by way of planning condition attached to any permission granted. It is deemed that any proposed landscaping scheme should include appropriate vegetation and trees along the boundary with Amounderness Way, to ensure adequate screening for the green infrastructure and trim trail from Amounderness Way.

9.34 Overall, there would be no unacceptable loss of trees and the landscaping proposals are considered to be acceptable, subject to suitably worded conditions. The application would, therefore, not conflict with Policies CDMP4 and SA1/1 of the WLP31.

#### Other Issues

9.35 Wyre Council's Waste & Recycling Team has not commented on this application. A condition would be added to ensure appropriate bin presentation points and bin stores are agreed prior to occupation of any dwelling.

9.36 The council's Environmental Health Team has not confirmed acceptability of the submitted Remediation Strategy & Appraisal in respect of land contamination. Given this is a brownfield site, a condition would be added to any permission granted to ensure details are secured to ensure the safe development of the site.

9.37 Policy SP2 (Criterion 6) requires development proposals to demonstrate how it would respond to the challenge of climate change through appropriate design and by making best use of resources and assets. Subject to conditions, the development would provide biodiversity enhancement through new and well connected native landscaping, as well as sustainable drainage solutions, and electric vehicle charging points would be secured by condition in order to satisfy Policy CDMP6. It is also considered the location would allow for sustainable travel choices by future residents. On balance therefore the proposal is considered to satisfy this policy requirement.

## **10.0 CONCLUSION**

10.1 The application site is allocated for residential development in WLP31 and the development is acceptable in principle. The development would not result in any unacceptable impacts in terms of design, amenity, highway safety, flooding, ecology and green infrastructure. All material impacts have been assessed and found to be acceptable and overall, subject to conditions and a legal agreement, the proposed development is considered to be acceptable.

## **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 legal agreement to secure on-site affordable housing (10%) and green infrastructure and financial contributions towards health care and Travel Planning. That the Head of Planning Services be authorised to issue the decision following the satisfactory completion of the Section 106 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 1st September 2021 including the following plans/documents:

#### Plans

- Site Location Plan Drg No.19053\_00, received 22nd September 2021;
- Site Layout (Phase 4) Drg No. M102/PL/05b, received 4th February 2022;

- Off-site highway works Drg No.3433-F02;
  - Drainage Strategy Drg No.17027/100/1 Rev A received 10th February 2022;
  - P.O.S Layout & Sections, received 10th February 2022;
  - Boundary Treatment Drg No. M102/BT/05a, received 8th February 2022;
  - S278 Schematic Plan Drg No.3433 F02
- 
- House Types
  - Drg No. Gar 1.7 Grasmoor (Brick)
  - Drg No. Gar 1.71 Grasmoor (Brick Render)
  - Drg No. Bou 1.7 (Boulsworth Brick)
  - Drg No. Bro 1.71 (Boulsworth Brick Render)
  - Drg No. Bro 1.7 (Bromley Brick)
  - Drg No. Bro 1.7 (Bromley Brick Render)
  - Drg No. She 1.7B (Sherbourne)
  - Drg No. Arni 1.7 (Arnison)
  - Drg No. Ash 1.7 (Ashdown)
  - Drg No. Ash 1.71 (Ashdown render)
  - Drg No. Cha 1.7 (Chatham)
  - Drg No. Hea 1.7 (Healey Brick I)
  - Drg No. Hea 1.7 (Healey Brick II)
  - Drg No. Mai 1.7 (Maidstone)
  - Drg No. Oak 1.7 (Oakshurst)
  - Drg No. Wel 1.7 (Welland)
  - Drg No. Whern 1.7 (Whernside)

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

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

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

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

4. The development hereby permitted shall be carried out in accordance with the letter by REFA Consulting Engineers (response to LLFA dated 4th October 2021) and the approved Flood Risk Assessment (FRA) by KRS Environmental (Ref: KRS.0571.001.R.001.A) and the following mitigation measures detailed within Chapter 8.6 of the FRA:

- Properties should be located above the back of the footway of the adjacent car park by 150mm to enable the full capacity of any secondary flood conveyance to be utilised.

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

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

5. No dwelling shall be first occupied until the drainage works have been completed in accordance with the approved details shown on Drainage Strategy Drg No.17027/100/1 Rev A. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

6. No development shall commence until details of how surface water will be managed during each construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include as a minimum measures taken to ensure surface water flows are retained on-site during construction phases and, if surface water flows are to be discharged they are done so at a restricted rate. The development shall be constructed in accordance with the approved details.

Reasons: 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 to ensure compliance with policy CDMP2 of the Wyre Local Plan.

7. 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.

8. Prior to commencement of the development hereby approved, a scheme for the Biodiversity Enhancement Measures, as set out in section 5 of the Ecological Survey And Assessment by ERAP (Consultant Ecologists) Ltd (ref: 2021-240) dated August 2021, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

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.

9. Prior to first occupation of any dwelling, 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.

10. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

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

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

11. Prior to the commencement of development a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken and submitted to and approved in writing by the Local Planning Authority. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site, and validation of the approved measures shall be submitted to, and approved by, the Local Planning Authority in writing on completion of the works. 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).

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

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

13. Prior to first occupation of the development hereby approved, details of the location, type and charging speed of electric vehicle charging points for all dwellings with parking provision shall be submitted to and approved in writing by the local planning authority unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No dwelling shall be occupied until the electric vehicle recharging point has been provided for the dwelling to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

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

14. Prior to first occupation of any dwelling hereby approved the off-site works shown on Drg No.3433-F02 of highway improvement, namely:-

- provision of the site access to Norcross Lane; and
- provision of the shared footway / cycle lane to the Norcross Lane frontage of the development

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).

15. No dwelling hereby approved shall be first occupied until the parking / turning area(s) shown on the approved plan Drg No. M102/PL/05b as relating to that dwelling has been laid out, surfaced and drained. The parking / turning area(s) shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles without express planning consent from the local planning authority first being obtained.

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

16. (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 / for a distance of 10 metres into the site from the highway before any other development takes place within the site.

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

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

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

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

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

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

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

(d) contractors' compounds and other storage arrangements

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

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

- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (h) external lighting of the site during the demolition / construction period
- (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (j) recycling / disposing of waste resulting from demolition / construction work
- (k) measures to protect watercourses against spillage incidents and pollution

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

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

18. Prior to the first occupation of any of the dwellings hereby approved, a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan (and an associated Travel Plan Co-ordinator as specified in the approved Travel Plan) shall be implemented and operational from the point of the first occupation of any of the dwellings hereby approved for a period of not less than five years from the date of full occupancy of the development.

Reason: To promote sustainable development by encouraging sustainable travel modes and reducing dependence on private motor vehicles in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

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

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

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

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

21. The approved boundary treatment shall be completed in accordance with Drg No. M102/BT/05a, received 8th February 2022, before the dwelling to which the boundary relates is first occupied. The approved details shall thereafter be maintained and retained.

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

22. The development hereby approved shall be carried out in full accordance with Drg No. M102/PL/05b and Drg No. Whern 1.7 and plots 241, 242, 276, 277, 278, 279, 280, 281, 282, 283, 285, 286, 289, 290, 303, 304, 327, 328 and 329 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.

23. Prior to the commencement of the development hereby approved, details of the existing and proposed ground, slab and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority.

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

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

24. Prior to the first occupation of the dwellings listed below of the development hereby approved, the windows specified below shall be:

- i) obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
  - ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
- First floor window serving the en-suite in the side elevation of House Types Boulsworth 1.7 / Boulsworth Brick Render 1.71 - Plot 321;
  - First floor windows serving landing and bathroom in rear elevation of House Types Bromley 1.7 / Bromley Brick Render 1.7 - Plots 243, 318;
  - First floor window serving landing in side elevation of House Type Sherbourne 1.7 - Plots 219;

- First floor window serving landing in side elevation of House Types Ashdown 1.7 / Ashdown Render 1.71 - Plots 257, 259, 266, 294, 302, 306, 316, 324;
- First floor windows serving landing and en-suite in side elevations of House Type Maidstone 1.7 - Plots 254, 263, 298, 301, 312;
- First floor windows serving landing and bathroom in side elevations of House Type Oakhurst 1.7 - Plots 269, 292, 307, 308, 323;
- First floor windows serving landing and bathroom in side elevations of House Type Welland 1.7 - Plots 245, 246, 250, 260, 264, 270, 271, 272, 273, 275, 291, 305, 325.

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

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

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the dwellings on Plots 276, 277, 282, 283, 327, 328 shall not be altered or extended, nor shall any building, structure or enclosure be erected within the curtilage of the dwelling(s) without planning permission.

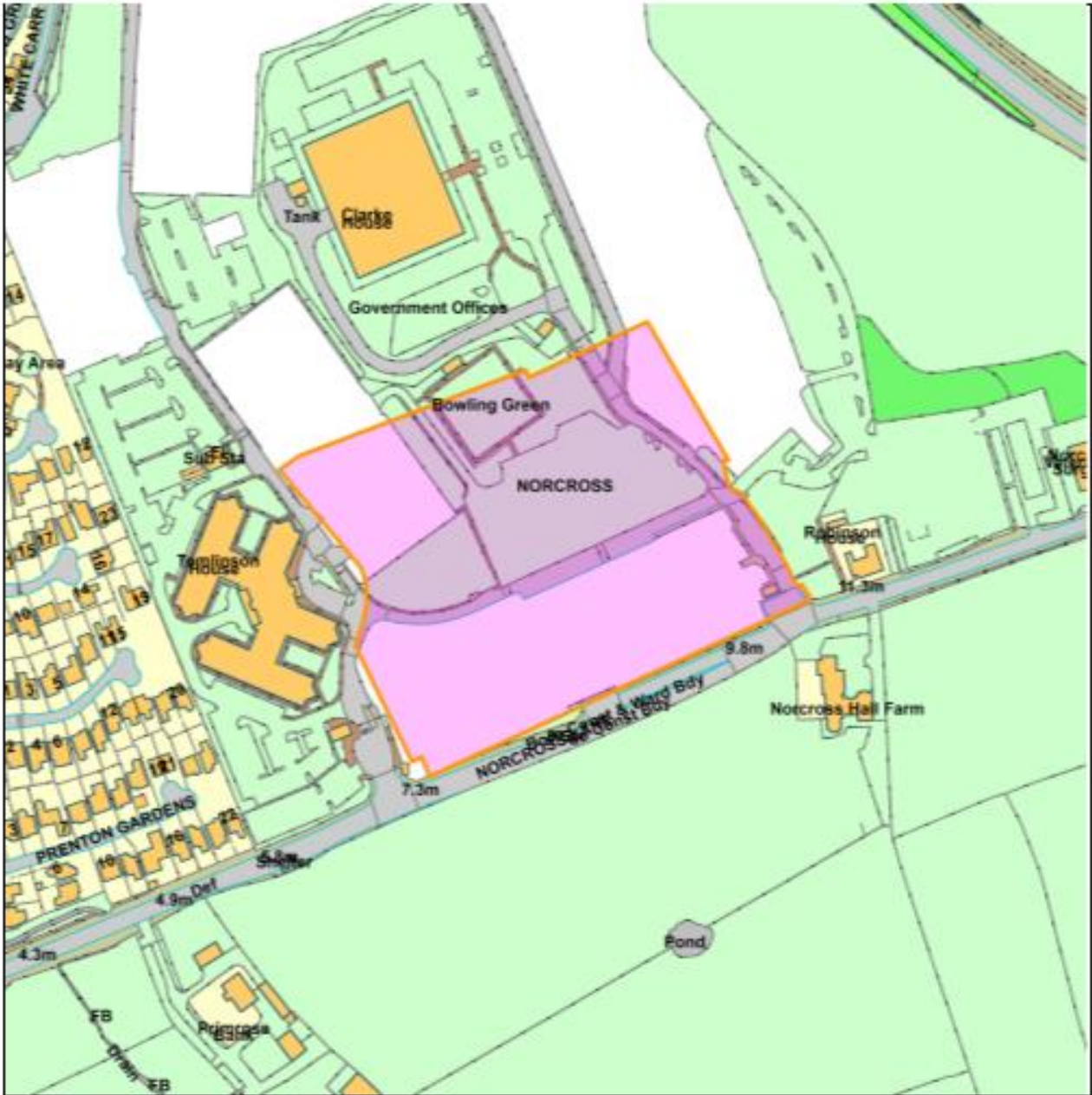
Reason: To ensure that the Local Planning Authority have control over any future development of the dwellings in the interests of preserving the character and amenity of the area and the residential amenity of occupants / neighbours in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

26. The area of public open space shall be developed and completed in accordance with the approved sections and levels details shown on Drg No.POS/P4/02 prior to first use of the development hereby approved.

Reason: To ensure that the development has a satisfactory visual impact and the public open space would be practical for all users in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31).

# Planning Committee

21/01089/FULMAJ - Land at Norcross Lane Thornton Cleveleys



Scale : 1:2689

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Organization	Wyre Council
Department	Planning Department
Comments	Item 2
Date	10 February 2022
SLA Number	100018720

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## Committee Report

Date: 02.03.2022

<b>Item Number</b>	<b>03</b>
<b>Application Number</b>	<b>21/01327/FUL</b>
<b>Proposal</b>	<b>Erection of a replacement dwelling</b>
<b>Location</b>	<b>135 West Drive Thornton Cleveleys Lancashire FY5 2EG</b>
<b>Applicant</b>	<b>Mr And Mrs Brough</b>
<b>Correspondence Address</b>	<b>c/o Mr Christopher Homer 46 Jepps Avenue Barton Preston PR3 5AS United Kingdom</b>
<b>Recommendation</b>	<b>Permit</b>

## REPORT OF THE HEAD OF PLANNING SERVICES

### CASE OFFICER - Miss Hannah Dodgson

#### 1.0 INTRODUCTION

1.1 This application is before the Planning Committee for consideration at the request of Councillor Kay. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

#### 2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is located on the northern side of West Drive, close to the junction with Amounderness Way and east of the junction with Central Avenue North in Cleveleys. The site previously comprised a detached residential bungalow which has now been demolished. The bungalow was finished in red brickwork with clay roof tiles and brown uPVC windows/doors. The surrounding street is residential with properties that vary in their design, size and character. The application site is located within Flood Zone 1.

#### 3.0 THE PROPOSAL

3.1 This application seeks consent for the erection of a replacement dwelling. The proposed dwelling would be a dormer bungalow, larger in size than the previous existing dwelling. To the front it would have two pitched roof dormers and a roof light. To the rear would be two further pitched roof dormers serving a first floor terrace. The terrace would have an obscure glazed panel to the western side measuring 1.6m in height and to the rear measuring 0.65m. To the east side there would be angled louvres extending from the terrace up to the eaves of the projecting roof.

3.2 The overall height of the new dwelling would be 2.8m to the eaves and 7.2m to the ridge. To the rear the eaves would be higher at 4.2m. The width of the dwelling would be 9.8m and the length would be 14.2m. The materials would be white render

to the walls, a tiled roof and grey uPVC windows/doors. The front dormers would be finished in a timber cladding below tiled pitched roofs.

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

4.1 20/01208/FUL - Single storey front extension to replace existing bay window, single storey rear extension with first floor balcony above and alterations to roof to include velux windows to front and dormer extensions to the rear. Permitted.

4.2 89/00727 - Rear extension. Permitted.

#### **5.0 PLANNING POLICY**

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

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

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

- SP1 - Development Strategy
- SP2 - Sustainable Development
- CDMP1 - Environmental Protection
- CDMP3 - Design
- CDMP4 - Environmental Assets
- 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 5 - Delivering a sufficient supply of homes
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

## OTHER MATERIAL CONSIDERATIONS

### 5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

SPG4 - Spacing guidance for new housing layouts

## 6.0 CONSULTATION RESPONSES

### 6.1 LANCASHIRE COUNTY COUNCIL (LOCAL HIGHWAY AUTHORITY)

6.1.1 No objections subject to conditions - The western section of the driveway does not have a vehicle crossing installed, the applicant is requested to enter into a section 184 agreement for the formation of a vehicle crossing.

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

6.2.1 No objections

### 6.3 UNITED UTILITIES

6.3.1 No objections - Sets out standard advice in regards to drainage, water supply

### 6.4 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION)

6.4.1 Conditions for a desk study and gas protection measures to be added to any permission granted.

## 7.0 REPRESENTATIONS

7.1 Three letters of objection have been received. The main concerns raised relate to the following points:

- the loss of privacy and overlooking from the rear balcony and dormer windows which will allow a view into neighbouring gardens
- loss of sunlight to other properties
- the visual impact of a larger property between bungalows.

## 8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Contact was made with the agent to request revisions were made to plans showing obscure glazing of the balcony, angled louvres and dormer materials. Further contact was made to agree pre-commencement conditions.

## 9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of Development
- Visual Impact / Design / Impact on the street scene
- Impact on the Residential Amenity
- Impact on Highway / Parking

## Principle of development

9.2 The application site is located within the settlement of Thornton-Cleveleys where development is directed under Policy SP1 of the Local Plan. The proposal is to build a new dwelling following the demolition of the existing dwelling, therefore there would be no net increase in dwellings on the site and the proposal would be acceptable in principle. Policy SP2 requires all development to be sustainable. The proposed dwelling would be located within a residential area within walking distance of Cleveleys town centre and transport links and would therefore be considered to be sustainable in terms of accessibility and location.

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

9.3 The site is within a residential area, comprising dwellings which vary in design and scale. Whilst some objections have noted that the immediate area is made up of bungalows, the wider area including the opposite side of the street has a number of two storey dwellings. Therefore no particular dominant character is attributed to this area. The proposed dwelling would be a dormer bungalow which would have a modest eaves height of 2.8m. The ridge height would be more significant at 7.2m, although the existing bungalow had a ridge height of 6.6m, so the difference is minor. The roof shape would differ to the front, but the overall width of the dwelling would be the same as existing, so a visual gap between the neighbouring properties would be maintained and it would not appear overly dominant. The main change to the size of the dwelling would be in the length, but this would not be overly noticeable from the front elevation, so it would not cause visual harm to the street scene, and the garden is sizeable so the dwelling would not be excessive in size. There would also be two dormers added to the front of the dwelling, but they would be small pitched roof dormers which, it is considered, would sit well within the roof plane. Therefore they would appear well designed and subordinate to the rest of the dwelling. The materials would be render to the walls, timber cladding to the dormers under a tiled roof, and grey windows/doors. This is demonstrated in the Design and Access Statement which shows that the materials complement one another and that the dwelling would be contemporary in style, being of a high standard of design. As such it is considered that the dwelling would not be out of proportion or character with the wider street scene along West Drive, consistent with Policy CDMP3 of the WLP.

## Impact on the residential Amenity

9.4 A main concern in this proposal is the impact of the new dwelling on residential amenity. Some objections have been raised in terms of loss of light, and more so loss of privacy from the balcony and rear facing windows. An application was previously approved for extensions and alterations to the existing bungalow which proposed the same balcony above a single storey extension and rear dormers. In that assessment it was found that the proposal would not be detrimental to amenity, and the same assessment applies to this application.

9.5 On the east side of the balcony, angled louvres are proposed which would restrict the view towards 137 West Drive. On the west side of the balcony, a 1.8m high obscure glazed screen is proposed to restrict the view towards 133 West Drive. This eliminates immediate privacy concerns. Looking out from the balcony to the rear would not be obstructed, but the balcony would be 24m from the shared rear boundary. It would also be set over 20m from the rear of the properties on Central Avenue North, and would not directly face their gardens, with no.133 West Drive being in-between the application site and these properties. Whilst no.133 is a

bungalow so would not completely obstruct the view of the new dwelling from Central Avenue North, the eaves and balcony height of the new dwelling would still be modest so it would be unreasonable to say that there would be significant loss of privacy or loss of light as a result. The view would not be significantly different to what can be achieved from first floor rear facing windows, and there would not be a close rear to rear relationship with any other properties, so there would be no direct overlooking. It is clear from the site plan that the dwelling would project only slightly past the rear wall of 137 West Drive, and not past the rear wall of 133 West Drive, plus it would be set away from the boundaries at both sides, so it would not cause unacceptable overshadowing or be overbearing. There would be two small non-obscured side windows facing no.137, but no.137 does not have any first floor side windows that they would look towards, so there would be no loss of privacy to habitable rooms of no.137.

9.6 The front dormers would be set approximately 27m from the properties on the other side of West Drive so would not cause any further loss of privacy. Overall it is considered that as per the previous application, the proposal would not be detrimental to amenity, due to its significant set off distance from other properties. Factors such as the obscure glazed panels to the balcony can be controlled by a condition so that they remain in situ at all times thereafter.

#### Impact on Highway / Parking

9.7 The access and driveway would remain as existing. The property would be increased from two to three bedrooms, so no additional parking is required. The local highway authority have raised no objections to the application, but have stated that the western access point should have an extended vehicle crossing. As this is existing, it is not considered reasonable to request that the applicant demonstrates any changes to the access as part of the application, but an informative can be added to any permission granted to advise the applicant to enter into a s184 agreement with the highway authority to carry out these works. Likewise, the highway authority have requested conditions for the driveway to be paved in appropriate material and to be carried out in accordance with the approved plans. With these conditions added, there would be no further risk to the highway. Policy CDMP6 requires the provision of an electric vehicle charging point for new development with parking provision, therefore a condition would be added to be agreed and provided prior to occupation.

#### Other Matters

##### Flood Risk

9.8 The site is in Flood Zone 1, an area with low probability of flooding. Therefore a Flood Risk Assessment is not required and it is considered that there would be no further risk to flooding in the area as a result of the development.

##### Drainage

9.9 The Council's Drainage Engineer has been consulted on the application and has raised no objections. United Utilities have set out standard advice on drainage, sewer connections etc. which is available for the applicant to view online. No further issues are raised on these terms.

##### Contamination

9.10 Environmental Health (Contaminated Land) have requested conditions for a Desk Study and Gas Protection Measures to be submitted. This has been agreed by the applicant and will be added to any permission granted to eliminate any potential contamination issues in accordance with CDMP1 of the WLP.

## **10.0 CONCLUSION**

10.1 The proposed replacement dwelling would be of suitable scale and appearance and would not have a detrimental impact on the character of the area. It would also not have a significant impact on neighbouring amenity and the balcony would not cause direct overlooking due to its set off distance from other properties. All other relevant material planning considerations have been assessed to be acceptable and the proposal would comply with the NPPF and the above mentioned Development Plan policies. Subject to conditions, the proposal is recommended for approval.

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

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

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

## **12.0 RECOMMENDATION**

12.1 Grant full planning permission subject to conditions

### **Recommendation: Permit**

### **Conditions: -**

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 01.11.2021 including the following plans/documents:

- Site and Site Location Plan
- Proposed Site Plan ref.P02
- Proposed Drainage Plan ref.P03
- Proposed Roof Plan ref.P13
- Proposed Floor Plans ref.P10 REV A (received 29.01.2022)
- Proposed Elevations Sheet 1 of 2 ref.P21 REV D (received 10.02.2022)
- Proposed Elevations Sheet 2 of 2 ref.P22 REV C (received 10.02.2022)

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 application form and email dated 10.02.2022 (front dormers to be timber cladding) 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 hereby approved shall not be brought into use until the parking / turning area shown on the approved Proposed Site Plan (P02) has been laid out, surfaced and drained. The parking / turning area shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles without express planning consent from the local planning authority first being obtained.

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

5. Before the access is first used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be surfaced in tarmacadam, concrete, block pavements, or other permanent hard surfaced material.

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 and in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

6. Prior to the first occupation or use of the development hereby approved, the screen to the west elevation of the balcony shall be:

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

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

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

7. An electric vehicle recharging (EVCP) scheme shall be submitted unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. The dwelling shall not be occupied until the electric vehicle recharging point has been provided, 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).

8. Prior to the commencement of development a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken and submitted to and approved in writing by the Local Planning Authority. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site, and validation of the approved measures shall be submitted to, and approved by, the Local Planning Authority in writing on completion of the works. 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).

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

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

**Notes: -**

1. An extended vehicular access, within the adopted highway fronting the property would need to be constructed under a section 184 agreement of the 1980 Highways Act (Vehicle crossings over footways and verges), The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact LCC Highways before any works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for vehicle crossings and then fill in the information at "Get a vehicle crossing quotation".



# Planning Committee

21/01327/FUL - 135 West Drive Thornton Cleveleys



Scale : 1:1726

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 3
Date	09 February 2022
S LA Number	100018720

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**Committee Report****Date: 02.03.2022****Item Number 04****Application Number** 19/00860/OULMAJ**Proposal** Outline application for the erection of up to 350 dwellings, 1 hectare of employment land, a medical centre, a school, village hall and convenience store (all matters reserved)**Location** Land South Of A586 And North West Of Copp Lane Great Eccleston Lancashire**Applicant** Metacre Ltd**Correspondence Address** c/o De Pol Associates  
Mr Nathan Tonge Farington House Stanifield Business Park  
Stanifield Lane Farington, Leyland PR25 4UA**Recommendation** Permit**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Miss Lucy Embery****1.0 INTRODUCTION AND ASSESSMENT**

1.1 This application is before the Committee for a third time. It was initially presented to the Committee on the 28 April 2021 and subsequently on 1 September 2021 to seek approval for an amended condition (Condition 4). The Committee resolved to grant outline planning permission subject to the satisfactory completion of the section 106 legal agreement.

1.2 As members will be aware, the S106 agreement was intended to make provision for the relevant infrastructure contributions including those relating to highways and education, both matters for Lancashire County Council who would therefore be party to the agreement. Unfortunately, delays in the county council responding to the draft S106 agreement and their subsequent inclusion of terms deemed unacceptable to the applicant and considered not to be in accordance with the approved resolution, has resulted in the applicants confirming that matters relating to the county council are to be dealt with via a S106 unilateral obligation which would run alongside a normal S106 bilateral agreement which would include all parties with the exception of the county council.

1.3 Whilst not a 'normal' way of securing the relevant contributions etc. required by the approved resolution, it has been confirmed, following further legal advice, that having both a bilateral agreement and a unilateral obligation in force together will work.

1.4. The original and subsequent resolution of the Planning Committee was, however, for the planning permission to be issued subject to the satisfactory

completion of the section 106 legal agreement. This resolution, therefore, envisages a single S106 bilateral agreement. As the current position is that there will be both a bilateral agreement and a unilateral obligation operating together, it is considered that this represents a minor departure from the original resolution.

1.5 Members are therefore requested to approve a slightly modified resolution as set out below.

1.6 During the drafting process for the S106 agreement, the importance of securing the necessary infrastructure within the community hub (new community hall, school site, and health centre site) at an appropriate stage of development has become apparent and it is considered that there is a need for an additional condition to help secure this. The new condition would be as follows:

As part of the first reserved matters application where layout is applied for, the site size, location and boundaries for the areas of land within the community hub, including for the new community hall (site area 0.25 Ha), Health centre (site area 0.49 Ha) and school (site area 1.36 Ha), shall be submitted for approval and shall be in accordance with the general locations and type shown on the approved Drawing No. MA/GE/PP/01 Rev A - Parameters Plan and any Masterplan approved by the Local Planning Authority for the site.

Reason: In order to ensure the timely identification of land for the provision of essential infrastructure in accordance with the provisions of Policy SP7 of the Wyre Borough Local Plan.

1.7 Members are also advised that following recent discussions with LCC Highways with regards the remaining land within the allocation, an amendment to condition 6 is also required to ensure an internal link road from the site is secured from the main spine road to the adjacent land to the east within the allocation in accordance with the approved Masterplan (Parts 1 and 2) and Policy SA3/3 of the Wyre Borough Local Plan 2011-2031. Without the delivery of this road this would mean that the adjoining land to the east would not be served by a suitable access. The revised condition is proposed as follows:

Prior to, or simultaneously with the submission of any reserved matters application(s) relating to layout, a scheme and programme for the construction, and subsequent offer to the local highway authority for adoption, of the internal spine road between the A586 and Copp Lane, together with the access roads to the 1ha of employment land and to the 2.43ha Community Hub, and the access road from the main spine road to the adjoining land to the east within the allocation (the spur road), as identified on the approved - Drawing No. MA/GE/PP/01 Rev A - Parameters Plan and the approved Great Eccleston Masterplan Part 1, shall be submitted to and be subject to the approval, in writing, of the local planning authority. These internal roads shall be constructed in accordance with the approved scheme(s) and programme(s) to an adoptable standard and, in respect of the spur road, shall be constructed up to the eastern site boundary with the adjacent land forming part of the site allocation (SA3/3) and offered to the local highway authority for adoption. All these internal roads shall thereafter be maintained and remain open and unobstructed at all times unless and until they have been adopted by the local highway authority.

Reason: In order to ensure that there is adequate and early connectivity to the existing highway network and to ensure that the designated areas of employment

land and Community Hub, and adjacent land to the east which can only be adequately served by a road link from this site, are accessible and available to be developed at an appropriate stage of the overall site development in the interests of highway safety and sustainability and in accordance with the provisions of the approved Great Eccleston Masterplan (Parts 1 and 2) and Policies EP1 and SA3/3 of the Wyre Borough Local Plan 2011-2031.

## **2.0 RECOMMENDATION**

2.1 That the Planning Committee grant outline planning permission subject to previously approved conditions with the addition of the additional and amended condition set out above, and a S106 Legal Agreement and s106 Unilateral Obligation to secure 30% on-site affordable housing provision, delivery of the link road between the A586 and Copp Lane, and financial contributions towards health care, community hall, education, public right of way improvements and travel plan support. That the Head of Planning Services be authorised to issue the decision following the satisfactory completion of the S106 agreement and unilateral obligation.

The reports presented to the 28 April and 1 September Committees are set out below.

## **1.0 INTRODUCTION AND ASSESSMENT (UPDATED FROM ORIGINAL REPORT FOR 28 APRIL 2021 COMMITTEE)**

1.1 This application is before the Committee for a second time. It was initially presented to the Committee on the 28 April 2021. The Committee resolved to grant outline planning permission subject to the satisfactory completion of the section 106 legal agreement.

1.2 Following the committee meeting and during ongoing negotiations with the applicant on the section 106 agreement, the applicant has queried the last sentence of condition 4 in respect of Green Infrastructure (GI) provision. Condition 4 is currently drafted as follows (relevant sentence underlined).

4. As part of any reserved matters application where layout is applied for, green infrastructure shall be provided on site in accordance with the requirements of Policy HP9 of the Wyre Local Plan in accordance with the general locations and type shown on the approved Drawing No. MA/GE/PP/01 Rev A - Parameters Plan and any Masterplan approved by the Local Planning Authority for the site. The total amount of green infrastructure to be provided on the site shall be no less than 3.18 hectares.

Reason: In order to ensure adequate provision of green infrastructure is secured by this planning permission and to ensure sufficient green infrastructure is provided to ensure adequate ecological mitigation in accordance with the provisions of the NPPF and Policies SP8, HP9, CDMP4 and SA3/3 of the Wyre Local Plan.

1.3 Paragraph 9.28 of the committee report explains that the precise amount of GI is not usually determined until reserved matters stage when housing mix details are known. However as Natural England in their response stated the indicated amount of GI (3.18 hectares) should be provided to mitigate against the impacts of the development, it was considered justifiable to fix this amount at outline stage.

1.4 The applicant has highlighted that in fixing the amount irrespective of housing numbers or mix, this conflicts with Policy HP9 and the approved Masterplan

as it could require a greater amount of GI than what is actually required by policy. Having reviewed the Natural England response it is clear they have based their recommendation on the summary findings of the Habitats Regulations Assessment (HRA), yet the HRA is also clear that the precise amount of GI would be secured at Reserved Matters stage. Therefore amending condition 4 to remove this last sentence will still require a policy compliant scheme and so will not materially affect the mitigation objective that Natural England were seeking to achieve.

1.5 As such members are being asked to grant outline planning permission subject to a s106 legal agreement (with the same s106 terms as previously presented) and subject to the same conditions previously presented but with an update to condition 4 as set out above removing the sentence underlined.

## **1.0 UPDATE SHEET FOR 28TH APRIL 2021 COMMITTEE**

### Great Ecclestone Masterplan

1.1 As an update to paragraph 5.4.2 (page 44) of the main committee report, the Great Ecclestone Masterplan Part 2 has now been approved by the Head of Planning Services under delegated authority. The approval of the Part 2 document means that there is now a complete masterplan for the allocation in line with the Local Plan requirement.

### Updated Consultee Response

1.2 Since the publication of the committee report Lancashire County Council (LCC) have provided a revised indicative Education Contribution Assessment (Dated 13th April 2021) which identifies that at this particular point in time and assuming a development of 4 bedroom dwellings (as is standard practice where housing mix is unknown at outline stage), then a financial contribution towards 131 primary school and 43 secondary school places is required.

1.3 LCC intend to use the primary education contribution to provide additional primary places at the new primary school linked to Land West of Gt Ecclestone (identified as part of the Local Plan) and/or Inskip St Peter's Church of England School. LCC intend to use the secondary education contribution to provide additional secondary places at Hodgson Academy and/or Millfield Science and Performing Arts College. These are the closest schools to the development that have space to accommodate an expansion.

1.4 Should the primary places be an extension to an existing school this equates to a contribution of £2,194,244.76. Alternatively should these places be provided at the new primary school (indicated on the approved Great Ecclestone Masterplan) then this equates to a contribution of £2,605,951.56. The 43 secondary school places would equate to a contribution of £991,655.25.

1.5 In terms of the new school site, LCC would be seeking a 1 form entry primary school site and request that the maximum site size of 1.36 ha be provided.

1.6 The response also states that in the event a new school site is needed then where the demand is generated by more than one development or phase, it may be that one developer would be required to provide the school land to address the collective demand. This would require applicants to provide a contribution towards the cost of the school site land, proportionate to the size of their development. LCC

would seek to work with the Council to ensure that such equalisation arrangements are established prior to the approval of any of the developments affected.

Officer Response:

1.7 Members are advised that this updated response would not change how the Section 106 agreement was drafted, which would impose a mechanism for the precise contribution to be calculated at the time of any approval on the reserved matters application(s) when bedroom mix is known. In terms of a contribution towards the costs of the school site land, no such equalisation arrangements are in place and the Council does not consider this additional contribution request as being reasonable or in conformity with the CIL Regulations. It is suggested to amend condition 2 (below) to specify the amount of land required to be reserved for the new primary school.

Clarification in Section 9 of Report (Infrastructure provision and employment)

1.8 Paragraph 9.12 (page 55) of the main committee report documents that the application would secure the provision of the spine road linking from the A586 to Copp Lane and its timely delivery as an early phase of development would need to be secured through a Section 106 legal agreement. This would actually be secured by condition (condition 6 being relevant).

Amendments to conditions (amendments in bold and italics)

1.9 The following amendments are proposed to conditions 2, 5, 6 and 10, having been reviewed by officers, the applicant and the changes subsequently agreed by LCC Highways (where relevant):

2. (a) The total number of residential units to be provided on the site in the general locations shown on the approved Drawing No. MA/GE/PP/01 Rev A - Parameters Plan shall be up to 350;

(b) No less than 1.0ha of land shall be provided on the site in the general location shown on the approved Drawing No. MA/GE/PP/01 Rev A - Parameters Plan for the development of employment uses within classes Class B1 (now Class E (g)), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended);

(c) No less than 2.43ha of land shall be reserved for the provisions of a Community Hub in the general location shown on the approved Drawing No. MA/GE/PP/01 Rev A - Parameters Plan comprising an A1 retail (convenience) store (now Classes E (a), (b) and (c)) and class D1 uses of a Village Hall (up to 0.4ha of land), a Medical Centre (0.49ha of land), and a Primary School (1.36ha of land), as per the Town and Country Planning (Use Classes) Order 1987 (as amended) unless written confirmation is provided in writing by the Local Planning Authority that some or all of this safeguarded land is no longer required;

(d) The total amount of floor area to be provided for the retail (convenience) store specified within (c) above shall not exceed 400m<sup>2</sup> (gross).

e) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2020 or Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent order amending or revoking and replacing that order, the units hereby permitted within (b)

above shall only be used for the purposes of classes B1/B2/B8 (or class E(g) if that was to become the lawful use of any B1 use implemented) and the retail unit hereby permitted within (c) above shall only be used for the purposes of class A1 (convenience) retail (or class E(a) or F2(a) if that was to become the lawful use of the A1 use implemented), nor shall any mezzanine floor be installed in any of those units, without the express permission of the Local Planning Authority.

[NB: the transitional arrangements allowed by the Town and Country Planning (Use Classes) Order 2020 mean that the use classes specified by this condition are those applied for when the application was made]

Reason: To ensure the development delivers appropriate housing and employment growth whilst ensuring the uses are provided in the right location on the site and will not undermine the vitality and viability of nearby centres in accordance with Policies SP1, SP2, HP1, EP1, EP5 and SA1 of the Wyre Local Plan (2011-2031) and the approved Great Eccleston Master Plan.

5. No development shall commence until a phasing programme for the whole of the application site to include the approved residential, green infrastructure, employment land and community hub, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing programme unless an alternative programme has otherwise been submitted to and approved in writing by the Local Planning Authority.

Reason: To define the permission and in the interests of the proper development of the site and to ensure the timely delivery of supporting infrastructure in accordance with the provisions of the approved Great Eccleston Masterplan (Parts 1 and 2), policies SP7, CDMP3, EP1 and SA3/3 of the Wyre Local Plan (2011-31).

6. Prior to, or simultaneously with the submission of any reserved matters application(s) relating to layout, a scheme and programme for the construction, and subsequent offer to the local highway authority for adoption, of the internal spine road between the A586 and Copp Lane, together with the access roads to the 1ha of employment land and to the 2.43ha Community Hub as identified of the approved - Drawing No. MA/GE/PP/01 Rev A - Parameters Plan and the approved Great Eccleston Masterplan Part 1, shall be submitted to and be subject to the approval, in writing, of the local planning authority. These internal roads shall be constructed in accordance with the approved scheme(s) and programme(s) to an adoptable standard.

Reason: In order to ensure that there is adequate and early connectivity to the existing highway network and to ensure that the designated areas of employment land and Community Hub are accessible and available to be developed at an appropriate stage of the overall site development in the interests of highway safety and sustainability and in accordance with the provisions of the approved Great Eccleston Masterplan (Parts 1 and 2) and Policies EP1 and SA3/3 of the Wyre Borough Local Plan 2011-2031.

10. Where any reserved matters application is submitted relating to layout on the part of the site which is located to the south of public right of way network (2-13-FP11) and east of the main spine road, the submitted details must provide for a continuous primary access road comprising a 5.5 metre wide carriageway and a footway 2 metres wide on each side of the carriageway from the spine across extending to the eastern site boundary as shown on the approved Drawing No. MA/GE/PP/01 Rev A - Parameters Plan (and to link to any similar road on the other



side of the boundary if permitted or existing at the time the details are submitted). Prior to, or simultaneously with the submission of any such reserved matters application, a scheme and programme for the construction of this road and subsequent offer to the local highway authority for adoption shall be submitted to and be subject to the approval, in writing, of the local planning authority. The said primary access road shall thereafter be constructed to an adoptable standard for its entire length up to the site boundary. This primary access road shall be maintained and remain open and unobstructed at all times.

Reason: To ensure that the development provides appropriate and timely connections and sustainable linkages to neighbouring development and the wider highway network to enable the full development of site allocation SA3/3 and in accordance with the approved Great Ecclestone Masterplan (Parts 1 and 2), Policy CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

## **ORIGINAL REPORT FOR 28 APRIL 2021 COMMITTEE**

### **1.0 INTRODUCTION**

Site Notice Date: 20/09/2019

Press Notice Date: 09/10/2019

1.1 The application site forms part of a mixed use site allocation for housing and employment. Due to the strategic significance of the development and the proposed delivery of infrastructure requirements, the application is being presented to the Planning Committee for consideration. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

### **2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site comprises a number of agricultural fields to the south of the A586, and the north of Copp Lane, Great Ecclestone, which form a large part of Wyre Local Plan mixed use site allocation SA3/3 - Land West of Great Ecclestone. The main part of the site is immediately off the south side of the A586, however the site also continues southwards towards Copp Lane. The site area equates to 16 hectares. It is nearly half of the overall site allocation which totals 33.70 hectares.

2.2 There is a modest sized caravan site immediately to the east of the main part of the site, and an existing dwelling to the north west of the site. A public right of way runs east to west through the centre of the site. To the south west of the site are a short row of detached residential properties off Copp Lane. On the opposite side of Copp Lane are approved residential developments, also within the site allocation, which are currently under construction.

### **3.0 THE PROPOSAL**

3.1 The application seeks outline planning permission for the erection of up to 350 dwellings, 1 hectare of employment land, a medical centre, a school, village hall and convenience store. All matters are reserved, however, in accordance with the provisions of the Town and Country Planning (Development Management Procedure) Order 2015, the application does identify the areas where access points to the development proposed will be situated.

3.2 Illustrative plans have been provided. The 1 hectare of employment land is indicated to be located in the north west corner of the site adjacent to the A586. The medical centre, school, village hall, and convenience store (termed the community hub) are indicated to be on the north eastern extent of the site, and north of the existing public right of way that links to the village centre.

3.3 A 'spine' road is indicated running north-south through the site linking the A586 Garstang Road north of the site, and Copp Lane south of the site.

3.4 A green corridor is indicated running east to west through the centre of the site following the line of the existing public right of way.

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

4.1 There is no site history on the application site. However the following planning history relates to developments within the wider site allocation:-  
Land east of application site:

- 18/00540/FULMAJ - Proposed residential development of 16 dwellings, public open space, landscaping and associated infrastructure with vehicular access taken from West End. Committee resolution to approve application subject to conditions and S106 Legal Agreement. S106 Agreement currently pending.
- Land south of application site and Copp Lane:
- 18/01079/RELMAJ - Reserved matters application (relating to scale, layout, access, appearance and landscaping) for the erection of 93 dwellings, new vehicular access off Copp Lane with associated public open space (following outline application 16/00650/OUTMAJ). Application permitted.
- 16/00650/OUTMAJ - Outline application for the erection of up to 93 dwellings and up to 850sq m of D1 use (non-residential institution) with associated car parking, open space and landscaping (all matters reserved). Application refused. Appeal allowed.
- 16/00973/REMAJ - Reserved matters application for the access, layout, scale, appearance and landscaping for 90 dwellings, provision of a public car park, and associated open space and landscaping following on from planning permission for 15/00576/OUTMAJ. Application permitted.
- 15/00576/OUTMAJ - Outline application for a residential development of up to 90 dwellings, provision of public car park and associated open space and landscaping. Application permitted.

#### **5.0 PLANNING POLICY**

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

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

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

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP6 - Viability
- SP7 - Infrastructure Provision and Developer Contributions
- SP8 - Health and Well-Being
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Treatment
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP5 - Historic Environment
- CDMP6 - Accessibility and Transport
- HP1 - Housing Land Supply
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Development
- EP1 - Employment Land Supply
- EP4 - Town, District, Local and Neighbourhood Centres
- EP5 - Main Town Centre Uses
- SA3 - Mixed Use Development
- SA3/3 - Land West of Great Ecclestone, Great Ecclestone

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

## 5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

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

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

- Section 2: Achieving sustainable development
- Section 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
- Section 16: Conserving and enhancing the historic environment

#### OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE NOTES (SPG's)  
 Supplementary Planning Guidance Note 2: Trees and Development  
 Supplementary Planning Guidance Note 4: Spacing Guidance for New Housing Layouts  
 Supplementary Planning Guidance Note 9: Designing Out Crime

#### 5.4 GREAT ECCLESTON EXTENSION MASTERPLAN

5.4.1 PART 1 - The Great Eccleston Extension Masterplan was approved by the Council on 4th December 2019 and represents a significant material planning consideration to this application.

5.4.2 PART 2 - The Part 2 document was recently consulted on, and considered by the Planning Policy Working Group on 13 April 2021, where Members commended the document for formal approval by the Head of Planning Services in consultation with the Planning and Economic Development Portfolio Holder.

#### FURTHER RELEVANT PLANNING POLICIES/LEGISLATION/GUIDANCE

5.5 National Planning Policy Guidance (NPPG)

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

5.7 The Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019

5.8 The Wildlife and Countryside Act 1981 (as amended)

5.9 Planning (Listed Buildings and Conservation Areas) Act 1990

#### **6.0 CONSULTATION RESPONSES**

6.1 GREAT ECCLESTON PARISH COUNCIL: No observations to make at this stage.

6.2 LANCASHIRE COUNTY COUNCIL LOCAL HIGHWAY AUTHORITY (LCC HIGHWAYS):

6.2.1 First response:

The housing density suggested in this application together with the other approved developments on the allocation and the remaining land could result in 689 dwellings coming forward on the allocation, which exceeds the housing capacity figure. The scheme does not account for the potential increase in development and so will have severe impact on highway safety and fails to adequately promote safe and sustainable travel by modes other than car.

Whilst the available sight lines from the new site access onto A586 are acceptable and achievable, the new junction onto the A586 needs a pedestrian refuge at both sides of the new access on the A586 to further reduce speeds to improve vehicular safety at the junction. The proposed geometry of the site access onto Copp Lane is to prescribed design standards for vehicles. But to provide safe facilities for pedestrians, children and the mobility impaired the applicant should provide a 2m wide footpath for the full frontage of the site with Copp Lane.

Public Right of Way 2-13-FP11 should be upgraded to provide a lit shared surface cycle/footpath link through the site to High Street, to access the existing facilities within Great Eccleston and also allow existing residents to access the new facilities within the site allocation SA3/3.

The agreed Masterplan relating to the principles of development indicates an emergency link onto the A586, Highways recommend this access is a shared 3.5m cycle / pedestrian link. The route would improve the sustainability of the site by allowing better sustainable access to the bus stops on the A586.

#### 6.2.2 Final response:

Following receipt of Curtins Technical Notes and Curtins drawings 'Copp Lane Access Arrangements' and 'Swept Path Analysis 11.2.m Refuse Vehicle Copp Lane Access' LCC Highways do not have any objections to the proposed development and are of the opinion the development will not have a significant impact on highway capacity and a safe access can be provided from the A586 Garstang Road, and Copp Lane.

Highways have reassessed the results from the Transport Assessment and consider there is sufficient capacity at key junctions for the potential development of site allocation SA3/3 for 689 dwellings.

It is accepted that a safe access can be provide onto the A586 with the provisionally recommended off site works. In terms of sustainable links the existing shared surface cycle lane fronting the site with Garstang Road is acceptable and a scheme to connect the site with this route can be provided as part of any future planning application.

The required emergency access will need to be considered as part of a reserved matters planning application. The recommended pedestrian refuge on the A586 and the existing bus stop locations may limit the choice of locations for the link. A scheme to improve Public Right of Way 2-13-FP11 from the site to High Street (including street lighting) is required, with a section 106 contribution in the region of £38,709 being requested. A section 106 contribution of £24,000 is also being requested towards Travel Plan support where a standard Travel Plan cannot be provided for the whole site allocation SA3/3.

The applicant should provide a scheme to upgrade the two bus stops to the west of the junction onto the A586 to Quality Bus Stops with a new bus shelter. Highways are not seeking any section 106 contributions to make any improvement to the existing bus service passing the site. The new access link road through the site is suitable to use as a bus route and there is a potential for the existing bus service to be diverted along the new access road and to serve the community hub, with details to be considered as part of any reserved matters applications.

A number of conditions are suggested as follows:

- Layout to ensure vehicles can leave the site in a forward gear with turning space laid out for construction vehicles before development commences
- Submission of a Construction Management Plan
- No commencement until the required visibility splays to Copp Lane are provided
- No commencement until scheme of site access and off-site highway works submitted and agreed (street lighting, tactile paving, and S278 works)
- No commencement until site access and site lines provided
- No occupation of site until off-site highway works have been provided
- No commencement until details of improvements to Public Rights of Way 2-13-FP11 have been submitted

### 6.3 HIGHWAYS ENGLAND:

#### 6.3.1 First response:

Require further information including provision of raw survey data within the TA for review; clarification on year 1 scenario; TRICS database revisited for the B1 employment element of the site; assessment of B5269 / A585 Thistleton junction; detailed accident analysis for the A585 / Windy Harbour junction, M55 Junction 3, and B5269 / A585 Thistleton junction; capacity assessment of M55 Junction 3.

#### 6.3.2 Second response:

No objection following the submission of additional information (Curtins Technical Letter - October 2019 and letter dated 15th November 2019). Overall, on comparison of observed queue length data with the modelled queue lengths at M55 Junction 3, B5269 / A585 Thistleton, and A585 / A586 Garstang Road / Windy Harbour, Highways England are satisfied that there are no significant differences.

In regard to the B5269 / A585 Thistleton Junction, Curtins conclude that the junction will have sufficient capacity to accommodate the proposed development in the opening year that there would be a minimal increase in queue and delay. Overall, Highways England are able to accept this conclusion and consider that the impact of the proposed development in the opening year will be relatively minor.

In regard to the A585 / A586 Garstang Road / Windy Harbour Junction, the results of the modelling indicate that the junction will perform within capacity in the opening year, in both the existing road layout scenario, and the 'with bypass' scenario. In addition, Curtins results show that the impact of the development at the junction is minimal.

### 6.4 LANCASHIRE COUNTY COUNCIL (LOCAL EDUCATION AUTHORITY):

6.4.1 At September 2019 350 No. 4 bedroom dwellings would be required to provide financial contributions of £1,011,184.02 towards 63 primary school places at St Mary's Catholic Primary School Great Eccleston, and Great Eccleston Church Of England Primary School, and £1,281,813.48 towards 53 secondary school places at Hodgson Academy. These are indicative figures applicable at that particular point in time.

### 6.5 HISTORIC ENGLAND: No comments to make.

## 6.6 LANCASHIRE COUNTY COUNCIL (ARCHAEOLOGICAL ADVISORY SERVICE):

The site lies on the western side of Great Eccleston, in an area classified as 'Ancient Enclosure' (i.e. enclosed before c. 1600) on the Lancashire Historic Landscape Characterisation. Some fields may be of medieval origin and show evidence of fossilised former strip fields. There are also significant numbers of ponds in the area, most of which probably originated as marl pits of the later 17th to early 19th centuries. One of these ponds can be found within the proposed site boundary. There is a potential for significant remains, particularly of later prehistoric or Romano-British date to be present here. Professional judgement would suggest that the probability of their existence is low, but it is impossible to be sure without a degree of field assessment.

A condition is recommended requiring the applicants to undertake a programme of post-permission archaeological assessment of the site, in the form of implementation of a programme of archaeological work in accordance with a written scheme of investigation, before any development takes place on the site.

## 6.7 NATURAL ENGLAND:

### 6.7.1 First response:

Further information required to determine the impacts upon designated sites, including The Wyre Estuary SSSI, Morecambe Bay and Duddon Estuary Special Protection Area (SPA) and Morecambe Bay Ramsar, in the form of a Habitat Regulations Assessment (HRA) which gives consideration to Functionally Linked Land, recreational disturbance and construction related impacts.

### 6.7.2 Second response:

Following submission of the required information Natural England has no objections provided that the following mitigation measures are secured in any planning permission:

- The reserved matters application shall provide the agreed amount of Public Open Space as shown in the indicative layout (3.18ha).
- The reserved matters application shall provide the detail of countryside furniture, path way marking and interpretative panels within the Site and links to the Public Rights of Way network adjacent to the site.
- Submission of a Home Owners Pack to include responsible behaviour in the vicinity of the housing development, on Public Rights of Way and at the coast.
- The production and implementation of a CEMP and Construction Phase Surface Water Management Plan specifically incorporating measures to demonstrate how surface water and changes to water courses will prevent pollution and sediments from entering the River Wyre/adjacent watercourses.
- Details of a surface water attenuation scheme to include the elements shown via indicative plans (attenuation basins, cellular storage and over-sized pipes to achieve greenfield run-off rates and prevent pollution and sediments entering the River Wyre.

## 6.8 GREATER MANCHESTER ECOLOGY UNIT (GMEU):

### 6.8.1 First response:

Strongly recommend that additional information is sought from the Applicant and a parameters approach adopted to guide a future Reserved Matters layout design and landscape proposals.

The key areas where more work is needed is include: -

- Hedgerows assessment of the double hedges adjacent to the PRoW against the Hedgerow Regulations using a recognised methodology.
- Clear identification of each hedgerow, its length and species composition. Where necessary assessment against the Hedgerow Regulations.
- Provision of the survey detail which sits behind the bat foraging conclusions.
- An agreed approach to how PRF (plot radius factor) in trees will be dealt with via any Reserved Matters application.
- Agreed mechanism and mitigation design for common toad.
- Address the matters raised by Natural England in respect of functionally linked land and recreational disturbance of features of interest in European designated sites.
- The LPA to consider the provision of a Habitats Regulation Assessment either as a standalone or as a shadow HRA.
- Agree details of a biodiversity parameters approach to no net loss and biodiversity net gain to guide the Reserved Matters application formulation of a landscape strategy, its layout and the quantum of POS/green infrastructure. This may need to be adjusted depending on the results of the other additional information that is necessary.

#### 6.8.2 Second response:

GMEU have not reverted on their original comments in terms of the indicative loss of hedgerows and the importance of the hedgerow along the PRoW that bisects the site. However, would advise that it is not an issue which is likely to stand in isolation, now that GMEU have produced a HRA for the scheme and purchased the available bird information to the satisfaction of Natural England.

The Parameters Plan is not entirely satisfactory and retained features should be reinforced. Under Reserved Matters design, the proposal should include a landscape scheme that includes gapping up of retained and new hedgerows, this is supported by the final point in the previous response that the biodiversity enhancement scheme needs to include recreated habitats. It is GMEU's view that the final scheme should provide for replacement of hedgerows lost. At Reserved Matters stage there will need to be calculation of current hedgerow lengths against those that are retained/new within the scheme design.

For the avoidance of future doubt in order to ensure no net loss/biodiversity enhancement and provide the LPA necessary confidence that it can be achieved, the LPA may wish to secure this habitat type (hedgerow) specifically within the wording of a condition. With the LPA being able to secure compensation for hedgerow loss then there are no matters outstanding in relation to biodiversity.

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

6.9.1 This proposal will generate approximately 819 new patient registrations based on average household size of 2.4 ONS 2017. The proposed development falls within the catchment area of Great Eccleston Medical Centre. This need, with other new developments in the area, can only be met through the development of a new practice premises in order to ensure sustainable general practice. A financial contribution of £202,849.00 is required towards the provision of this new infrastructure.



6.10 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE): No objection.

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

6.11.1 First response:

Recommended that the Council's standard desk study condition, as well as a Watching Brief condition should be attached should the planning application be granted.

6.11.2 Second response:

Following submission of further information the potential gas risk appears relatively low. The desk study and site investigation requirements are satisfied. A watching brief condition is recommended.

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

6.12.1 The site is bounded by Garstang Road on its eastern most boundary with noise implications from traffic. There are several residential dwellings in close proximity to the Northernmost and Eastern boundaries, again with noise implications. Satisfied with the applicants noise assessment with the exception of predicted noise levels of 56 -60 dB for the external areas of certain dwellings, notably on the north east boundary facing onto Garstang Road. This is an excessive amount of noise for an external amenity area for these houses. As the layout is only an illustrative outline the applicant may need to look at the layout and design of these dwellings. Conditions recommended as follows:

- Construction Environmental Management Plan
- Controlled levels for cumulative noise from all plant and machinery serving commercial units, including deliveries to these premises
- Restriction on deliveries and collections of goods to / from the commercial premises
- Written scheme of works to demonstrate dispersion of cooking fumes
- Controlled levels for external lighting

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

6.13.1 First response:

Concern about the potential impact on Leckonby Street, and issues including vehicle speeds on approach to junctions, a potential canyon effect on Leckonby Street and the weather data used in the modelling.

6.13.2 Second response:

Following submission of further information the concerns raised have been addressed. Require dwellings and commercial units to be provided with electric vehicle charging points.

6.14 WYRE BC CORPORATE DIRECTOR ENVIRONMENT (PUBLIC OPEN SPACES/GREEN INFRASTRUCTURE)

6.14.1 The indicative layout appears satisfactory and the amount of green infrastructure (3.18 hectares) appears in accordance with the guidelines for 350 properties. The masterplan consultation established a preference for natural and semi natural green space and amenity space on the site which is presented in the documents provided.

#### 6.15 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY. (TREES)

6.15.1 The tree report fully covers expectations for an outline application of this scale and the details therein are concurred with. Has previously visited the site in 2017 and made Tree Preservation Order 10 of 2017 relating to most trees that are covered within the tree report. The illustrative layout provides ample Green Infrastructure (GI) and indicates incorporation of all existing trees (subject to the low numbers identified within the tree report requiring removal for arboricultural reasons). The GI / wider layout indicated provides good opportunity for retention and enhancement of existing natural features. Potential future opportunities could be many new native trees, shrubs, ornamentals, meadow, amenity grass areas.

### 7.0 REPRESENTATIONS

7.1 Twenty-one letters of objection have been received. The issues raised by objectors can be summarised as follows:

Highway matters:

- The roads are inadequate to cope with the extra traffic.
- Traffic congestion and safety problems
- Copp Lane is a country lane. The footpaths are already inadequate and very narrow.
- Additional traffic onto Copp Lane would be dangerous and potentially cause accidents especially for children going to the primary school.
- Copp Lane will become the new rat-run used by the new residents.
- The villages of Elswick and Thistleton will be blighted as this additional traffic heads towards junction 3 of the M55.
- The proposed link road will have little, if no effect on the existing traffic congestion in the village.
- Bus services are not frequent or reliable. These subsidised services may be further reduced or removed, leaving limited or no access to public transport in the future.
- It is not safe to have a school near to the A586.

Housing need:

- There is no need for the housing.
- Nearby developments struggling to sell.
- The village is already being over populated and changed by the amount of new housing being built which far outweighs the local demand.
- The housing won't help those that cannot afford to buy.
- Start-up homes and homes for the elderly are needed not luxury 4 beds.

Employment and facilities:

- Limited infrastructure and shops in the area and things for young people to do. Schools are bursting at the seams.
- Employment can be satisfied by other industries elsewhere
- The future employment needs of the borough can be met from brown field sites and sites adjacent to larger conurbations with good transport links
- There are still plenty of spaces at the existing school.
- The village already supports two village halls including the Women's Institute hall in the village centre that could be bought and extended.
- Building a health centre out of the village makes it difficult for the elderly in the village.
- A garage/convenience store is of no help to the main population of Great Eccleston.
- The medical centre should be built first.
- No mention of financial funding for the new medical centre and school, only that building space has been allocated.
- Sustainable development:
- This is not a sustainable development.
- Loss of much needed agricultural land.
- The scale and location, and the village's limited existing local services, means the proposal would not constitute sustainable development or support the community's health, social and cultural well-being.

Size and scale of development/ Impact on character of Great Eccleston:

- The scale of the development is excessive and disproportionate to the size of Great Eccleston increasing the population by 50%
- A development of this size will destroy a pleasant small village.
- Against the wishes of the majority of village residents.
- Will create undesirable ribbon development along Copp Lane which would harm the visual amenity of the area and landscape character.
- Inadequate green buffers around existing property.
- The community cannot take even more houses, cars, people, noise or pollution.

Impact on amenity:

- The proposal will overlook and overshadow existing properties resulting in significant loss of privacy, sunlight and daylight and a real sense of enclosure.
- The proposal will increase noise and pollution to existing properties.
- Allowing the application will be a breach of Human Rights forcing residents to change how they use their properties.
- Drainage:
- The run-off from the developed areas will cause flood risk to the surrounding areas, particularly at Thistleton Brook, which is tidal and takes the increase in surface water drainage
- Further consideration needs to be given to the surface water drainage and the potential impact on the downstream water courses.
- There will be increased foul water outfall.
- There is an existing septic tank in the site serving an existing dwelling. It is unclear what will happen to this.
- Three properties off the A586 drain under the road into the site. There is concern there would be drainage problems regarding waste water.

- There are existing sewage problems in the area. Serving 350 houses extra will add to the problem.

Heritage:

- The proposal will cause substantial harm to the setting of the Dovecote which is a Scheduled Monument and Grade II listed building.
- As the application is in outline the Council is unable to see whether substantial harm is being caused to a Scheduled Monument.
- The development will not conserve or enhance the heritage asset or its setting.

Ecology:

- Loss of natural habitat of wild animals (including owls, pheasants, grouse, hare, woodpecker, eider ducks, herons and other wading birds, deer, hedgehogs, jays and native birds such as sparrows, tits, swallows, housemartins).
- The hedgerow along the A586 should be retained and tree planting and hedgerows proposed.
- Matters raised which are not material planning considerations and so cannot be taken into account in considering this application.
- Loss of view from existing properties
- Depreciation of value of existing properties
- Property purchasers around the site were told land around them would not be built on

7.2 A letter has been received from St. Michael's Flood Action Group (FLAG). The matters raised can be summarised as follows:

- Extremely concerned about disposal of foul sewage from this development. This has not been highlighted in any of the consultee responses, nor in the Developers' FRA. For some 40 years Great Ecclestone sewage has been taken to Churchtown (Garstang Waste Water Treatment Plant) carried by means of a combined sewer. In recent years there have been at least 11 occasions of leaks and burst of the pipe. The most serious and repetitive problem is where raw sewage bubbles up through manholes and floods Rawcliffe Road. Other effects of the sewer incapacity result in backing up of sewage in domestic properties locally. UU have no firm proposals to cure the problem. The addition of some 550 houses in Great Ecclestone) will greatly exacerbate the problem even if surface water from the new properties is excluded from the system. This is a present and future public health hazard and until resolved, no permission should be granted.

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

8.1 Various, including discussions regarding the progression of the masterplan, delivery of infrastructure, and further information requested / provided in respect of consultation responses from LCC Highways, Highways England, Environmental Health Air Quality, and Natural England. Request for hedgerow plan. Relaying of contribution requirements.

## **9.0 ISSUES**

- 9.1 The main issues in this application are as follows:
- Principle of development

- Infrastructure Provision and Employment
- Flood Risk and Drainage
- Housing Mix
- Visual and Landscape Impacts
- Impact upon Highways
- Impact Upon the Historic Environment
- Impact on Residential Amenity
- Trees and Ecology

#### Principle of development

9.2 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The primary development plan document for Wyre is the Wyre Local Plan (WLP31). There are a number of housing, employment and mixed-use allocations identified in WLP31 which will provide the majority of the Local Plan housing and employment requirements. Delivery of these sites is also critical to ensure a 5 year housing land supply is maintained. The site is allocated for housing and employment development as part of mixed use site allocation SA3/3 Land West of Great Eccleston. Objectors have raised concerns about the principle of developing the site for housing and employment however this has been established and accepted through the Local Plan process.

9.3 The site allocation sets a site capacity of 568 dwellings, and 1 hectare of employment land. Planning permission has already been granted for two sites within the allocation on land to the south of Copp Lane for 183 dwellings. A site to the east also within the allocation has a resolution to grant permission for 16 dwellings. This proposal seeks outline permission for up to 350 dwellings, which if approved would take the number of approved dwellings within the allocation to 549 dwellings. Based on this density, remaining land within the allocation to the south-east of the site could potentially deliver a further 140 dwellings, which could result in 689 dwellings coming forward in total on the allocation. Whilst this exceeds the site capacity figure for this allocation, the housing requirements in the WLP31 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 a housing scheme of up to 350 dwellings on this part of the allocation would not be contrary to the WLP31 in principle. Nor would it prejudice the remaining development of the site allocation from coming forward.

9.4 The proposal also seeks outline consent for 1 hectare of employment land, meeting the full employment land capacity for the site allocation.

9.5 Site allocation SA3/3 contains 11 'Key Development Considerations' (KDCs) which are policy requirements. KDC1 states 'this site is to be brought forward in line with a masterplan to be produced covering the whole of the site. The masterplan must be agreed by the Local Planning Authority prior to the granting of planning permission for any part of the site'. As the two housing sites to the south of Copp Lane were approved prior to the WLP31 they were not subject to a masterplan, however being within the allocation these are fixed elements for any masterplan being developed to take into account. In this instance the masterplan for SA3/3 has been designed in two parts. Part 1 which was approved in December 2019 provides the physical and policy context, describes a vision and objectives for development of the allocation and establishes the framework which identifies the broad location of the different land uses and indicates how the movement network will function.

Therefore the location of the community hub, spine road, employment area, and main area of Green Infrastructure, buffers and areas of lower density housing, and internal walking/cycling routes, have been agreed through Part 1 of the masterplan. Part 2 which has now been approved provides the delivery framework in particular delivery of the spine road, medical centre, village hall, shop site and school site, and considers issues of phasing and funding. Officers are satisfied this outline application is not in conflict with Part 1 and Part 2 as drafted. Therefore the proposal satisfies KDC1 of SA3/3.

9.6 KDC8 of SA3/3 requires the development of the allocation to include land for a new primary school, health centre, community hall, and a small convenience store of not more than 400 sqm floor area. These are termed as the 'community hub' and their location has been considered and determined through the masterplan process. This application includes the reservation of land for each of these community hub elements and their location in the north eastern part of the site is in line with the approved Phase 1 masterplan. Therefore it is considered the proposal satisfies KDC8. Other specific KDCs and masterplan matters are subsequently discussed in relevant sections of this report.

9.7 Policy SP1 of WLP31 seeks to deliver and direct new development in line with the settlement hierarchy. The site falls within the newly defined settlement boundary of Great Eccleston. Great Eccleston is listed as a Rural Service Centre within the settlement hierarchy of this Policy where 18.5% of housing growth and 23.3% of employment growth is expected during the plan period. Therefore in terms of location the proposed development would also satisfy the development strategy of Policy SP1.

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. Relevant matters in this case would be to ensure housing provision meets the needs of all sections of the community, provision of strategic and local infrastructure and services, ensure accessible places and minimize the need to travel by car, reduce and manage flood risk, protect and enhance biodiversity, landscape and cultural heritage and green infrastructure assets, and achieve safe and high quality designed local environments which promote health and well-being. Many objectors have raised concerns about the sustainability of the proposed development.

9.9 Matters of sustainability were considered when allocating the site. The Local Plan process considered Great Eccleston to be a sustainable location to support this scale of development, and the site in conjunction with adjoining land to be sustainably located and well related to the existing settlement of Great Eccleston subject to new infrastructure provision requirements including measures to improve pedestrian and cycle links and encourage sustainable travel. Therefore the principle of development satisfies policy SP2 of WLP31.

9.10 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. The north part of the application site is Grade 2 agricultural land which is of very good quality, whilst the south of the site is Grade 3 agricultural land which is only of moderate quality. This loss of good quality agricultural land is a matter that has already been considered and accepted as part of the Local Plan making process. The proposal would not lead to the loss of any highest value

agricultural land, or a significant amount of Grade 2 land, and therefore the proposal would not conflict with Paragraph 170 of the NPPF.

Infrastructure provision and employment:

9.11 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 where appropriate. KDCs for SA3/3 also identify specific infrastructure requirements that are integral to the delivery of sustainable development within the allocation, further detail of which is set out in the approved Part 1 Masterplan and draft Part 2 document.

9.12 KDC2 of SA3/3 requires the provision of a vehicular through route from Copp Lane to the A586. The matter of access has not been applied for in this application however the submitted plans show a proposed road linking through the site between Copp Lane and the A586 as required. This route is also shown within the approved Part 1 Masterplan. The application would secure the provision of this road link, and its timely delivery as an early phase of development would need to be secured through a Section 106 legal agreement.

9.13 KDC8 of SA3/3 requires development of the allocation to include a new primary school, health centre, community hall, and a small convenience store of not more than 400 sqm floor area. This community hub will require an estimated 2.43ha of land (Part 1 of the masterplan incorrectly refers to 2.18ha). Of this 2.43ha, 0.49ha of land is required for the Health centre, 1.36ha for the primary school, up to 0.4ha for the community hall, leaving sufficient remaining land for the convenience store plus associated servicing/parking area. The location of the hub in the approved masterplan is the land within the north eastern part of the site as it would be nearest to the existing centre of Great Eccleston and can be safely accessed from the village centre. This same location is proposed in the application on the indicative layout.

9.14 The Local Education Authority's (LEA) response confirms the financial contribution to mitigate the number of pupil places generated by this development could equate to approximately £1million towards primary school places at St Mary's Catholic Primary School Great Eccleston, and Great Eccleston Church Of England Primary School, and approx. £1.2million towards secondary school places at Hodgson Academy. However, these are purely indicative figures applicable at that particular point in time and a detailed calculation would be undertaken at reserved matters stage once bedroom numbers are known. A revised response has been requested by the LEA which is expected to also refer to a new school as an alternative to expending existing schools should this be needed. This can be reported on the update sheet. For the avoidance of doubt contributions will be sought towards construction of the new school within the site or expansion of existing schools as an alternative and not towards purchase of the land. This application would reserve land for the school site to be delivered by the LEA should this be required.

9.15 The NHS Fylde and Wyre CCG have been consulted and have stated that the proposed development falls within the catchment area of Great Eccleston Medical Centre and will generate approximately 819 new patient registrations based on average household size of 2.4 ONS 2017. They advise that this need, with other new developments in the area, can only be met through the development of a new practice premises in order to ensure sustainable general practice. A financial contribution of £202,849.00 is requested towards the provision of this new infrastructure. The new practice will be a replacement facility to the existing facility at Great Eccleston Medical Centre. This contribution will not fully fund the new scheme,

but is considered by the CCG to be a proportionate request from this development. This application would reserve land for the medical centre to be delivered by the CCG. The financial contribution would need to be secured by means for a S106 legal agreement should Members resolve to approve the application.

9.16 In terms of the community hall, the developer is required to make a contribution towards the cost of delivering this. Similar to the LEA methodology, the precise amount would be dependent on the number of units and housing mix to come forward at reserved matters stage, but also on the amount of land required (up to 0.4ha). Assuming a (maximum) land take requirement of 0.4ha (as set out in the masterplan) and village hall construction costs of £1.4million, an indicative figure at this stage based on 350 dwellings coming forward with a housing mix in line with the SHMA methodology, suggests a contribution from this development could be in the region of £1,474,453. Alternatively the payment may involve land in lieu of a contribution, on the assumption the contribution amount is greater than the value of the land required. For example if the land is worth £200,000 then this could be deducted from the contribution payable. Any monies (and potentially land) would be held by the council and made available to appropriate bodies (such as the Parish Council) wanting to deliver the community hall. The financial contribution would need to be secured by means of a S106 legal agreement should Members resolve to approve the application. This application would also reserve land for the community hall to be delivered. Full details of its appearance, scale etc. would be provided at reserved matters stage or via a separate full planning application.

9.17 In terms of the convenience store, the application would also reserve land for this to be provided at a future date, and require a serviced plot to be provided. Conditions could secure the scale of the convenience store to have a gross internal floor space of no more than 400sqm in line with SA3/3. Full details of its appearance, scale etc. would be provided at reserved matters stage or via a separate full planning application.

9.18 In terms of affordable housing, Policy HP3 of WLP31 requires new residential development of 10 dwellings or more on greenfield sites in Great Eccleston to provide 30% affordable housing on site. Assuming a reserved matters application came forward for all 350 dwellings, 30% would equate to 105 affordable units on site. The applicant has agreed to provide the required 30% affordable housing on the site. Full details including phasing, layout, tenure, type, local connection criteria etc. would be secured by a Section 106 agreement.

9.19 Policy SA3/3 identifies an employment capacity of 1 hectare. The approved Masterplan Part 1 identifies an area of 1 hectare of employment land in the north west of the site adjacent to the A586. This location, which has previously been accepted through the masterplan process, is also shown on the indicative layout plan submitted with this application. The application would reserve land for this to be provided at a future date, and require a serviced plot to be provided. Full details of the appearance, scale etc. of the employment units would be provided at reserved matters stage or via one or more separate full planning applications.

9.20 KDC3 of SA3/3 states that the development should be supported by a landscape and green infrastructure (GI) framework incorporating structured tree planting, on-site open space to include formal and informal play, and pedestrian and cycle connectivity within and where possible outside the site (in particular the village centre). Policy HP9 of WLP31 requires an appropriate quantity of GI to be provided on developments of 11 dwellings or more. It also states that the most appropriate types of GI provision need to be determined, and the policy seeks to create



meaningful GI 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.

9.21 The illustrative layout plan indicates GI within the site amounting to 3.18 hectares. This is illustrated to be located primarily within the centre of the site along the extent of the existing public right of way with three ponds either side of the right of way, and also immediately to the west of, and around, the proposed community hub. A strip of GI is also indicated further north of the community hub running north to south adjacent to hedgerows and between two indicated sections of housing on the northern part of the site. Hedgerows are also indicated as the boundary treatments along the north, north-west, and south eastern boundaries of the site.

9.22 The Parks and Open Spaces Officer has noted that the indicative layout and amount appears satisfactory. Furthermore the masterplan consultation established a preference for natural and semi natural green space and amenity space on the site, and these typologies are presented in the documents provided. Notwithstanding the amount of GI shown on the indicative plan, the precise amount is dependent upon the number of people the development would serve. This is not usually determined until reserved matters stage when housing mix details are known. However in this case Natural England require the indicated amount of GI (3.18 hectares) to be provided to mitigate against the impacts of the development. It is considered from the illustrative plans provided that this would not prejudice the required number of houses or community hub from coming forward. Therefore this amount can be secured with a condition, expressed as a minimum amount in the event the resultant housing mix required in excess of this. Specific details of how the GI is to be provided and laid out to satisfy policies SP8, KDC3 of SA3/3 and HP9 is a matter for any reserved matters application relating to layout and landscaping.

Flood risk and drainage:

9.23 The Masterplan Part 1 identifies the need for Sustainable Drainage Systems (SuDS) features and a foul water pumping station within the allocation as a whole. Part 2 states it is expected these will be delivered across different land parcels in accordance with the principles and plans set out in the masterplan (parts 1 and 2). The development of SuDS features and the foul pumping station must be planned and delivered in such a way as to negate the risk of local flooding from the site and ensure the appropriate delivery of water services. A condition could ensure the details of such features are submitted concurrently with, or part of, any reserved matters submission relating to layout.

9.24 The whole of 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. The FRA states this development would provide a foul water pumping station. There is no requirement for the applicant to demonstrate accordance with the sequential or exceptions tests with regard to flood risk.

9.25 KDC5 of SA3/3 requires that residual surface water should drain into the River Wyre (near Cartford Bridge) via Thistleton Brook and existing watercourses. Improvements to existing watercourses will be required.

9.26 Objectors have raised concerns about foul and surface water drainage. The council's Drainage Engineer has been consulted on this proposal and has raised no objections. United Utilities have also been consulted and have suggested a pre-

commencement condition requiring details of sustainable surface water drainage to be submitted for approval. United Utilities have also requested a condition securing the provision of one foul water pumping station and details of foul drainage including the point of connection to the public sewer, the storage requirements and rate of discharge, and details of any temporary arrangements during the construction of the development. Foul and surface water would have to be drained on separate systems. This condition would also require that no dwellings be occupied until these measures have been provided. This condition is considered necessary, to ensure foul drainage is adequately dealt with. Subject to the aforementioned conditions it is considered that the site could be adequately drained in accordance with Policy CDMP2 and KDC5 of SA3/3.

Housing mix and adaptable housing:

9.27 Policy HP2 of WLP31 requires that developments provide an appropriate mix in terms of size, type and tenure of housing to meet identified need and 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. Both of these elements could be secured by condition, with full details to be considered at reserved matters stage.

Visual and landscape impact

9.28 From views along the A586 north of the site, and from views along Copp Lane south of the site, the application site is read as an agricultural field behind hedging along the roadside and pavements, with a backdrop of wider open land to the west. Boundary hedges currently form the boundaries of the site. There are no existing wide open views of the site from the centre of Great Eccleston, to the east of the site. The site itself is comprised of undulating land.

9.29 The applicant has submitted a Landscape and Visual Appraisal (LVIA). This includes details of the visual effects of the development, including a landscape character assessment, and any important designations such as the existing Dovecote east of the site, the existing right of way network, and key viewpoints within and outside of the site. The LVIA concludes that the site is generally well contained in landscape and visual terms by the built form of Great Eccleston and surrounding topography, and that visual effects are considered to be limited to short and medium distance receptors, and that overall, a well-considered development could be readily assimilated into the receiving landscape.

9.30 The proposed development would undoubtedly be widely visible from the A586 running along the north of the site, Copp Lane along the south of the site, and from existing residential properties surrounding the site, and the existing public right of way that runs east to west through the centre of the site. The development would significantly change the current character of the site. However, as an allocated site the visual effects of a development of this scale have already been considered and accepted in principle as part of the Local Plan process. It would be read as an extension immediately west of Great Eccleston, and along the A586 it would also be read opposite the length of existing residential properties on the north side of the A586 at Little Eccleston. In similarity to this, the proposal would be viewed along Copp Lane as immediately opposite housing development. As seen from either the A586 or Copp Lane it would not therefore be viewed as a sole projection of housing into the countryside. Any visual and landscape impacts resulting from introducing an urban

development onto this undeveloped site are not therefore considered to be unduly harmful.

9.31 KDC4 of SA3/3 requires that the design of the development should provide an organic extension to the village. It should utilise important key vistas into the adjoining countryside and provide a rural transition zone between the development and the wider countryside. Particular attention should be given to boundary treatments. Part 1 of the Masterplan went onto identify key design principles / parameters such as scale, density, landscape buffers and open space in order to achieve this KDC. The illustrative plan submitted demonstrates that the totality of development proposed is physically achievable on this site and capable of achieving the key design principles / parameters outlined in the Masterplan. Whilst details of access, landscaping, scale, layout and appearance are reserved matters, these will nevertheless be important considerations to enable the development to sit comfortably in the surrounding landscape. These will be duly considered against the Masterplan requirements at reserved matters stage.

#### Impact upon highways

9.32 Objectors have raised concerns about the impact of the proposed development upon the highway network, including capacity and suitability of the network, increase in traffic and congestion, highway safety particularly location of the indicated school near the A586, and increase in traffic on Copp Lane both for vehicles and pedestrians, impact upon nearby villages, and lack of public transport. The applicant has submitted a Transport Assessment (TA) and an Interim Travel Plan as part of this application. Highways England and Lancashire County Council (LCC) Highways have been consulted.

9.33 As mentioned above in this report (section on the principle of the development) the site capacity of 568 dwellings does not prevent additional dwellings being proposed which exceed this figure, subject to all other policy requirements being met. The proposal if approved would take the number of houses on the allocation to 533, however could potentially result in the provision of 689 dwellings coming forward if a similar density of development were to come forward on the adjacent site to the south-east. As such this potential increase in capacity has been considered by both LCC Highways and Highways England. Following submission of further information by the applicant Highways England are satisfied the extra number of trips from development beyond the minimum housing figure stated would not result in an unacceptable impact on the wider strategic road network. They would still require a developer on the remaining parcel to provide a TA to demonstrate this at the time of any application submission. LCC Highways have reassessed the results from the TA and now consider that there would be sufficient highway capacity at the nearby junctions to the site to accommodate this upper level of development should it come forward. Therefore it is considered that the proposed development of the site would not result in unacceptable impact upon the capacity of the highway network. A financial contribution of £24,000 is required for this phase of the development where a standard Travel Plan cannot be provided for the whole site allocation SA3/3, and should Members resolved to approve the application this would need to be secured by a S106 agreement.

9.34 LCC Highways confirm the access road indicated through the site linking A586 Garstang Road to Copp Lane is in line with the requirement of KDC2 of SA3/3. This link road through the site could be used as a bus route to the community hub uses. They originally responded requiring pedestrian refuges for the junction with the A586, and there were concerns that the access to Copp Lane would not be safe for

pedestrians. Following the submission of further information and plans showing refuges and footpaths, LCC Highways are now of the opinion that safe access can be provided from both the A586 and Copp Lane. To achieve safe access at Copp Lane LCC suggest a condition securing the visibility splays on the submitted indicative plans, however as access is not a matter applied for at stage this is not considered necessary. Conditions are however necessary to secure delivery of the spine road including connections to the employment land, community hub and eastern boundary (linking with adjoining land within the allocation), as these links are all identified in the approved part 1 masterplan.

9.35 In terms of sustainable transport LCC Highways state the applicant should provide a scheme to upgrade the two bus stops to the west of the junction onto the A586 to Quality Bus Stops with a new bus shelter. This requirement could be secured at this stage by condition.

9.36 LCC's Public Right of Way team via the LCC Highway response has stated that upgrades to the public right of way network (2-13-FP11) will be required through the site, including resurfacing to 3m width and replacing the existing stile at the western boundary with a pedestrian gate, and resurfacing and new street lighting provision between the development and High Street. A contribution of £38,709 is requested for these works. This contribution could be secured through a S106 agreement. LCC Highways also suggest a condition requiring agreement of a scheme for the upgrades to the public right of way. However as the applicant is making a payment to LCC to undertake the works this condition is not considered necessary.

#### Impact upon historic environment

9.37 There are existing historic assets adjacent to the application site. As KDC9 of SA/3 sets out, there is an existing Dove Cote within a field to the north of Copp Lane (and east of this application site) which is Grade II listed and also a Scheduled Monument. KDC9 requires there to be an appropriate buffer to protect its setting. There is also a Grade II listed Pinfold to the north east of the site and on the south side of High Street. KDC11 of SA3/3 required the masterplan process to take into account this Grade II listed Pinfold, and also the Grade II listed church of St. Anne south of the site at Copp Lane, as well as the existing public right of way through the site.

9.38 The applicant has submitted a Heritage Statement as part of the application which confirms the approach taken via the masterplan process. The masterplan Part 1 took into account the location of these heritage assets. The Conservation Officer advises that given the separation distances, the development is considered to make no contribution to the appearance, setting or significance of these nearby designated heritage assets and is therefore considered to sustain their significance. The site is located more than 200metres from the Dove Cote and there is considerable existing development in the space between. Furthermore the application proposes the retention of planting and a green corridor along the existing public right of way through the site (north of the Dovecote) and the retention of this planting and provision of a green corridor is considered an appropriate buffer. Given this the proposed development would not cause any harm thereto it is considered to be acceptable and in conformity with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and policy CDMP5 of the WLP31 as well as KDC9 and KDC11 of SA3/3.

9.39 The applicant has submitted an Archaeological Desk-based study. LCC Archaeology have responded that some fields may be of medieval origin and there is a potential (albeit low) for significant remains. As such LCC Archaeology suggest a condition be attached requiring the applicants to undertake a programme of archaeological assessment prior to commencement of development in accordance with a written scheme of investigation. Subject to this condition it is considered the proposal would not have an unacceptable impact on the historic environment and would fulfil the requirements of Policy CDMP5 of WLP31.

#### Impact on residential amenity

9.40 The proposal has been submitted in outline with all matters reserved. Therefore issues relating to impacts on privacy, overlooking, loss of light and overshadowing cannot be properly assessed at this stage, but would be considered by way of a reserved matters application. 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.

9.41 The relationship between the proposed dwellings along the southern boundary with existing dwellings adjacent can be given particular attention at the reserved matters stage should outline permission be granted. The indicative access demonstrates that a safe access could be achieved away from existing dwellings off the A568, and to the east of the existing row of dwellings adjacent the site on Copp Lane, and therefore it is considered it would be possible to site the access at reserved matters stage so as not to result in unacceptable adverse impact on these existing properties by noise and disturbance from vehicles entering and leaving the development.

9.42 Environmental Health have advised that whilst they have no objections in terms of impact upon amenity a condition should be attached requiring a Construction Environmental Management Plan (CEMP) to be submitted to protect existing residents during any construction period. A number of conditions have also been suggested specifically relating to the commercial uses proposed, including setting maximum levels for cumulative noise from all plant and machinery serving commercial units, including deliveries to these premises, restricting deliveries and collections to these units, controlling external lighting, and requiring details of dispersion of any cooking fumes. It is considered that all of the suggested conditions are necessary should Members resolve to approve the application. With such conditions it is considered that the proposed development would not cause unacceptable harm to existing residents by way of noise, odour, or light pollution.

9.43 The applicant has submitted a Noise Assessment. This has been assessed by Environmental Health. The submitted assessment concludes that internal noise levels of the proposed houses with recommended mitigation are expected to be within the internal noise limits as recommended by British Standard and WHO Guidelines. Environmental Health have commented that noise levels of 56-60dB predicted for the external areas of certain dwellings, notably on the north east boundary facing onto Garstang Road, would be excessive. However at this stage the layout is only indicative and the orientation of dwellings together with appropriate noise attenuation can be considered in any reserved matters application.

#### Trees and ecology

9.44 The application site does not have any ecological designations. KDC6 however states that potential ecological impacts should be considered due to the greenfield nature of the site, and important features such as hedgerows, trees and ponds. Whilst the application is submitted in outline it is clear the proposal would require the removal of sections of hedgerows on the north and south boundaries to provide for the new link road between the A568 and Copp Lane, and to provide access to the site. KDC6 also states that a Habitat Regulations Assessment (HRA) may also be required.

9.45 The applicant has submitted a Biodiversity Survey, and an Extended Phase 1 Habitat Survey as part of the application. Natural England originally responded that a HRA was required. A HRA has been carried out by the Greater Manchester Ecology Unit (GMEU) as the Council's ecological consultee, and this was provided to Natural England for further assessment. Natural England has responded with no objections provided that mitigation measures are secured in any planning permission, including that any reserved matters application shall provide details of a surface water attenuation (basins and cellular storage), the amount of public open space as shown in the indicative layout (3.18ha), the detail of countryside furniture, path way marking and interpretative panels within the Site and links to the Public Rights of Way network adjacent to the site, and home owners packs highlighting the sensitivity of Morecambe Bay. Natural England also require mitigation in the form of a Construction Environmental Management Plan (CEMP) and Construction Phase Surface Water Management Plan. It is considered that with the suggested mitigation measures the proposal would not result in significant effects on nearby designated sites. These measures can be required by condition. The provision of home owner packs is also a requirement of KDC7 of SA3/3.

9.46 GMEU's original response required further information in relation to hedgerow assessment, survey details behind the bat foraging conclusions, an agreed mechanism for the common toad, and agreed approach to how the plot radius factor will be for trees will be dealt with any reserved matters application. The applicant's Ecologist provided a Technical Note in response which GMEU are satisfied with. They confirm that indicative loss of hedgerows and the importance of the hedgerow along the PRoW that bisects the site is not an issue which is likely to stand in isolation, and advise that the LPA may wish to secure this habitat type (hedgerow) within a condition, and with the LPA being able to secure compensation for hedgerow loss then there are now no matters outstanding in relation to biodiversity. A condition is therefore considered necessary to ensure that at reserved matters stage compensation for any amount of existing hedgerow lost is provided. The applicant has been asked to provide a hedgerow plan so the length and location of existing hedgerows is known at this stage so that it is clear at reserved matters stage what hedgerow mitigation is required.

9.47 The applicant has submitted a Tree Survey covering the site. The survey shows that trees along the centre of the site (i.e. along the line of the public right of way) are classed as Category A (high quality and value) trees. There is also one category A Tree (T10) to the northern part of the site near the employment area, and a category A tree on the north west boundary with the existing caravan site. There are three category B (moderate quality) trees scattered in the northern extent of the site, and on the boundary to the existing caravan site north west of the site. Category B trees are also to the southern extent of the site running between the existing row of dwellings at the southern end of the site, as well as a cluster of category B trees (G3 and T4) just south of the existing PRoW through the site. The only Category C tree is on the western boundary of the site. Four trees in the northern part of the site are

Category U (T2, T3, T6 and T9) which are classed as dead and to be removed. Therefore the proposal would result in the loss of four Category U trees.

9.48 The council's Tree Officer concurs with the Tree Survey. The Tree Officer has previously visited to the site and made Tree Preservation Order 10 of 2017 relating to most trees that are covered within the tree report. He states Tree T6 (beech) in the applicant submitted report is T3 in the Tree Preservation Order (TPO 10 of 2017). He also considers the illustrative layout provides ample GI and incorporates all existing trees, subject to the low numbers identified within the tree report requiring removal for arboricultural reasons. The Tree Officer is therefore accepting the removal of one TPO Tree (T6 on the submitted plans) as this tree is dead. Overall it is considered that the proposal would not result in the removal of any important TPO trees that are still of high quality and should be retained. The Tree Officer has also commented that the GI and wider layout indicated provides good opportunity for retention and enhancement of existing natural features, and potential future opportunities for many new native trees, shrubs, ornamentals, meadow and amenity grass areas, to be secured at reserved matters stage.

#### Other issues

9.49 Contamination:- The NPPF states that where a site is affected by contamination, responsibility for securing a safe development rests with the developer/ landowner. The 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. The applicant has submitted a Geo-environmental Assessment report desk study and amended desk study, and the Environmental Health Officer has responded that the potential gas risk appears relatively low from the desk study information, and therefore the amended desk study is considered acceptable. Given the lack of potential sources identified on the site, the site investigation is also considered satisfactory. No remediation is therefore necessary. The Environmental Health Officer has advised that a condition should be attached requiring a watching brief.

9.50 Climate change:- 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. Details of any proposed landscaping, such as tree planting, would be a reserved matter. Policy CDMP6 requires development proposals involving car parking provision to be supported by electric vehicle recharging points (EVCP) unless demonstrated to be impractical e.g. in communal parking areas. This infrastructure could be secured by condition. Furthermore the development would involve the retention and provision of new tree and hedgerow planting which can help to mitigate against climate change. This would help satisfy the climate change requirements of policy SP2.

9.51 Air quality:- The applicant submitted an Air Quality Assessment including revised document responding to the Environmental Health Officer's original comments. The Environmental Health Officer has reviewed this information and advises that there are no objections to the proposal subject to conditions requiring the provision of electric vehicle points for both the residential and the commercial uses. Subject to these conditions it is considered that the proposal would be acceptable in terms of impact upon air quality.

9.52 Waste management:- The National Planning Policy for Waste (NPPW) 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. The application is currently at outline stage where details of layout are currently unknown. However it is suggested a condition should be attached to ensure that any reserved matters application for the relevant phases of development include details of waste management proposals. Subject to this condition it is considered the proposal would accord with the NPPW.

## **10.0 CONCLUSION**

10.1 The proposal would bring forward an appropriate mix of uses on an allocated site in the Wyre Local Plan and is considered to be in accordance with the development plan and NPPF, as well as being in accordance with the approved Great Eccleston Extension Masterplan. There are no adverse impacts identified that would outweigh the benefits to development and so the application is recommended for approval subject to conditions and a S106 Legal Agreement

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

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

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

## **12.0 RECOMMENDATION**

12.1 Grant outline planning permission subject to conditions and a S106 Legal Agreement to secure 30% on-site affordable housing provision, delivery of the link road between the A586 and Copp Lane, and financial contributions towards health care, community hall, education, public right of way improvements and travel plan support. That the Head of Planning Services be authorised to issue the decision following the satisfactory completion of the S106 agreement.

### **Recommendation: Permit**

#### **Conditions: -**

1. In the case of any reserved matter, namely access, appearance, landscaping, layout and scale of the buildings, application for approval must be made before the expiration of three years beginning with the date of this permission; and that the development hereby permitted shall be begun not later than:

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received



by the Local Planning Authority on 20.08.2019 including the following plans/documents:

- Drawing No. MA/GE/LP/01 Rev B - Site Location Plan
- Drawing No. MA/GE/PP/01 Rev A - Parameters Plan

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

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

3. (a) The total number of residential units to be provided on the site in the general locations shown on the approved Drawing No. MA/GE/PP/01 Rev A - Parameters Plan shall be up to 350;

(b) No less than 1.0ha of land shall be provided on the site in the general location shown on the approved Drawing No. MA/GE/PP/01 Rev A - Parameters Plan for the development of employment uses within classes Class B1 (now Class E (g)), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended);

(c) No less than 2.43ha of land shall be reserved for the provisions of a Community Hub in the general location shown on the approved Drawing No. MA/GE/PP/01 Rev A - Parameters Plan comprising an A1 retail (convenience) store (now Classes E (a), (b) and (c)) and class D1 uses of a Village Hall (up to 0.4ha of land), a Medical Centre (0.49ha of land), and a Primary School (1.36ha of land), as per the Town and Country Planning (Use Classes) Order 1987 (as amended) unless written confirmation is provided in writing by the Local Planning Authority that some or all of this safeguarded land is no longer required;

(d) The total amount of floor area to be provided for the retail (convenience) store specified within (c) above shall not exceed 400m<sup>2</sup> (gross).

(e) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2020 or Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent order amending or revoking and replacing that order, the units hereby permitted within (b) above shall only be used for the purposes of classes B1/B2/B8 (or class E(g) if that was to become the lawful use of any B1 use implemented) and the retail unit hereby permitted within (c) above shall only be used for the purposes of class A1 (convenience) retail (or class E(a) or F2(a) if that was to become the lawful use of the A1 use implemented), nor shall any mezzanine floor be installed in any of those units, without the express permission of the Local Planning Authority.

[NB: the transitional arrangements allowed by the Town and Country Planning (Use Classes) Order 2020 mean that the use classes specified by this condition are those applied for when the application was made]

Reason: To ensure the development delivers appropriate housing and employment growth whilst ensuring the uses are provided in the right location on the site and will not undermine the vitality and viability of nearby centres in accordance with Policies SP1, SP2, HP1, EP1, EP5 and SA1 of the Wyre Local Plan (2011-2031) and the approved Great Eccleston Master Plan.

4. As part of any reserved matters application where layout is applied for, green infrastructure shall be provided on site in accordance with the requirements of Policy HP9 of the Wyre Local Plan in accordance with the general locations and type shown on the approved Drawing No. MA/GE/PP/01 Rev A - Parameters Plan and any Masterplan approved by the Local Planning Authority for the site.

Reason: In order to ensure adequate provision of green infrastructure is secured by this planning permission and to ensure sufficient green infrastructure is provided to ensure adequate ecological mitigation in accordance with the provisions of the NPPF and Policies SP8, HP9, CDMP4 and SA3/3 of the Wyre Local Plan.

5. Prior to any reserved matters submission a phasing programme for the whole of the application site to include the approved residential, green infrastructure, employment land and community hub together with timescales for the completion of a serviced plot in respect of the Medical Centre, School and Community Hall sites and availability of the Medical Centre and Community Hall service plots for Wyre Borough Council or Council Nominee (as defined in the S106) to make a transfer request, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing programme unless an alternative programme has otherwise been submitted to and approved in writing by the Local Planning Authority or in respect of the transfer of the serviced plots, unless it is confirmed in writing by the Local Planning Authority that there is no longer an intent to acquire.

Reason: To define the permission and in the interests of the proper development of the site and to ensure the timely delivery of supporting infrastructure in accordance with the provisions of the approved Great Eccleston Masterplan (Parts 1 and 2), policies SP7, CDMP3, EP1 and SA3/3 of the Wyre Local Plan (2011-31).

6. Prior to, or simultaneously with the submission of any reserved matters application(s) relating to layout, a scheme and programme for the construction, and subsequent offer to the local highway authority for adoption, of the internal spine road between the A586 and Copp Lane, together with the access roads to the 1ha of employment land and to the 2.43ha Community Hub, and the access road from the main spine road to the adjoining land to the east within the allocation (the spur road), as identified on the approved - Drawing No. MA/GE/PP/01 Rev A - Parameters Plan and the approved Great Eccleston Masterplan Part 1, shall be submitted to and be subject to the approval, in writing, of the local planning authority. These internal roads shall be constructed in accordance with the approved scheme(s) and programme(s) to an adoptable standard and, in respect of the spur road, shall be constructed up to the eastern site boundary with the adjacent land forming part of the site allocation (SA3/3) and offered to the local highway authority for adoption. All these internal roads shall thereafter be maintained and remain open and unobstructed at all times unless and until they have been adopted by the local highway authority.

Reason: In order to ensure that there is adequate and early connectivity to the existing highway network and to ensure that the designated areas of employment land and Community Hub, and adjacent land to the east which can only be adequately served by a road link from this site, are accessible and available to be developed at an appropriate stage of the overall site development in the interests of highway safety and sustainability and in accordance with the provisions of the approved Great Eccleston Masterplan (Parts 1 and 2) and Policies EP1 and SA3/3 of the Wyre Borough Local Plan 2011-2031.

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

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

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

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

8. The new estate road for each approved development phase 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 that phase.

Reason: To ensure that satisfactory access is provided to the development site, that the road surfaces are visually acceptable, that the private roads are of sufficiently

adequate construction to support any loading applied to them to enable effective waste management and emergency services access, and that the necessary infrastructure is provided in the interests of highway safety in accordance with Policies CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

9. Prior to first occupation or first use of any part of the development hereby approved the following off-site works of highway improvement shall be completed, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority (in which case the works shall be completed in accordance with the alternative timetable approved):

- Upgrade the two bus stops to the west of the junction onto the A586 to Quality Bus Stops with a new bus shelter

Reason: In order to ensure the timely delivery of the necessary off-site highway works which can be identified at outline stage in the interests of highway safety / to encourage sustainable travel in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31). Additional off-site works of highway improvement will likely be identified at reserved matters stage when the detailed matter of access is applied for.

10. Where any reserved matters application is submitted relating to layout on the part of the site which is located to the south of public right of way network (2-13-FP11) and east of the main spine road, the submitted details must provide for a continuous primary access road comprising a 5.5 metre wide carriageway and a footway 2 metres wide on each side of the carriageway from the spine across extending to the eastern site boundary as shown on the approved Drawing No. MA/GE/PP/01 Rev A - Parameters Plan (and to link to any similar road on the other side of the boundary if permitted or existing at the time the details are submitted). Prior to, or simultaneously with the submission of any such reserved matters application, a scheme and programme for the construction of this road and subsequent offer to the local highway authority for adoption shall be submitted to and be subject to the approval, in writing, of the local planning authority. The said primary access road shall thereafter be constructed to an adoptable standard for its entire length up to the site boundary. This primary access road shall be maintained and remain open and unobstructed at all times.

Reason: To ensure that the development provides appropriate and timely connections and sustainable linkages to neighbouring development and the wider highway network to enable the full development of site allocation SA3/3 and in accordance with the approved Great Eccleston Masterplan (Parts 1 and 2), Policy CDMP3 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, 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 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 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 each 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 they are shown to be at a restricted rate; and
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses.

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. A watching brief shall be undertaken during the course of the development works and shall focus in particular on the area of the sign and void. 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), and as the submitted site investigation report recommends that further work is undertaken particularly in the area of the sign.

15. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological investigation, recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise an initial phase of archaeological trial excavation, followed by the production of an appropriate report. Should significant archaeological remains be encountered then a further phase of mitigation works should be designed and implemented in accordance with a further written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. All such works should be undertaken by an appropriately qualified professional archaeological contractor to the standards and guidance of the Chartered Institute for Archaeologist ([www.archaeologists.net](http://www.archaeologists.net)).

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance in accordance with Policy CDMP5 of the Adopted Wyre Local Plan (2011-31).

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

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

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

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

18. Prior to the commencement of development, a management and maintenance plan for the green infrastructure and all communal areas within the site shall be submitted to and agreed in writing by the Local Planning Authority. This plan shall cover features such as ponds, detention basins, hedgerows 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 open space and planting are managed in such a way as to safeguard their public access and usability and/or ecological benefits in the interests of health and wellbeing and biodiversity and the appearance of the site in accordance with the provisions of paragraphs 17 and 118 of the NPPF and Policies SP8, 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. 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.

20. Prior to the first occupation of each approved residential phase of development, details of home-owner information packs to include responsible behaviour in the vicinity of the housing development, on Public Rights of Way and at the coast shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the home-owner information packs shall highlight the conservation value of Morecambe Bay (a European protected nature conservation site) and its sensitivity to recreational disturbance, the potential impacts that can arise from residential development, and the responsible behaviours that would be required from residents to avoid undue ecological impact. The details shall also include 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 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 the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), in accordance with the provisions of Policy CDMP4 of the Wyre Local Plan 2011-31.

21. Prior to commencement of the development a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.



- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall include all details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

Reason: To mitigate against the loss of existing biodiversity and nature habitats, in accordance with Policy CDMP4 of the Adopted Wyre Local Plan and section 15 of the National Planning Policy Framework.

22. No development shall commence on site, including any vegetation clearance, earth moving or other enabling works, until such time as a Reasonable Avoidance Measures Strategy for amphibians (common toad) has been submitted to and agreed in writing by the Local Planning Authority. The method statement shall include the following measures:

- Location of suitable protective fencing
- Details of management of habitats and supervised (Ecological Clerk of Works) hand-searching of features to be removed.

The development shall be undertaken in accordance with the agreed details.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

23. No development shall commence on site, including any vegetation clearance, tree works, earth moving or other enabling works, until such time as details of temporary fencing protection of retained features with suitable construction stand-off has been submitted to and agreed in writing by the Local Planning Authority. This shall include details of a Tree Protection Plan for the retained tree(s), methods and positioning of tree protection measures such as ground protection (where necessary), Heras protective fencing and details of any specialist demolition or construction methods if appropriate. The development shall be undertaken in accordance with the agreed details.

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, and section 15 of the National Planning Policy Framework . The details are required to be approved prior to commencement of development to ensure timely tree protection measures are in place.

24. Prior to the submission of the first reserved matters application(s) relating to layout and landscaping, or simultaneously with that first reserved matters application a scheme including the following matters shall be submitted for ecological purposes:

- Lighting strategy to provide wildlife dark corridors on key habitat features.
- Highways scheme which is amphibian friendly at key crossing points, such as the spine road as it crosses public open space area(s) and secondary route to north of public open space. To include dropped kerbs and off-set gully pots, use of gully pots that allow amphibian escape.
- Internal boundary treatments designed to provide ecological permeability and allow for passage of small mammals (e.g. hedgehog) and amphibians.
- countryside furniture, path way marking and interpretative panels within the Site and links to the Public Rights of Way network adjacent to the site.
- Landscape scheme to include a planting pallet of locally native species appropriate to the local context. This shall include gapping up of retained hedgerows and details of new hedgerows together with mitigation for any lengths of existing hedgerows to be lost, planting of trees, and grassland creation.
- A biodiversity enhancement scheme to include recreated habitats and installation of biodiversity features (e.g. bat bricks, bird boxes and amphibian hibernacula etc.).

Reason: To protect and prevent unnecessary disturbance of protected species, and to ensure provision of biodiversity enhancement, in accordance with the provisions of the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework, and in accordance with Policy CDMP4 of the Adopted Wyre Local Plan 2011-31.

25. Prior to the commencement of each approved development phase a re-survey of the site and adjoining land / ditches (within a 30metre buffer of the site) shall be undertaken for the presence of badgers and water voles together with proposals for mitigation/compensation, if required, shall be submitted to and approved in writing by the Local Planning Authority. 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 which may be required, in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011) and the NPPF.

26. Prior to the commencement of each approved development phase a re-survey of the trees (to be removed and pruned) for potential bat roost features, including aerial inspection and/or activity surveys, to be carried out by a suitably qualified ecologist, shall be submitted to and agreed in writing by the Local Planning Authority. If bats are found to be present by the ecology survey then it shall also be accompanied by a Method Statement giving details of measures to be taken to avoid any possible harm to bats during tree works. If required, the approved Method Statement must be implemented in full.

Reason: To prevent possible harm to ecology if the development were commenced without the necessary mitigation measures which may be required, in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011) and the NPPF.

27. The measures contained within the approved Tree Survey and Arboricultural Impact Assessment, (Tree Survey (BS5837: 2012) and Arboricultural Impact Assessment by Cameron S Crook & ASSOCIATES Dated June 2019 Version: 1.1, received 28th August 2019) 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.

28. An electric vehicle recharging (EVCP) scheme shall be submitted for all dwellings, commercial and community uses with parking provision, for each approved development phase, unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No dwelling shall be occupied or premises shall be first used until the electric vehicle recharging point has been provided for the dwelling or use to which it relates. Such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

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

29. Prior to the submission of a reserved matters application relating to layout for each approved development phase, or simultaneously with that reserved matters application details of the existing and proposed ground, slab and finished floor levels for that development phase shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, and to ensure the appearance of the development is acceptable in accordance with Policy CDMP3 of the Wyre Local Plan 2011-2031.

30. The development hereby permitted shall be designed so that the rating levels for cumulative noise from all noise sources associated with the development (namely the Community Hub) shall not exceed the existing background noise level (LA90) at the external façade of nearby noise sensitive premises as assessed in

accordance with British Standard 4142 (2014) or any subsequent replacement national standards.

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

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

31. (A) The residential development hereby permitted shall be designed so that noise levels at each dwelling does not exceed the following levels as assessed in accordance with British Standard 8233 (2014) and WHO guidelines (or any subsequent replacement national standards / guidance):

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

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

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

(B) Where noise mitigation measures are required to ensure compliance with the noise levels specified above e.g. acoustic glazing, noise barrier fencing and ventilation, such mitigation details shall be submitted in the first reserved matters application(s) relating to layout or appearance, demonstrating how they would mitigate noise to the approved levels together with a timetable for implementation. The approved noise mitigation measures shall be implemented in accordance with the approved timescale and shall thereafter be maintained and retained.

Reason: To ensure there is no adverse effect on the health and quality of life of future occupiers of the proposed dwellings 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).

32. As part of any reserved matters application relating to layout or appearance for each approved development phase, 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).

33. Prior to the installation of any external lighting within each approved development phase a scheme for the provision of external lighting together with an

Artificial Lighting Assessment for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall demonstrate that artificial lighting will be designed so that it is not intrusive to visual amenity or illuminate potential habitat for bats (e.g. hedgerow, trees) and or/ bird breeding places; and shall demonstrate that light intrusion into the windows of any sensitive premises will not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3). The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009 (or any subsequent replacement guidance).

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

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

**Notes: -**

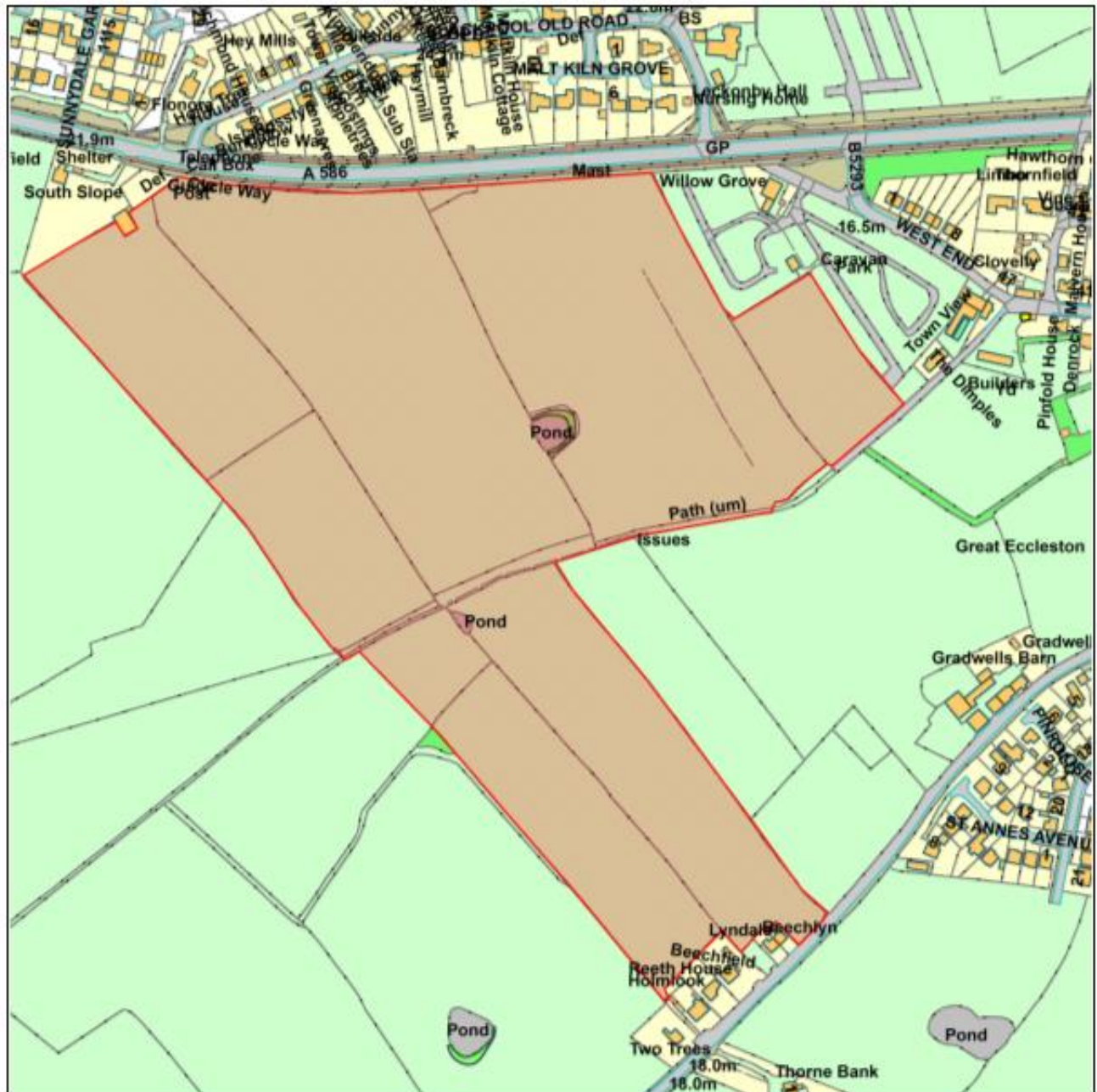
1. The applicant should be aware that the decision is subject to a separate legal agreement.
2. This grant of planning permission will require an appropriate legal agreement to be entered into with Lancashire County Council as the Local Highway Authority. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. Before any works begin Lancashire County Council should be contacted to ascertain the details of such an agreement and the information to be provided by telephoning 0300 123 6780 or writing to Lancashire Highways Services, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.

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# Planning Committee



19/00860/OULMAJ - Land south of A586 / NW of Copp Lane Great Eccleston



Scale: 1:3928

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 4
Date	16 February 2022
SLA Number	100018720

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Report of:	Meeting	Date	Item No.
Mark Billington Corporate Director Environment	Planning Committee	2 March 2022	

**Wyre Council Tree Preservation Order No 14 of 2021: Land at Westfield Farm, Garstang By-Pass Road, Claughton-on-Brock, PR3 0PU**

**1. Purpose of report**

- 1.1 To consider the objection to the making of Wyre Council Tree Preservation Order No 14 of 2021: Land at Westfield Farm, Garstang By-Pass Road, Claughton-on-Brock, PR3 0PU

**2. Outcomes**

- 2.1 To determine whether or not to confirm the Wyre Council Tree Preservation Order No 14 of 2021: Land at Westfield Farm, Garstang By-Pass Road, Claughton-on-Brock, PR3 0PU
- 2.2 An effective tree preservation order makes it an offence to do any works to the protected trees without first gaining consent from the Local Planning Authority unless such works are covered by an exemption within the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

**3. Recommendation**

- 3.1 That the Wyre Council Tree Preservation Order No 14 of 2021: Land at Westfield Farm, Garstang By-Pass Road, Claughton-on-Brock, PR3 0PU be confirmed.

**4. Legislative background to the TPO**

- 4.1 Section 198 of The Town and Country Planning Act 1990 (as amended) empowers Local Planning Authorities to protect trees or woodlands in their area in the interests of amenity by making tree preservation orders. Following the introduction of **The Town and Country Planning (Tree Preservation) (England) Regulations 2012**, The Local Planning

Authority is required to confirm a tree preservation order within six months of the issue date if it is to continue to have effect after that period. When an objection is received, a decision on confirmation is usually referred to the Planning Committee.

- 4.2** Tree preservation orders are usually made because it is considered expedient in the interests of amenity to protect the trees from felling or pruning. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make an order as a precaution.
- 4.3** Amenity is not defined in law but the government's advice is that authorities need to exercise judgement when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future (GOV.UK, 2014).
- 4.4** Therefore the following criteria should be taken into account when assessing the amenity value of trees:
- **Visibility:** *the extent to which the trees or woodlands can be seen by the general public will inform the LPA's assessment of whether its impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.*
  - **Individual, collective and wider impact:** *public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to it of their characteristics including:*
    - *Size and form;*
    - *Future potential as amenity;*
    - *Rarity or historic value;*
    - *Contribution to, and relationship with, the landscape; and*
    - *Contribution to the character or appearance of a conservation area.*
  - **Other factors:** *where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change, although according to guidance these "Other factors" alone would not warrant the making an order.*

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

- 4.4 The Regulation 5 notice, which is a legal notice that is served with the tree preservation order documents on the owner and occupier of the land affected by a tree preservation order and also the owner and occupier of the adjoining land, states the reason why the trees have been protected and invites objections or representations to be made to the Local Planning Authority within a 28-day period. The Regulation 5 Notice issued in respect of the land affected by the TPO gave the reason for making the TPO as “*it is expedient in the interest of amenity*”.
- 4.5 Once made, a tree preservation order takes effect provisionally for six months, but must be confirmed by the Local Planning Authority within that period to continue to be effective. If it is not confirmed the tree preservation order ceases to have effect and the trees are unprotected. When objections or representations are received the Council must consider those before any decision is made whether or not to confirm the order. In these cases, referral to Planning Committee is usually appropriate.
- 4.6 Within the framework of a TPO, a Local Planning Authority may classify trees as occurring either as individuals, groups, woodlands, or areas. A Woodland designation recognises that natural regeneration from seed is integral to self-sustaining woodland and therefore covers each and every tree irrespective of whether it was growing at the time the TPO was made. The Woodland designation covers future trees. The Woodland designation can make allowance for some degree of woodland management taking place in order to sustain the woodland.

## 5. Background to making the TPO

- 5.1 On 27 October 2021 Forestry Commission England formally consulted the Tree Officer on a Felling License application FL 010/2949/2021 at Westfield Farm which relates to woodland compartments 1-5.
- 5.2 The Tree Officer visited Westfield Farm on 11 November 2021 and was shown woodland compartments 1-5 by the proprietor. The Tree Officer observed mainly mature and late maturity mostly broadleaved and occasional coniferous trees within the woodland compartments. Chief amongst the trees are the presence of oak trees which are a keystone species from an ecological perspective. Also observed were the ash species therein which are showing significant symptoms of *H.fraxineus* ash dieback disease. The woodland compartments have received minimal management interventions for a number of decades. The farmland is located on the Fylde Coastal Plain and the woodlands are subjected to the westerly winds coming off The Irish Sea. The woodlands are currently providing eco system services, are of ecological benefit and are sequestering and storing carbon.
- 5.3 The Tree Officer subsequently contacted the Forestry Commission Woodland Officer who clarified that the felling application is for consent to

clear fell compartments 1-5 subject to restock of which 50% will be from natural regeneration and 50% from planting.

- 5.4** On 11 November 2021 the Tree Officer undertook an appropriate tree evaluation method for preservation orders (“TEMPO”) which guided the subsequent decision to make the TPO. The TPO applies to woodland compartments 1-5 here on in referred to as W1 to W5. Copies of the completed TEMPO survey data sheets relating to the TPO along with associated images of the TPO are appended to this report at Appendix 1.
- 5.5** On 19 November the Tree Officer replied with formal comments to Forestry Commission England that clear felling would be excessive and that he would therefore be supportive of selective thinning as an alternative and as a means of advancing the quality and growth of retained trees. Thinning could be concentrated on trees within the centre and leeward sections of the compartments , avoiding the windward sections to prevent increased in air flow through.
- 5.6** On 25 November 2021 Wyre Council made Tree Preservation Order No 14 of 2021: Land at Westfield Farm, Garstang By-Pass Road, Claughton-on-Brock, PR3 0PU. A copy of the TPO plan is appended to this report at Appendix 2.
- 5.7** The Council served correspondence on the owners and occupiers of the land affected by the TPO and on those adjoining, notifying them of the making of the TPO in accordance with Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 5.8** The period for any objections and representations to be made to the Council in respect of the TPO ended on 23 December 2021. The Council received a letter dated 17 December from the proprietor of Westfield Farm that related to Westfield Solar Farm and the TPO. It was not made clear within the contents of the letter that it was an objection to the TPO although it could be interpreted as such. On 26 January a Senior Planning Officer spoke to the proprietor of Westfield Farm who confirmed that the latter desired for the letter to be treated as an objection to the TPO. A redacted copy of the letter of objection is appended to this report at Appendix 3.
- 5.9** A decision regarding Felling License application FL 010/2949/2021 is yet to be determined but it is hoped that the outcome will underpin the need to adhere to UKFS guidelines regarding Forests and Biodiversity and Veteran tree management.
- 5.10** On the 18 January the Tree Officer received the results of a data search for Westfield Farm from Lancashire Environmental Record Network. Centering on the Grid reference 349438 44177 at Westfield Farm the following has been confirmed:
- Within 500m buffer – Priority habitat deciduous woodlands, three field records relating to Lancashire Key Species which are recognised for importance locally and/ or internationally. There is no Public Right Of Way.

- Width of buffer between 500m and 1km - Priority habitat deciduous woodlands, eighteen field records relating to Lancashire Key Species, four field records relating to presence of bats, two field records from South Lancashire Bat Group relating to bat roosts and potential bat roosts, one traditional orchard. Four Public Right Of Way footpaths are to the north and west of Catterall Lane.

## 6. Summary of Objections

Please note that a number of comment have been made in the letter of objection relating to the Tree Officers visit. These comments are not objections and the prelude within the Tree Officers response to objections provides a summary of the Tree Officers recollection of his visit to Westfield Farm on 11 November 2021.

- The imposition of the TPO precludes management and maintenance of the woodland compartments and prevents compliance with Condition 11 of permitted application No: 19/00862/LMAJ which states that “All trees and hedgerows on site identified on the URS Figure 1.5 Ecological Assesment (Approved under 14/00909/LMAJ) shall be retained throughout the lifetime of the development”.
- The ash trees under the TPO will eventually die and fall over resulting in ever increasing exposure of remaining trees to wind damage. Four trees were lost to wind and storm damage in Winter 2020 another Four trees lost during storm Arrwen 26<sup>th</sup>-27<sup>th</sup> November 2021. Within the next decade the majority of trees in Westfield woods will have died or been blown over. The true effect of the TPO is to destroy the woods.

## 7.0 Response to Objections

- 7.1** The Tree Officer attended Westfield Farm on 11 November 2021 and introduced himself as the Tree and Woodland Officer based in the Parks Section. He explained that the Forestry Commission had consulted him on the Westfield Farm felling license application and that he was in the area so took the opportunity to visit. This action was taken as he had not been provided with proprietorship details nor contact number due to GDPR. The Tree Officer was then shown woodland compartments 1-5 on tractor and on foot.
- 7.2** The proprietor of Westfield has recently been advised by a Senior Planning Officer that, even if the TPO is confirmed, there is nothing to stop him from applying to amend the approved landscaping scheme.
- 7.3** The tree officer exercised judgement having regard to Government guidance when deciding to make the TPO. A Tree Evaluation Method for Tree Preservation Orders (TEMPO) was undertaken on 11 November 2021 in respect of the TPO. The TEMPO comprised an amenity assessment in relation to the condition and suitability of the trees along

- 7.4** with retention span, tree species, sizes of the trees included, life expectancy, public visibility, other factors and expediency. There is a perceived threat to trees. The TEMPO assessment showed the making of the TPO to be defensible and the TPO was made 'because expedient in the interest of amenity to protect W1 – W5 woodlands.
- 7.5** The TEMPO scoring also reflects the need for appropriate woodland management requirements. For completeness, the TEMPO data sheets relating to W1-W5 at Appendix 1 undertaken in relation to the TPO shows the amenity and expediency assessments for those aspects of the TPO.
- 7.6** Where no felling licence is in place the works that a woodland proprietor could instruct for include thinning up to 5 cubic metres of growing trees per calendar quarter.
- 7.7** A standard felling licence provides a 5 years period to implement the works it approves and ensures compliance with the UK Forestry Standard. If a Forestry Standard compliant woodland management plan is produced, a felling licence can be issued for ten years. Felling licences are usually conditional with an expectation for restocking.
- 7.8** The Forestry Act 1967 provides that if an application is made for a felling licence in respect of trees subject to a tree preservation order and consent under the Tree Preservation Order Regulations would be required, then as part of the licence application process the Forestry Commission must consult with the local authority that made the tree preservation order. Forestry guidance provides that felling proposals should be in the spirit of maintaining a tree preservation order that is in place. If the local authority objects to the licence application, the matter will be determined under planning-related appeal processes. Further the Forestry Commission has the option of referring the application to the planning authority that made the tree preservation order to deal with under the planning legislation. Where the planning authority does not object and the Forestry Commission grants a felling licence under the Forestry Act 1967 the local authority's further consent under the tree preservation order is not required providing that the works are in compliance with the felling licence. The legislation therefore balances the relationship between planning and forestry controls.
- 7.9** Felling License application FL 010/2949/2021 is yet to be determined.
- 7.10** If the TPO is confirmed, an application for consent regarding TPO tree works including justification, a related schedule and plan would continue to be required for consideration in the absence of consent under a felling licence. The TPO is a means of ensuring that thinning works under 5 cubic metres per calendar quarter are in accordance with good forestry practice to protect the trees and do not accumulate to a detrimental impact.
- 7.11** In any event, removal of ash trees to address the spread of Ash Dieback Disease may be permissible by the Forestry Commission as an exception

from the need to gain consent under a formal felling licence providing that the Forestry Commission are supplied with the details in advance, such as a location plan, numbers of trees, sizes and images of evidence and agree the proposed works. Copying in the local authority in these circumstances would be likely to be sufficient for TPO record purposes and agreement.

- 7.12** Before leaving Westfield Farm on 11 November 2021 the Tree Officer explained to the proprietor that in addition to submitting consultation comments to the Forestry Commission regarding FL 010/2949/2021 he would be considering whether the making of a Tree Preservation Order (“TPO”) would be expedient.
- 7.13** The TPO has not been placed with the intention to be a barrier to beneficial woodland management. It has been created to facilitate sustainable woodland management. An exception to gain consent under the TPO would apply in relation to complying with woodland works granted by the FC under the Forestry Act 1967. Moreover, any woodland work that is not captured by the parameters of an Forestry Commission approved felling license but has consent under the TPO could have a condition attached relating to tree replacement therein to aid sustainability.
- 7.14** In all the circumstances, officer view is that it is expedient in the interests of amenity to make W1 to W5 subject of a confirmed tree preservation order.
- 7.15** Advice pertaining to Planning Committee and its procedures along with a copy of this report relating to the TPO have been forwarded to the objector in reasonable advance of the meeting of Planning Committee on 2 March 2021.

## **8.0 Concluding remarks**

- 8.1** It is considered that the TPO has been properly made in the interests of securing the contribution and benefit that the TPO applies to the public amenity in the area. The TPO protects important elements of the local landscape and contributes to the local environment. W1 to W5 presently protected by the TPO have been assessed in a structured and consistent way using an approved method.
- 8.2** It is considered that the procedural requirements of the legislation have been followed in the creation of the TPO and determinations made using a widely accepted method which includes expediency assessments has occurred in this case. Having regard to the legislation and the Government Guidance, it is considered that the TPO is fully justified in all respects and should be confirmed.

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

### **Other risks/implications: checklist**

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

<b>implications</b>	<b>✓ / x</b>
community safety	x
equality and diversity	x
<b>sustainability</b>	✓
health and safety	x

<b>risks/implications</b>	<b>✓ / x</b>
asset management	X
<b>climate change</b>	✓
data protection	X

<b>report author</b>	<b>telephone no.</b>	<b>email</b>	<b>Date</b>
Ryan Arrell BSc (Hons), HND, LANTRA qualified professional tree inspector.	01253 887614	Ryan.Arrell@wyre.gov.uk	11/02/2021

<b>List of background papers:</b>		
<b>name of document</b>	<b>date</b>	<b>where available for inspection</b>
Wyre Council TPO 14 of 2021	25 November 2021	Room 134 or by email to Tree Officer.

### **List of Appendices**



## **Appendices:**

- 1 –TEMPO survey data sheets and also public visibility images of W1, W2 and W3.
- 2 –TPO plan.
- 3 – Redacted copy of letter of objection.

## **References List**

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

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

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

## **Appendix 1**

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 11/11/21	Surveyor: R. ARRELL
Tree details	Woodland
TPD Ref (if applicable):	Tree/Group No: 1 Species: Beech, Ash, Lime, oak, sycamore
Owner (if known):	Location: Westfield Farm, PR3 0PU

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

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

Score & Notes

3

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

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

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

Score & Notes

4

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

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

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

Score & Notes

4

**d) Other factors**

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

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

Score & Notes

4

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

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

Score & Notes

2

**Part 3: Decision guide**

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

Add Scores for Total:

17

Decision:

Gravel TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 11/11/21	Surveyor: R. Ameli
Tree details	woodland
TPO Ref (if applicable):	Tree/Group No: 2
Owner (if known):	Location: Westfield Farm, PR3 0pu
	Species: ash, sycamore, oak, beech, alder

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

5) Good	Highly suitable	Score & Notes 3
3) Fair/satisfactory	Suitable	
1) Poor	Unlikely to be suitable	
0) Dead/dying/dangerous*	Unsuitable	
* Relates to existing context and is intended to apply to severe irremediable defects only		

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

5) 100+	Highly suitable	Score & Notes 4
4) 40-100	Very suitable	
2) 20-40	Suitable	
1) 10-20	Just suitable	
0) <10*	Unsuitable	
* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality		

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

d) Other factors

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

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

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Part 3: Decision guide

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

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 11/11/21 Surveyor: R. Atzoll

Tree details  
 TPO Ref (if applicable):  
 Owner (if known):  
 Tree/Group No: Westland 3  
 Species: Pine, alder, Sycamore, oak, ash, beech  
 Location: Westfield Farm, PB3 OAE S.P. 12

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

5) Good	Highly suitable	Score & Notes  3
3) Fair/satisfactory	Suitable	
1) Poor	Unlikely to be suitable	
0) Dead/dying/dangerous*	Unsuitable	
* Relates to existing context and is intended to apply to severe irremediable defects only		

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

5) 100+	Highly suitable	Score & Notes  4
4) 40-100	Very suitable	
2) 20-40	Suitable	
1) 10-20	Just suitable	
0) <10*	Unsuitable	
*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality		

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

d) Other factors

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

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

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

5) Immediate threat to tree inc. s.211 Notice	Score & Notes  3
3) Foreseeable threat to tree	
1) Precautionary only	

Part 3: Decision guide

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

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 11/11/21 Surveyor: B. Arrell

Tree details  
 TPO Ref (if applicable):  
 Owner (if known):  
 Tree/Group No: Woodland  
 Species: alder, sycamore, ash, birch, oak.  
 Location: 4 WESTFIELD FARM, PR3  
 OPU

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

5) Good	Highly suitable	Score & Notes <b>3</b>
3) Fair/satisfactory	Suitable	
1) Poor	Unlikely to be suitable	
0) Dead/dying/dangerous*	Unsuitable	
*Relates to existing context and is intended to apply to severe irremediable defects only		

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

5) 100+	Highly suitable	Score & Notes <b>4</b>
4) 40-100	Very suitable	
2) 20-40	Suitable	
1) 10-20	Just suitable	
0) <10*	Unsuitable	
*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality		

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

d) Other factors

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

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

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

5) Immediate threat to tree inc. s.211 Notice	Score & Notes <b>2</b>
3) Foreseeable threat to tree	
2) Perceived threat to tree	
1) Precautionary only	

Part 3: Decision guide

Any 0	Do not apply TPO	Add Scores for Total: <b>14</b>	Decision: <b>Create TPO</b>
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 11/11/21	Surveyor: R. Arrall
Tree details	Woodlands spine oak, ash, beech
TPO Ref (if applicable):	Tree/Group No: Species: sycamore, i. na.
Owner (if known):	Location: Westfield Farm, PR3 0PE

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

5) Good	Highly suitable	Score & Notes 3
3) Fair/satisfactory	Suitable	
1) Poor	Unlikely to be suitable	
0) Dead/dying/dangerous*	Unsuitable	
* Relates to existing context and is intended to apply to severe irremediable defects only		

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

5) 100+	Highly suitable	Score & Notes 4
4) 40-100	Very suitable	
2) 20-40	Suitable	
1) 10-20	Just suitable	
0) <10*	Unsuitable	
* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality		

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

d) Other factors

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

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

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Part 3: Decision guide

Any 0	Do not apply TPO	Add Scores for Total: 14	Decision: Create TPO.
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		



Above image: W1 (Shelley Wood) when looking south from Catterall Lane.



Above image: View from Westfield Road when looking south west towards Westfield Farm with W2 (Roundwood) and W3 (Westfield Square Wood) visible.





### Appendix 3

Letter of Objection received on 17 December 2021.

WYRE BOROUGH COUNCIL  
CIVIC CENTRE  
BARKER ROAD  
BOURNE LE FLYCH  
FY6 7AU.  
FAO [REDACTED]

WESTFIELD FARM  
GARSTANE ROAD  
CLAYTON ON BRANT  
GREENING  
PARSONS  
PR2 6PL.  
17 December 2021

Dear Sir,

Re: Westfield Solar Farm and  
Tree Preservation Order 014/2021/TPO

You may recall we talked on 1<sup>st</sup> November 2021 regarding a catch all situation I find myself in regarding conditions of the solar farm planning permission 19/05862/MAT - condition No 11 "All trees and hedgerows on site as identified on Figure 1 of the URS document 1.5: Ecological Assessment (approved under the original permission 14/0709/LMAT) shall be retained throughout the lifetime of the development."

I explained to you that we have a major outbreak of Ash die back in the wood and those trees which comprise a good half of the mature trees are decaying and dying.

Having had my local tree surgeon on site to confirm my observations, he called in a forestry consultant [REDACTED] M.I.C. For. MSc who came up with a present management plan. This was put to the Forestry Commission and a felling was inspected the site

LICENCE APPLIED FOR, TOGETHER WITH A COMPREHENSIVE RESTOCKING, REGENERATION AND MANAGEMENT PLAN.

IT SUDDENLY DAWNED ON ME TO CHECK THE APPROVED CONDITIONS OF THE STAG FARM AND HENCE MY TELEPHONE CALL TO YOU ON 9<sup>th</sup> NOVEMBER.

I RECALL THAT YOUR COMMENTS TO ME DURING THE PHONE CALL WERE THAT YOU APPRECIATED THE SITUATION I FOUND MYSELF IN AND THAT YOU WERE SURE A 'SUITABLE COMPROMISE' COULD BE WORKED OUT!

I ALSO RECALL COMING OFF THE PHONE AND TALKING TO JON KYLE AND REFLECTING TO HIM HOW REFRESHING IT WAS TO TALK TO A PLANNER WITH COMMON SENSE.

HOWEVER, ON THE 11<sup>th</sup> NOVEMBER, JUST BEFORE LUNCHTIME THERE WAS A KNOCK ON THE DOOR AND RYAN ABBOTT ANNOUNCED HIMSELF AS HEAD OF PARKS AND RECREATION - WYRE BOROUGH COUNCIL, AND THAT HE HAD BEEN ASKED TO LOOK AT THE WOODLANDS.

HE WAS ON THE FARM, UNANNOUNCED AND WITHOUT AN APPOINTMENT IN THE MIDDLE OF A COULD PANDEMIC - INDEED HE WAS OUTSIDE WITHOUT ANY P.P.E. AND FURTHERMORE IT WAS I WHO PROVIDED HIM WITH A PROUDLY FACEMASK.

HAVING TAKEN THE TIME TO SHOW HIM AROUND THE WOODLANDS IN QUESTION ON A

TRAINED AND ON FOOT, AFTER PROBABLY AN HOUR OR SO HE LEAVED THE SITE.

SUBSEQUENTLY I RECEIVED THE TREE PRESERVATION ORDER JOB 25<sup>th</sup> NOVEMBER 2021.

AS A CONSEQUENCE, I FIND THAT I CANNOT MAINTAIN OR MAINTAIN THE WOODS BECAUSE OF THE TPO, NOR CAN I COMPLY WITH THE CODE FROM APPROVED CONTROLS.

AS I SEE IT THE ASH TREES UNDER THE TPO WILL EVENTUALLY DIE AND FALL OVER LEAVING EVER INCREASING EXPOSURE OF THE REMAINING TREES TO WIND DAMAGE

LAST WINTER I LOST 4 TREES TO WIND AND STEM DAMAGE, AND STORM ARIELSON TOOK OUT ANOTHER 4 TREES 20<sup>th</sup> - 21<sup>st</sup> NOVEMBER.

WIND TUNNELS, STORM DAMAGE AND ASH DIE BACK MEAN THAT THE WOODS ARE EFFECTIVELY LYING ON THEIR FEET. OVER THE NEXT DECADE THE MAJORITY OF TREES IN UNOCCUPIED WOODS WILL HAVE EITHER DIED OR BEEN BLOWN OVER.

THE TEMPORARY TPO WILL EFFECTIVELY DESTROY THE WOODS - NOT PROTECT THEM - AND UNDER YOUR TPO I HAVE NO OBLIGATION TO RESTOCK OR REPLANT.

HOWEVER, WITHOUT A TPO BUT WITH A FORESTRY COMMISSION LEAD APPROVED FELLING

LICENCE WE WILL BE LEGALLY OBLIGED TO RE-STOCK REPAIR AND MAINTAIN THE WOODS GOING FORWARD RESCUING LONGTERM IN A SUSTAINABLE WORKAND FOR THE NEXT GENERATION.

UNDER YOUR TPO I RESPECTFULLY SUSPECT MY INDUSTRY QUALIFIED ADVISORS ARE TELLING ME THE EXISTING WOODS WILL LITERALLY FALL TO PIECES.

IRONICALLY NOT ONLY DO I HAVE A CATCH 22 SITUATION, BUT WYRE BROOK COUNCIL HAVE CREATED THEIR OWN CATCH 22 SITUATION IE YOU IMPOSE A PLANNING CONDITION ON THE SOLAR FARMS TO MAINTAIN THE WOODS AND THEN YOU IMPOSE A T.P.O PRESUMING THAT HAPPENING!!

TO SUM UP I AM TRYING TO DO THE RIGHT THINGS TO PROTECT AND ADVANCE THE WESTFIELD WOODS GOING FORWARD.

HOWEVER, THE TRUE EFFECT OF YOUR T.P.O IS EFFECTIVELY TO DESTROY THE WOODS

IT WOULD APPEAR THE BALL IS NOW IN YOUR COURT. WE CAN AFFLUY FIND SOME COMMON GROUND TO MANAGE THE WOODS EFFECTIVELY GOING FORWARD, OR YOU CAN CONTINUE WITH A TPO WITH OBVIOUS CONSEQUENCE'S.

YOUR FURTHER COMMENTS AND PRACTICAL SUGGESTIONS WOULD BE WELCOME

Yours sincerely

Mobile 

Copy to Ryan Adams - Parks + Recreation Dept.



