



## **Planning Committee Agenda**

**Wyre Borough Council**  
**Date of Publication: 29 May 2018**  
**Please ask for : Carole Leary**  
**Democratic Services Officer**  
**Tel: 01253 887444**

**Planning Committee meeting on Wednesday, 6 June 2018 at 2.00 pm  
at The Thornton Little Theatre, corner of Victoria Road and Fleetwood  
Road, Thornton, FY5 3SZ**

- 1. Election of Chairman**
- 2. Apologies for absence**
- 3. Election of Vice Chairman**
- 4. Declarations of Interest**

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

- 5. Confirmation of Minutes**

To confirm as a correct record the minutes of the meeting of the Planning Committee held on Wednesday 2 May 2018 (already circulated by email).

- 6. Appeals**

(Pages 1 - 16)

Schedule of Appeals lodged and decided between 15 April 2018 – 15 May 2018

- 7. Planning Applications**

Background Papers:

The following documents have been used when preparing the reports on each of the planning applications to be considered at this meeting.

The Wyre Borough Local Plan (1999)

Wyre Borough Core Strategy Preferred Options document (March 2012)

Wyre Local Plan Issues and Options (June 2015)

Submission draft – emerging Wyre Borough Local Plan 2011-2031

Joint Lancashire Minerals and Waste Local Plan  
Statements of Government Policy/advice (NPPF, NPPG, Circulars  
etc.).

Supplementary Planning Documents and evidence base documents  
specifically referred to in the reports.

The application file (as per the number at the head of each report).

The forms, plans, committee reports and decisions as appropriate for  
the historic applications specifically referred to in the reports.

Any additional information specifically referred to in each report.

These Background Documents are available either on line, or for  
inspection by request at Planning Services, Civic Centre, Breck Road,  
Poulton-le-Fylde, FY6 7PU

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

- (a) **Application No: 16/00241/OULMAJ - Land to the West of the A6 (Preston/Lancaster New Road) Bounded by Nateby Crossing Lane & Croston Barn Lane, Nateby, Garstang** (Pages 17 - 80)

Outline planning permission for the erection of up to 269 dwellings, up to 5,532sqm of Class B1a offices, up to 3,957sqm of Class B1c light industrial floor space, up to 495sqm (gross) Class A1 convenience store, up to 300sqm (gross) Class A3 Coffee shop with associated landscaped open spaces and pedestrian/cycle link to Garstang with access taken from the A6 and Nateby Crossing Lane including the construction of a new roundabout and reconfiguration of the A6 (resubmission 14/00458/OULMAJ).

This application has been brought back to the committee to enable it to consider a proposal to amend the wording of the affordable housing condition, prior to a decision being issued.

- (b) **Application No: 17/00267/OUTMAJ - Selbys Pig Farm, Little Tongues Lane, Preesall** (Pages 81 - 102)

Outline application for the erection of 10 dwellings with access from Little Tongues Lane / Boubles Lane and layout applied for (all other matters reserved)

- (c) **Application No: 18/00145/FUL - 15 Newton Drive East, Normoss, Blackpool** (Pages 103 - 120)

Erection of 8 Apartments following demolition of existing residential dwelling

- (d) **Application No: 18/00158/ADV - Cooperative Retail, 34 - 37 High Street, Garstang** (Pages 121 - 132)

Erection of 5 x 'One Stop' (3 x illuminated) (2 x non-illuminated) signs, 1 x 'Post Office' illuminated fascia sign, 4 x non-illuminated direct print panels, and 4 x non-illuminated poster frames

- (e) **Application No: 17/01077/FUL - 71A Victoria Road West, Thornton Cleveleys**

(Pages 133 - 142)

Erection of a free standing ice cream kiosk on forecourt

9. **Tree Preservation Order No 5 of 2018 - Land to the East of Tithebarn Park and to the North East side of Tithebarn Street, Poulton-le-Fylde, FY6 7BY**

(Pages 143 - 158)

Report of the Service Director People and Places

10. **PLEASE NOTE:**

**Transport for the Members will leave The Thornton Little Theatre, Four Lane Ends, Thornton, FY5 3SZ for the Five Site Visits at 10am**

This page is intentionally left blank

## **APPEALS LODGED AND DECIDED**

### **Appeals Lodged between – 15 April – 15 May 2018**

**NONE**

### **Appeals Decided between – 15 April – 15 May 2018**

Page 1	Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
	17/00745/FULMAJ	Lakeland View Laidleys Walk Fleetwood Lancashire FY7 7JL	Erection of a three storey residential care home for use within Use Class C2 including car parking with vehicular and pedestrian access and associated landscaping	Non determination	Allow	26 <sup>th</sup> April 2018
	17/00412/FUL	Land Adjacent The Stables Moss Lane Hambleton Lancashire FY6 9DA	Erection of one new dwelling with detached double garage and creation of new vehicular access onto Moss Lane (re-submission of 16/00934/FUL)	Delegated	Dismissed	26 <sup>th</sup> April 2018

This page is intentionally left blank

---

## Appeal Decision

Site visit made on 27 March 2018

**by Katie McDonald MSc MRTPI**

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

**Decision date: 25 April 2018**

---

**Appeal Ref: APP/U2370/W/17/3192023**

**Former site of Lakeland View, Laidleys Walk, Fleetwood, Lancashire  
FY7 7JL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Wylie (TAS Limited) against Wyre Borough Council.
  - The application Ref 17/00745/FULMAJ is dated 4 August 2017.
  - The development proposed is the erection of a three storey residential care home for use within Use Class C2.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a three storey residential care home for use within Use Class C2 at Former site of Lakeland View, Laidleys Walk, Fleetwood, Lancashire FY7 7JL in accordance with the terms of the application, Ref 17/00745/FULMAJ, dated 4 August 2017, subject to the following conditions set out in the attached schedule.

### Procedural Matters

2. The appeal is against the non-determination of the application for the development detailed above. However, the Council has explained that, had it determined the application, it would have refused planning permission for three reasons. Two relate to the living conditions of existing residents, and the other to the increase in traffic and the effect of this upon the safety of pedestrians and road users.
3. The description of development in the heading above has been taken from the planning application form. However, I have removed the last sentence as it is unnecessary.
4. Policies CDMP3 and CDMP6 of the Wyre Council Submission Draft Local Plan are referred to in the submitted reasons for refusal. The purpose of a Local Plan examination is for the Examiner to consider whether the plan is 'sound'. Accordingly, it is possible that a policy could be amended or deleted as a result of the examination or that the plan is withdrawn or found unsound. As these policies have not yet been examined, little weight can be given to them.
5. An additional plan (drawing No A109) has been presented with the appeal that sets out accurate measurements of interface distances between the buildings surrounding the site and the proposal. The Council has raised no comment on this plan. As there are no changes to the proposal, I am satisfied that no party

would be disadvantaged by me taking account of this plan in my overall consideration of the appeal.

### **Main Issues**

6. Based upon the evidence before me, the main issues are the effect of the proposal on:
  - i) the living conditions of existing occupiers of nearby residential dwellings; and,
  - ii) the safe and efficient operation of the highway network in the vicinity of the appeal site.

### **Reasons**

7. The site is a flat, open, rectangular parcel of land located to the north of Fleetwood. It is relatively undeveloped, save for an electricity substation. The site was historically occupied by a residential care home and the area is residential in character. Laidleys Walk is typically characterised by a mixture of 2, 3 and 4 storey buildings. Directly to the rear of the site are a number of 2 storey semi-detached residential dwellings, specifically 5-8 Malcolm Place and 62 and 64 Macbeth Road.
8. The proposal is for a 3 storey residential care home. It would provide 80 bedrooms and associated facilities. First and second floor bedroom windows and communal lounge windows of the proposal would be sited in both the front and rear elevations. The building would front northwards on Laidleys Walk, overlooking the model yacht pond and coast line.

#### *Living conditions*

9. When measured directly from the rear wall of the dwellings on Malcolm Place and Macbeth Road to the rear wall of the proposal, the evidence before me indicates the interface distances between the building and the dwellings would be around 28m at a minimum. The Council advise the distances would be in excess of 21m. The advised interface distances vary. However, as the existing dwellings to the rear are off-set and sited at varying positions around the cul-de-sac of Malcolm Place or on Macbeth Road, the location of the interface measurements could have taken place at various positions.
10. Nonetheless, the building would be to the north and thus would not adversely affect light to dwellings. Furthermore, whilst the building would have an elongated and tall form; this would be broken up by stepped elevations, varying materials and breaks in the roof line. These design features would reduce its perceived mass.
11. Taking account of these matters and the observations from my visit; I am satisfied that the separation between buildings would be sufficient to ensure adequate living conditions of the existing occupiers were maintained with regard to privacy, light and physical dominance. I am also satisfied that views of the sky from neighbouring dwellings would still be available.
12. Some mutual and passive overlooking of gardens may occur, but this is not unusual for urban areas. Additionally, owing to the tall and solid boundary treatment and the distance between, overlooking of gardens would not lead to an undue loss of privacy.



13. The west facing side elevation would feature secondary bedroom windows. These windows would directly face living and bedroom windows of properties on Macbeth Road. As the distance would be around 21m away, a condition to require obscure glazing is necessary to mitigate any loss of privacy.
14. Noise from the air source heat pump is likely to be negligible. However, a condition to secure submission and approval of its details would ensure that the technical specification can be examined by the Council's Environmental Health team in order to mitigate any effect upon neighbouring residents.
15. Noise from other sources, for example, car doors slamming or deliveries may cause some minor disturbance to neighbouring residents. I note the Council's suggested condition to control cumulative noise levels from the site, however, I also note suggested conditions relating to kitchen extraction systems and the air source heat pump. In this instance, disturbance from the comings and goings of the site is unlikely to be adverse owing to the size of the car park, the distance between built forms and the residential nature of the use. For these reasons, I do not consider that a condition to restrict cumulative noise levels would be reasonable or necessary.
16. Internal light from bedrooms and living areas of the building is unlikely to be so bright that it would cause harm to neighbouring dwellings. It would be reasonable to assume that curtains or blinds would be provided in both bedroom and living areas and I am content that light spillage would be kept to a minimum.
17. Consequently, the proposal would have an acceptable effect upon the living conditions of existing occupiers. I find compliance with Policy SP14 of the Wyre Borough Local Plan 1991-2006 (July 1999) (LP) which seeks to ensure that development is compatible with adjacent existing land uses.

*The safe and efficient operation of the highway network*

18. The vehicular access for the proposal would be from Macbeth Road. This would provide a service yard, bin store, 15 car parking spaces and 4 cycle parking spaces. I have seen the comments from Lancashire County Council Highways (LCCH) with regard to the effect of the development upon highway and pedestrian safety. I have also had regard to the Transport Assessment<sup>1</sup> (TA) and the National Planning Policy Framework (the Framework), which sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
19. Macbeth Road is a 2 way residential street with footpaths to either side lit by street lighting, and from my visit, I disagree with the Council that the road is narrow or the site would be difficult to access. Indeed, I would agree with LCCH comments that the recommended sightlines from the access would be fully achievable over the existing adopted highway. I also note the area has a good accident record and the internal highway layout would provide suitable access for service and delivery vehicles to safely turn within the site.
20. The expected increases in traffic, set out in the TA, uses TRICS data to calculate predicted trip generation. It is estimated that the proposal would generate 164 two way vehicular movements per day during the week and 95 at weekend. During weekdays, the TA provides an estimated peak flow of 12 two

---

<sup>1</sup> Prepared by WYG, Job No: A104710, dated August 2017

way vehicular movements between 08.00 and 09.00 and 9 two way vehicles between 17.00 and 18.00. At weekends, this is predicted to be 13 two way vehicular movements between 07.00 and 08.00 and 10 two way vehicles between 14.00 and 15.00. Even considering the maximum number of vehicle flows, both total per day and peak flows, the increase in traffic would not be severe, or indeed significant, and I am satisfied that this could be accommodated within the existing local highway network. Accordingly, I also find that the increase in traffic would not compromise pedestrian or highway safety.

21. The number of car parking spaces to serve the building would be one less than recommended by the Joint Lancashire Structure Plan, yet I note the appellant details that these are maximum standards. Notwithstanding this, I would agree with the comment from LCCH that staff members could double park in at least 2 locations without causing an obstruction to visitors or servicing.
22. Furthermore, the TA's parking accumulation calculations demonstrate that the maximum predicted car parking demand is 10 vehicles. This is based on output data for a care home and it would be reasonable to assume that this takes account of visits by staff, medical practitioners, and family and friends. Similarly, from the appellant's experience of running other care homes of this type, around half of the staff on shift at any one time will generally not use a car. This would amount to around 8 cars on site.
23. In terms of sustainable transport, nearby public transport would be in the forms of buses, where I am advised that a public bus service on Poulton Road is available and around a 10-15 minute walk away, offering 1 bus every 10 minutes. I consider this to be adequate access.
24. Additionally, I agree with the findings of the TA that cycling would be a viable option for both staff and visitors to travel to and from the site. The topography of the surrounding area is relatively flat and the local highway network is mainly made up of residential streets with speed limits of 20 or 30 mph. These conditions would encourage cycling.
25. While I accept that predicting traffic flows and visitors cannot be an exact science and is dependent upon matters such as the weather and the popularity of residents; little substantive evidence has been presented that would justify departing from the results of the TA, the car parking recommendations and the comments provided by LCCH.
26. Thus, on the basis of the information before me I find that the level of vehicle movements on surrounding local roads would not be unacceptable and the car parking spaces proposed would be sufficient to serve the needs of the development.
27. Consequently, the proposal would have an acceptable effect upon the safe and efficient operation of the highway network in the vicinity of the appeal site. I find compliance with Policy SP14 of the LP, which seeks to ensure developments enjoy satisfactory access, parking and servicing facilities, and the traffic associated with the development should not have any adverse impact on the local environs or on the local highway network generally.

## **Other Matters**

28. Whilst not set out within the reasons for refusal, the Council and other parties refer to the design of the building and its effect upon the character and appearance of the area.
29. In the street scene there are several 3 and 4 storey buildings of traditional and modern design. Indeed, the adjoining building is a modern 3 storey apartment block. The existing site is large and prominent and the proposal would be of a considerable scale. However, the proposal contains architectural features that will reduce its perceived mass and add visual interest. Furthermore, the landscaping scheme is comprehensive and includes a number of trees around the site perimeter that will soften the built form over time.
30. Whilst the scale is considerably imposing, it is well-designed and justified in this conspicuous seaside frontage. As such, the proposal would have an acceptable effect upon the character and appearance of the area.
31. A construction traffic and management scheme would be required by condition to minimise the effect of the construction works on the living conditions of nearby residents and on the local highway network.
32. Outdoor space for the prospective residents is available to the front and rear of the building and I have no concerns that this would not be adequate.
33. The decision of the appellant to appeal against the non-determination of the planning application is their statutory right should the Council not make a decision with the given timescales.
34. Suggestions from neighbouring residents include various changes to the design and bedroom numbers. However, I am required to make a determination upon the plans before me.
35. The concerns about the demand for the use, smells from the bins, safety of evacuation methods and loss of view are not matters that would justify withholding planning permission.

## **Conditions**

36. The approved plans are listed for certainty. A scheme for the site access is necessary in the interest of highway safety.
37. With regard to Condition No 3, I have combined 2 suggested conditions from the Council. However, I have only included details that meet the 6 tests set out in the Framework.
38. Conditions requiring the submission of materials and implementation of the landscaping scheme are necessary to ensure the proposal has an acceptable visual appearance.
39. A drainage condition is necessary to 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.
40. The submission of a kitchen exhaust / extraction system is necessary to minimise the risk of noise pollution to occupiers of nearby buildings. A sound

insulation scheme between the ground floor kitchen and bedroom No 20 is necessary to ensure the living conditions of this bedroom are satisfactory.

41. A condition to ensure the odour arrestment plant is installed and retained is necessary to minimise the risk of odour pollution to occupiers of nearby buildings. An external lighting scheme is required to ensure that any outdoor lighting has an acceptable effect upon neighbouring living conditions.
42. To safeguard the health of future occupants and given the previously developed nature of the site, a contaminated land investigation is necessary. The car parking is required to be laid out prior to occupation to ensure sufficient on site provision.
43. Conditions 3-9 are required to be pre-commencement conditions as it is fundamental to have these details agreed before development commences.
44. I have not required a condition for a highway condition survey as this is not directly related to the development and it would not meet the 6 tests set out in the Framework.

### **Conclusion**

45. For the reasons given above, I conclude that the appeal should be allowed.

*Katie McDonald*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not 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 A105, A107 Rev 1, A108, A110 Rev 1, A111 Rev 1, A112 Rev 1, A113, A115 Rev 1, A116, A101 Rev 2, 5541.01 Rev A, TR003 and 29179-650 Rev P1.
- 3) No development shall take place, including any works of demolition, until a Construction Traffic and Management Scheme has been submitted to, and approved in writing by the local planning authority. The Scheme shall provide for:
  - i) the parking of vehicles of site operatives, construction and delivery vehicles and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during construction;
  - vii) measures to control noise and vibration;
  - viii) measures to control site lighting;
  - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - x) delivery, demolition and construction working hours;

The approved Construction Traffic and Management Scheme shall be adhered to throughout the construction period for the development.
- 4) No development shall take place until a scheme for the construction of the site access has been submitted to and approved by the local planning authority. The relevant works shall be carried out in accordance with the approved details and retained thereafter.
- 5) No development shall take place until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
  - i) a survey of the extent, scale and nature of contamination;
  - ii) the potential risks to:
    - human health;

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - ground waters and surface waters;
  - ecological systems; and
  - archaeological sites and ancient monuments.
- 6) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 7) Prior to the commencement of development hereby approved, a scheme for separate foul and surface water drainage shall be submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to the hierarchy of drainage options outlined in the National Planning Practice Guidance and Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a timetable for its implementation; and,
  - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- The relevant works shall be carried out in accordance with the approved details prior to occupation of the development.
- 8) Prior to the commencement of development hereby approved, a scheme for the kitchen exhaust/extraction shall be submitted to and approved in writing by the local planning authority. The details to be provided shall include:



- i) a full report and a detailed plan of the extraction flue to indicate how noise and vibration will be prevented from affecting nearby sensitive premises; and;
- ii) fixings used to attach any extraction flue to the wall of the building. The extraction flue/s shall be a minimum of 1m above the level of the eaves of the nearest sensitive premises.

The extraction system shall be designed in accordance with Defra's 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. The relevant works shall be carried out in accordance with the approved details prior to occupation of the development.

- 9) Prior to commencement of the development hereby approved, a sound insulation scheme for noise mitigation measures between the ground floor kitchen and bedroom No 20 shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to occupation and thereafter retained in perpetuity.
- 10) No development above slab level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 11) No development in relation to the air source heat pump shall take place until full details of the design and manufacturer's specification (including noise output levels) of the air source heat pump have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
- 12) The building hereby permitted shall not be occupied until the windows in the west facing side elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 13) Prior to first occupation of the development, the odour arrestment plant as stated in the email dated 11 July 2017 from Darren Hall@kitchenequip.co.uk shall be installed. The plant will be in accordance with Defra: Odour Guidance for Local Authorities March 2010 and will be thereafter retained.
- 14) Prior to first occupation of the development, the bin store provision shown on the drawing No A108 shall be provided and thereafter retained.
- 15) Prior to the installation of any external lighting associated with the development, a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and approved in writing by the local planning authority. The scheme shall demonstrate that light intrusion into the windows of any sensitive premises will not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3) and will demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (or any subsequent replacement guidance). The lighting shall be installed and operated in accordance with

the approved scheme details, which shall be maintained and retained thereafter.

- 16) All planting, seeding or turfing comprised in the approved details of landscaping (drawing No 5541.01 Rev A) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 17) The car parking, turning and access arrangements detailed on drawing No A107 Rev 1 shall be laid out and made available for use before the development is first occupied and thereafter retained in perpetuity.

**\*\*\*End of Conditions\*\*\***



---

## Appeal Decision

Site visit made on 27 March 2018

**by Katie McDonald MSc MRTPI**

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

**Decision date: 25 April 2018**

---

**Appeal Ref: APP/U2370/W/18/3192554**

**Land Adjacent Moss Lane, Hambleton FY6 9DA**

- 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 James Cornthwaite against the decision of Wyre Borough Council.
  - The application Ref 17/00412/FUL, dated 27 April 2017, was refused by notice dated 3 July 2017.
  - The development proposed is erection of a new dwelling and creation of access to the highway.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - i) the effect of the proposal upon the character and appearance of the area; and
  - ii) whether the proposal would be in a suitable location in terms of development plan locational policy.

### Reasons

#### *Character and appearance*

3. The site is part of a larger, undeveloped and open agricultural field. Although located close to the village of Hambleton, the area surrounding the site is rural with an open landscape interspersed with farms, stables and sporadic dwellings. The site is identified as countryside within the Wyre Borough Local Plan 1991-2006 (July 1999) (LP).
4. The proposal is for a 4 bedroom bungalow style dwelling with detached garage that would be located adjacent to an existing stable yard. Opposite the site and to the rear and east are undeveloped agricultural fields.
5. Whilst the dwelling would be of a single storey height, it would have a considerable footprint and large detached garage, linked by a tall wall. Additionally, the proposed size of the garden would also be of a significant scale.
6. Even with the landscaping scheme, the proposal would represent a severe, obvious and considerable intrusion into the countryside. It would change the

fundamental character and landscape of the area by the introduction of its urban and incongruous built form and associated domestic activities and paraphernalia.

7. Consequently, the proposal would cause significant harm to the character and appearance of the area. I find conflict with Policy SP14 of the LP, which seeks to ensure that proposals are compatible with adjacent existing land uses and the development should be acceptable in the local landscape. I also find conflict with the National Planning Policy Framework (the Framework), which recognises the intrinsic character and beauty of the countryside.

#### *Location of the dwelling*

8. Policy SP13 of the LP seeks to restrict development in the countryside to that which has a proven requirement for such a location, or meets other exceptions. It is accepted by the appellant that the proposal would not comply with the development plan.
9. Whilst Policy SP13 does not actively promote sustainable development in rural areas, it is my view that it is relatively in line with the approach of Paragraph 55 of the Framework, which seeks to avoid new isolated homes in the countryside unless there are special circumstances or that housing would be located where it will enhance or maintain the vitality of rural communities. Indeed, the justification for Policy SP13 sets out that the overriding intention to redirect development and investment to the settlements and, in doing so, to protect the inherent qualities and rural characteristics of the countryside.
10. Access to the site from Hambleton is via narrow rural lanes that, based on observations from my site visit, features no pavements, bus stops or street lights. Whilst there are off-street footpaths nearby that would link the development to the village, one is through a field and the other is through a park which closes in the evening. Thus, on a day to day basis, although the site is moderately close to the village, I find that it would not provide direct or safe access to key community services and infrastructure in the village by any other means than a private vehicle.
11. The location of the development is such that it is detached from the village to the extent that the dwelling would make very little contribution towards enhancing or maintaining the vitality of the rural community. Furthermore, car borne travel would be encouraged.
12. Therefore, the location of the proposal would not be suitable in terms of development plan locational policy. I find conflict with both Policy SP13 of the LP and the Framework in this regard. The conflict with the development plan locational approach is an important consideration in a plan-led system.

#### **Other Matters**

13. It is accepted by both parties that the Council cannot demonstrate a five year supply of deliverable housing sites. In these circumstances paragraph 49 of the Framework establishes that relevant policies for the supply of housing should not be considered up-to-date. In turn, the test in the fourth bullet point of paragraph 14 of the Framework applies, so that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

14. Even taking account of the national objective of boosting significantly the supply of housing and the Council's housing land supply position, there is direct conflict between the proposal and Policies SP13 and SP14 of the LP, which should be given considerable weight in this appeal, as they are relatively in line with the approach of the Framework.
15. Additionally, the countryside is not protected for its own sake but its intrinsic character and beauty is recognised by the Framework. The Framework also seeks to make the fullest possible use of public transport, walking and cycling.
16. Furthermore, set against the harm identified to the environmental dimension of sustainability, there would be some harm to the social and economic dimensions. The proposal would not benefit from accessible local services and it would not ensure the right place of development at the right time. These points weigh against the proposal.
17. With regard to the benefits, these would be limited. An additional dwelling would make little difference to the overall supply of housing and the support one extra household would provide to the local economy would be insignificant.
18. I have seen the appeal decisions<sup>1</sup> presented by the appellant that appear to support their case. The circumstances of the appeals are different to that before me, as both sites appear to be in rather more developed locations. Equally, both Inspectors found no harm to the character and appearance of the area or that the location of development was inappropriate.
19. In terms of Policy SP13, whilst my thoughts on the policy differ from both Inspectors' findings, I am unaware of what evidence was presented in those cases. Moreover, I note that in the Council's evidence, it is detailed that recent appeal decisions have found Policy SP13 to be broadly consistent with, and reflective of the objectives of Paragraph 55. As each appeal must be considered on its own merits, and the facts and matters of these cases differ, these decisions add little weight in favour of the appeal before me.

## **Conclusion**

20. Taking everything into account, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted. The presumption in favour of sustainable development does not apply.
21. Therefore, in the circumstances of this appeal, there are no material considerations to justify making a decision other than in accordance with the development plan. For these reasons, the appeal should be dismissed.

*Katie McDonald*

INSPECTOR

---

<sup>1</sup> APP/U2370/W/17/3177796 and APP/U2370/W/17/3172417

This page is intentionally left blank

## Committee Report

Date: 06.06.2018

Item Number	8a
Application Number	16/00241/OULMAJ
Proposal	Outline planning permission for the erection of up to 269 dwellings, up to 5,532sqm of Class B1a offices, up to 3,957sqm of Class B1c light industrial floor space, up to 495sqm (gross) Class A1 convenience store, up to 300sqm (gross) Class A3 Coffee shop with associated landscaped open spaces and pedestrian/cycle link to Garstang with access taken from the A6 and Nateby Crossing Lane including the construction of a new roundabout and reconfiguration of the A6 (resubmission 14/00458/OULMAJ)
Location	Land To The West Of The A6 (Preston/Lancaster New Road) Bounded By Nateby Crossing Lane & Croston Barn Lane Nateby Garstang PR3 1DY
Applicant	J Chippendale Ltd
Correspondence Address	c/o Mr Richard Gee Roman Summer Associates Ltd Lime Leach Studio 363-367 Rochdale Road Turn Village Ramsbottom Bury Lancashire BLO 0RL
Recommendation	Permit

## REPORT OF THE HEAD OF PLANNING SERVICES

### CASE OFFICER - Mrs Lyndsey Hayes

#### 1.0 INTRODUCTION AND ASSESSMENT (UPDATED FROM ORIGINAL REPORT FOR 22ND MARCH 2017 COMMITTEE)

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

1.2 The S106 agreement for this application has not yet been completed and so planning permission has yet to be formally granted. The Applicant is in the process of finalising the S106 agreement; in doing so he has requested an amendment to one of the planning conditions (condition 5 relating to affordable housing) which requires the approval of the Planning Committee.

1.3 Members will be aware that this application represents a second application for a mixed use development on the site; the original application (reference

14/00458/OULMAJ) was allowed by the Planning Inspectorate on appeal. That appeal decision to grant outline planning permission was also subject to a number of planning conditions and a legal agreement.

1.4 In terms of the amendment requested to condition 5 relating to affordable housing on the 16/00241/OULMAJ application, essentially it involves a 'swap' for the corresponding affordable housing condition (also condition 5) attached by the Inspector and agreed by the Local Planning Authority at the time for the appeal scheme. This is to ensure that both permissions are consistent.

1.5 The affordable housing condition on the appeal scheme includes reference to a viability clause. This allows the developer to submit robust viability evidence in the event that the 30% provision of affordable housing would not be viable to deliver and propose an alternative (lower) figure that would be considered viable to deliver. This viability evidence would then be scrutinised by the Local Planning Authority with input from its specialist viability advisors, to determine whether a lower level of provision is justified. This process is reflective of national policy and guidance which prescribes that viability should be a material consideration in planning decisions. Explicitly stating it in the condition is therefore providing clarity on a recognised process and decision making mechanism.

1.6 Aside from reference to a viability clause, all other aspects of the condition remain unchanged.

1.7 Condition 5 is therefore to be reworded as follows:

Prior to commencement of any phase of the development incorporating dwellings, a scheme for the provision of affordable housing for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided and retained in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework, or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 30% of the total number of dwellings permitted unless it is demonstrated that the development would not be viable other than with a reduced level of affordable housing provision. Such demonstration must include the submission of an 'open book' financial appraisal of the proposed development, indicating the full range of costs to be incurred by the development including the initial purchase of the land, the financial return expected to be realised, and the expected profit level to be assessed and agreed by the Local Planning Authority prior to the agreement of the layout as a reserved matter;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider, or alternative arrangements for the future management of the affordable housing;
- iv. arrangements to ensure that the affordable housing is affordable not only for the first occupiers but also for subsequent occupiers; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria will be enforced

Reason: To ensure the adequate provision and delivery of affordable housing in accordance with the provisions of the NPPF.

1.8 Members are therefore respectfully recommended to resolve to grant outline planning permission subject to the original conditions (with the exception of condition 5 which is to be reworded to include the viability clause, see new proposed wording above) and a S106 legal agreement to secure appropriate financial contributions towards local education, sustainable travel and highway improvement works, and that the Head of Planning Services be authorised to issue the decision upon the agreement of heads of terms with regard to the contributions towards the highway initiatives and local education provision to be determined by Lancashire County Council in its capacity as Local Education Authority and Local Highway Authority and the satisfactory completion of the S106 agreement.

## ORIGINAL REPORT FOR 22ND MARCH 2017 COMMITTEE

### 1.0 INTRODUCTION

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

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

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

### 2.0 SITE DESCRIPTION AND LOCATION

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

bounded by the A6 and Croston Barn Lane but that falls outside of the application site. This land is operated as a logging processing business.

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

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

### 3.0 THE PROPOSAL

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

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

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

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



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

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

3.6 The application has been supported by the following documents:

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

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

#### 4.0 RELEVANT PLANNING HISTORY

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

#### 5.0 PLANNING POLICY

##### 5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1.1 The Framework was published on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be

applied in the determination of planning applications and the preparation of development plans. The NPPF sets out a presumption in favour of sustainable development (paragraph 14). Sustainability comprises economic, social and environmental dimensions and the planning system is intended to play an active role in the delivery of sustainable development. Local needs and circumstances must be taken into account. Development proposals that accord with the development plan should be approved without delay. Proposals for sustainable development should be supported where possible.

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

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

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

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

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

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

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

5.1.9 Section 10 considers the challenge of climate change, flooding and coastal change. Local Planning Authorities are expected to recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. Developers should not have to demonstrate the overall need for such energy. Planning applications for renewable or low carbon energy generating schemes should be approved if the impacts are or can be made acceptable.

Inappropriate development in areas of flood risk should be avoided and the sequential test should be applied to direct development away from the areas of highest risk. Where development is necessary, it should be made safe without increasing flood risk elsewhere.

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

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

## 5.2 NATIONAL PLANNING POLICY GUIDANCE (NPPG)

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

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

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

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

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

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

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

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

5.2.9 Noise - this section explains that account must be taken of the acoustic environment and whether or not an adverse or significant adverse noise impact is likely to arise, and whether or not amenity could be safeguarded. The factors determining noise nuisance are discussed with references to the sources and receptors of the noise. The potential effect of noise nuisance should particularly be

considered where new residential development is proposed near to existing commercial uses. Methods to mitigate noise nuisance are set out.

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

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

### 5.3 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

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

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

### 5.4 EMERGING LOCAL PLAN

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

5.4.2 Relevant policies in the emerging Local Plan include:

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

5.4.3 The Wyre Local Plan Issues and Options Paper (2015) identifies the site as potentially being suitable for mixed use development. The site is identified as IO\_98. Given that the new emerging Local Plan is at an early stage of development, this listing can be afforded only very limited weight.

## 5.5 SUPPLEMENTARY PLANNING GUIDANCE

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

## 5.6 JOINT LANCASHIRE MINERALS AND WASTE LOCAL PLAN

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

## 5.7 EVIDENCE BASE DOCUMENTS

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

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

5.7.3 FYLDE COAST STRATEGIC HOUSING MARKET ASSESSMENT (SHMA) 2013 - this document was produced for the Fylde Coast Authorities (Wyre, Fylde and Blackpool) to provide evidence as to how many dwellings of different tenures may be needed over the next 15 years and beyond. The report presents an understanding of the sub-regional housing market and identifies a need for new housing across the Fylde Coast. The 2013 Fylde Coast SHMA and Addendums I&II represents the most up-to-date assessment of OAN for Wyre. Addendum II completed in February 2016 takes account of the 2012 Household projections and updated economic growth projections in the 2015 Employment Land Study Update and Addendum. The SHMA Addendum II indicates that Wyre's OAN lies between 400 - 479 dwellings per annum from 2011 - 2031 with a recommendation that the OAN figure should at the upper end of the range. The Council has accepted 479 dwellings per annum as the OAN figure for the Local Plan. There is an estimated need for 300 affordable homes per year (over the next 5 years).

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

5.7.5 THE FYLDE COAST RETAIL STUDY 2011 (as updated in 2013 and 2015) - with regard to rural areas, this study noted that small scale enhancements to foodstore provision on sites that relate well to existing centres and do not undermine

their offer may be appropriate. Maintaining the strength of Garstang Town Centre through the provision of between 750sqm to 1,250sq m of additional floor space was identified as a priority. This study, including the updates, also identified a requirement for the provision of 500sqm to 750sqm net of comparison goods floor space collectively in lower order centres (neighbourhood, local and district). It recognised that small-scale facilities to meet local, day-to-day, shopping needs are inherently sustainable and that there may be justification for the expansion of existing district and local centres, or the creation of new centres, to meet the needs of new large-scale developments.

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

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

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

## **6.0 CONSULTATION RESPONSES**

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

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

**6.3 NATEBY PARISH COUNCIL** - objection on the basis of the impact on the junction of Longmoor Lane and the A6 and the impact on the capacity of the A6 and

other local roads through increased traffic. The provision of three-storey houses would not be in-keeping with the character of the area. It is considered that existing infrastructure including medical care provision could not support the development.

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

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

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

6.7 HIGHWAYS AGENCY - no objection. It is noted that the application is a resubmission of application ref. 14/00458 and that no objection was raised against

that scheme. Despite the different local road access strategy, a negligible difference in impact on the strategic route network (SRN) is anticipated. In isolation, therefore, this application is not anticipated to have any significant impact on the SRN. However, the cumulative impact of development in the area could be significant and it is understood that this is being considered as part of the local plan process. It is noted that the Local Highways Authority has not objected to the scheme subject to the provision of appropriate mitigation. It is considered that only those vehicle movements associated with the B1, B2 and C3 uses would affect the SRN. It is considered that the resubmitted application would result in 39 fewer AM peak trips and 31 fewer PM peak trips. There is a strategy for the improvement of junction 1 of the M55. Whilst the previous holding recommendation is removed, it is recognised that the cumulative impacts need to be better understood.

## 6.8 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

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

- A. The Latest Proposed Main Site Access Strategy;
- B. Specific Comments on all other elements of the submitted Transport Assessment under the following sub-headings:
  - Type of Assessment Undertaken;
  - Committed Development;
  - Traffic Figures;
  - Traffic Growth and Assessment Years;
  - Trip Rates;
  - Distribution;
  - Accident Analysis;
  - Off-site Highway Works Considered;
  - Junction Operational Assessment;
  - Site accessibility;
  - Pedestrian/Cycling Considerations; and
  - Public Transport Considerations.
- C. Internal Site Layout, Parking Standards/Parking Provision and SUDS;
- D. S278 Works;
- E. Planning Obligations (s106 Planning Contributions); and
- F. Recommendation

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

6.8.3 See previous Statutory Comments set out below

### (A) The Latest Proposed Main Site Access Strategy

This development proposal will introduce additional vehicle movements on the local highway network. The A6 is the main north-south arterial route through Wyre linking Preston to Lancaster. The settlements of Catterall and Garstang lie immediately to



the east of the A6. In the vicinity of the site the A6 is a wide two lane carriageway, has little frontage development and few junctions. It is subject to a 50mph speed limit and is lit by a system of street lighting. Whilst the A6 is not a trunk road it has many similarities and characteristics to a trunk road and as such the starting point for assessment of impact should be in line with the Design Manual for Roads and Bridges (DMRB) rather than the Manual for Streets (MfS).

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

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

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

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

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

I have reviewed the roundabout capacity assessment and consider the proposal will accommodate existing and forecast traffic levels with this development and other committed developments. The roundabout option will also provide alternative routing opportunities for some existing movements that currently utilise the 6-arm signalised junction to the north and also some movements from Longmoor Lane, the priority junction to the south of the proposed roundabout.

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

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

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

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

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

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

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

The on-road cycle lanes should be provided at 1.5m over the length of the junction access works. The detailed junction design should include measures to enhance the visibility and safety of the on-road cycle lanes. This should include cycle symbol markings, coloured surfacing and signing as necessary.

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

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

## (B) Transport Assessment

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

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

Committed Development - Committed development was included in the TA.

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

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

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

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

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

Trip Rates - The TA uses residential trip rates as agreed for the approved Kepple Lane site and these are in line with those rates agreed for major developments within Central Lancashire. The employment trip rates used are acceptable. I note that the development proposes employment and retail uses which can be considered to support sustainable modes from the residential element. The trigger points for the delivery of the employment/retail uses and residential housing numbers should be covered by an appropriate planning condition to support sustainable development (i.e. delivered part way through the residential phase).

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

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

Off-site Highway works.

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

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

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

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

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

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

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

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

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

A review of the 60mph speed limit on the Nateby Crossing Lane and Croston Barn Lane in the vicinity of the proposed site is warranted. The developer would be

required to fund speed limit review/consultation and implementation as necessary. This should be conditioned, if the LPA are minded to approve this application.

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

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

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

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

A6 Preston Lancaster New Road/Croston Barn Road/Green Lane West/B5272 Cockerham Road/Croston Road - Signalised Junction - An 'in principle' scheme is agreed between LCC and the developer as indicated in drawing 1600401a (dated April 2016). This scheme included an upgrade to MOVA operation and the provision of a Toucan crossing over the A6 south arm. The scheme also indicated that further pedestrian crossing points can be agreed at the detailed design stage. The scheme was also to include consideration for improvement to the existing cycle facilities and vehicle activated queue detection signing on the approach to the signalised junction.

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

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

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

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

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

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

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

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

Site Accessibility - This development proposal is on the edge of the built environment and the current site has limited pedestrian linkages/connectivity. The 50mph A6 presents a clear barrier to movement; this is a concern. However, it is acknowledged that improvements are proposed. The latest site access layout, Layout Plan 1600402b (dated May 2016) includes a number of further measures to the facilities and route options for pedestrians and cyclists. In particular, the drawing now shows a ramp down to the A6 underpass from both the north and southbound (re-aligned A6 carriageway). LCC has considered true walk distances to local amenities. It is noted that there is no high school in the immediate local area and local primary schools are a considerable walking distance, particularly for young children.

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

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

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

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

A safe pedestrian/cycle route to facilities/bus stops and other amenities has been proposed to go under the realigned A6, making use of the current A6/Nateby Rail Bridge (Bridge Ref 6D1B1). The developer has provided further information to support the proposal and demonstrate at this stage that the route is deliverable. Plans and drawings will need to be submitted to LCC Bridges team for checking and approval. The link under the new section of A6 and on through the gap to be created at the location of the Nateby Rail Bridge is essential to support sustainable development and its delivery should be a condition of any approval prior to first occupation on site.

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

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

Public Transport Accessibility and Provision - Improvements to bus services (frequency/routeing) and bus stops (delivered through a s278) to Quality Bus Standard, in line with guidance, will be necessary to support this development. Any service provided should seek to provide a frequent service throughout the day and also consider evenings and weekends to a range of destinations. There are no PT services within desirable walking distances of the centre of the residential dwellings. The Current PT Services on Croston Road is Service 41, Mon-Sat, 60 minute frequency (also evenings) - no Sunday Service. Bus stops on Croston Road are more than 850m from the centre of the main residential area of the site using safe

pedestrian routes (and from the periphery much higher). This distance will limit sustainable trips for PT from this site. This would be a concern if improvements were not delivered.

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

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

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

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

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

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

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

- Adequate No of Parking spaces must be provided for both the residential and commercial elements of the proposed development, in line with agreed standards.



- With regard to driveway and garage dimensions I would note that all integral garages must have internal dimensions of 3m x 6m or they will not be considered part of the parking provision.
- The internal site layout should support the principles of 'Manual for Streets' and LCC's Creating Civilised Streets.
- All internal access issues will need to be overcome to satisfy highway adoption.
- A service strategy should be prepared and agreed
- In line with recent government policy I would expect the development to provide electric vehicle charging infrastructure at appropriate locations.
- I would expect the emergency services to be consulted on the full development proposals and appropriate access/tending arrangements for all elements/areas or an emergency access strategy agreed.
- Full details of proposed carriageway drainage will be required as part of any detailed design
- Any requirement to move statutory undertaker's apparatus will be considered and agreed as part of detailed design.

The proposed new vehicular link between the A6 and Nateby Crossing Lane should be constructed before first occupation on site.

#### Sustainable Urban Drainage Systems (SuDs)

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

#### (D) - S278 Works

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

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

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

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

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

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

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

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

The s278 works agreed with the applicant are:

- Main Site access junction on re-aligned A6 - Roundabout (serving both the employment and Residential elements)

As agreed layout drawing 1600402b (revised May 2016)

- 2 No. Site access junctions onto Nateby Crossing Lane. As agreed layout drawing 1600404 Feb. 2016).

- Initiative 2 - Improvement of A6 Preston Lancaster New Road/Croston Barn Road/Green Lane West/B5272 Cockerham Road/Croston Road Signalised Junction  
The scheme includes upgrade to MOVA operation and the provision of pedestrian/cycle facilities across five of the six arms of the junction.

An 'in principle' improvement scheme had been agreed with the developer prior to the larger scheme being developed. Therefore the final agreed scheme to be delivered by the developer through a s278 will be of equivalent scale but fully in line with the wider scheme. Scheme layout drawing 1600401b (revised May 2016) to be revised in line with wider scheme (the provision of an agreed scheme at this location to be a condition of any approval). Developer to deliver initial scheme through s278

Agreement

- Pedestrian footway improvements on A6 (east and west side to Longmoor Lane in the south and Croston Barn Lane in the north)

As agreed in layout drawings 1600401b and 1600403b (both drawings revised May 2016).

- Initiative 3 - Improvement of Moss Lane/Longmoor Lane Priority Junction  
Improvements to the deliver pedestrian footway and dropped kerbs has been agreed 'in principle' with the developer prior to the larger scheme being developed.

Therefore, the final agreed scheme to be delivered by the developer through a s278 will be of equivalent scale but fully in line with the wider scheme. Developer to deliver initial scheme through s278 Agreement

- Pedestrian Green Link, underpass of A6 providing high quality connection for sustainable modes (pedestrian/cycle) to Garstang. Details of the standard of the link,

width and surfacing to be agreed (the provision of an agreed scheme to be a condition of any approval).

- Pedestrian footway improvements and traffic calming and Gateway measures on Nateby Crossing Lane. As agreed in layout drawing 1600405a (revised May 2016).
- Renewal of the carriageway markings at the Nateby Crossing Lane/Croston Barn Lane junction. This was previously agreed with the applicant and will form part of the traffic calming and Gateway measures scheme on Nateby Crossing Lane. As agreed in layout drawing 1600405a (revised May 2016).
- Public Transport facilities to quality bus standard on Croston Road and on the new link between A6 and Nateby Crossing Lane. Details of the stops to Quality Bus Standard to be agreed (the provision of an agreed scheme to be a condition of any approval).

#### (E) - Planning Obligations (s106 Planning Contributions)

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

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

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

- Initiative 1 - A6 Barton to Garstang Sustainable Transport Strategy

Requested Contribution: £20,000 towards wider scheme (Trigger 200th dwelling. The requested contribution reflects that this development will provide pedestrian and cycle measures along the A6 site frontage between Moss Lane and Croston Barn Road

- Initiative 4 - Improvement of A6/A586 'The Avenue' priority junction.

The wider scheme now identified by LCC includes full signalisation, pedestrian and cycle, gateway and other safety/speed reduction measures.

An 'in principle' improvement scheme had been agreed with the developer prior to the larger scheme being developed. However, in developing the funding mechanism to support all initiatives and improvements necessary in the corridor it has subsequently been decided that all relevant developments should support s106 contributions to deliver the wider improvement scheme.

Requested Contribution: £150,000 towards wider scheme (Trigger 100th dwelling)

- Initiative 5 - A6/M55 junction 1, Westbound off Slip Improvement. Additional lane on westbound off slip. Requested Contribution: £250,000 (Trigger 50th dwelling)

- Initiative 6 - A6/M55 junction 1, Eastbound off Slip Improvement. Additional lane on westbound off slip. Requested Contribution: N/A as contribution requested for Initiative 5 (westbound off slip improvement).

In addition a commitment is necessary from the developer to fund mitigation measures through s106 contributions for the following further measures:

- Funding for Public Transport service improvements, £300,000 (Trigger £120k at 50 dwellings, £120k at the 1st anniversary and £60k at the 2nd anniversary)
- Travel Plan Support, £18,000 (prior to first occupation).

The above funding contribution figures have been accepted by the developer.

#### (F) Recommendation

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

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

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

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

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

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

6.10 LANCASHIRE COUNTY COUNCIL (FLOODING) - the submitted FRA states that surface water would be discharged to the two watercourses within the site. Surface water drainage should be designed in accordance with the established sustainable drainage hierarchy. The applicant has not demonstrated that infiltration is not an option. Surface water should be managed in a sustainable way to mimic natural surface flows as close to the surface as possible and taking flood risk into account. Run-off should be restricted to Greenfield rates where practicable. Systems should be designed in accordance with the non-statutory technical standards and the NPPG. It is understood that boreholes and soakaway testing has been carried out but locations have not been provided. A site layout plan should be provided to show any exceedance routes. Flow balancing may be an option and the developer should consider this. In accordance with the Water Framework Directive, development must not result in a reduction in water quality. The developer should contact the LLFA in the first instance for advice to ensure no adverse impact results to the watercourses on site. Published guidance is available. Land Drainage Consent would be required for works or discharge to a watercourse. The grant of planning permission does not constitute the grant of Land Drainage Consent. No works should take place within 8m of a watercourse. Watercourses are particularly valuable for wildlife and the proposals must safeguard biodiversity. Permeable driveways must not be included in

hydrological calculations as they can be resurfaced and permeable paving on roads must be agreed with the Local Highway Authority. No objection is raised subject to the imposition of seven conditions and an advice note. These would require development to proceed in line with the FRA; agreement of a surface water drainage scheme; prevention of occupation before drainage is provided; agreement of a management and maintenance plan; agreement of finished floor levels; agreement of a construction surface water management plan; and provision of attenuation prior to development. The informative would relate to Land Drainage Consent.

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

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

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

demonstrated; agree any external lighting; and require the agreement and implementation of a biodiversity enhancement scheme.

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

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

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

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

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

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

## 7.0 REPRESENTATIONS

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

7.2 The objection letters raise the following issues:

### PRINCIPLE

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

### LAYOUT

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

### VISUAL IMPACT/HERITAGE

- o Impact on AONB
- o Impact on heritage
- o Funds should be made available for future repairs to the Listed bridges necessitated by the increased traffic
- o Loss of views

- o Loss of Nateby Bridge would affect contours of land, result in loss of open space and visual aspect
- o Archaeological impact on existing Roman Road following line of A6
- o Three-storey houses would be out-of-keeping with the area
- o Visual impact as Garstang is a small market town
- o The development is likely to be out-of-character
- o Commercial areas would introduce blight through appearance and illuminated signage, again out-of-keeping with character of area

#### AMENITY

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

#### HIGHWAYS

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



- o Potential for use of site as a cut-through and increased 'rat-running' on existing smaller side roads
- o Increase in parking pressure and inadequate parking provision
- o Inadequate public transport provision in area
- o May need to reduce speed limit
- o Tunnel proposed for re-opening was filled with cement to prevent the road from subsiding
- o Hawthorn Avenue is unsuitable for a cycle route due to the surface

#### ECOLOGICAL/ARBORICULTURAL/OPEN SPACE

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

#### DRAINAGE

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

#### CONSTRUCTION

- o Damage, disruption and congestion during construction

#### OTHER

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

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

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

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

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

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

7.6 The letters of support comment that:

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

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

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

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

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

## 8.0 CONTACT WITH THE APPLICANT/AGENT

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

## 9.0 ASSESSMENT

9.1 The main issues are considered to be:

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

- o Assessment of sustainability and the planning balance

## PRINCIPLE OF SUSTAINABILITY

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

## PRINCIPLE OF DEVELOPMENT

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

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

## HOUSING LAND SUPPLY

9.4 The Framework expects Local Planning Authorities to identify a five year housing land supply plus an appropriate buffer to ensure choice and competition in the market. The housing requirement for the borough originally identified in the adopted Local Plan was set out in policy H1. This was then superseded by Policy L4 of the North West Regional Spatial Strategy (NWRSS). The NWRSS was revoked in May 2013. As the emerging Local Plan is not yet adopted, there is no up-to-date housing requirement for the borough set out in the Development Plan. The Fylde Coast Housing Market Assessment (SHMA) 2013 and subsequent updates represent

the most up-to-date assessment of objectively assessed housing need. The Council has accepted a housing need of 479 new dwellings per annum between 2011 and 2030. Current indications are that Authority is not able to identify sufficient deliverable sites to provide a five year supply of housing land based on this objectively assessed requirement. On this basis, the restrictive approach toward new development in the Countryside as set out in Policy SP13 of the Local Plan must be considered to be out-of-date.

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

## IMPACT ON THE COUNTRYSIDE

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

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

9.8 The site does not lie within open countryside and is not remote from an existing centre. Instead it is bounded by the A6 to the east with the main body of Garstang beyond. Nateby Crossing Lane bounds the site to the west with Croston Barn Lane to the north. There is an existing marina complex and caravan park to the west of the site and some, limited development to the south. Whilst the land immediately to the north is largely open, there is some development beyond that in the form of the caravan park and hotel complex that sit between the A6 and Cockerham Road. It is acknowledged that the development proposed is of a major scale that would undoubtedly change the character of the immediate area. However, it would be viewed against the backdrop of the surrounding land uses and road network. As such, the development of the land is considered to represent less of a clear incursion into open countryside and more of a logical rounding of the settlement of Garstang, with Nateby Crossing Lane defining the western boundary of the town. Extensive areas of open countryside exist around Garstang, particularly to the west and, should the land be developed, the town would still remain as a clearly identifiable urban centre within open countryside.

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

## LOSS OF AGRICULTURAL LAND

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

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

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

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

## ACCEPTABILITY OF THE LAND USES PROPOSED

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

## RESIDENTIAL DEVELOPMENT

9.14 The application site falls within designated Countryside but is otherwise unallocated on the Proposals Map to the adopted Local Plan. As such, it is not safeguarded for a particular use. The site is bounded by roads including the A6 on all sides with the main body of Garstang to the east and low-intensity leisure uses to the

west. There are some small scale business and farming operations in the area. A mix of uses, including some industrial and commercial floor space, is proposed on the site. However, this degree of proximity between different land uses is not unusual within established settlements. Furthermore, paragraph 17 of the Framework, whilst advocating that all new schemes safeguard residential amenity, also promotes mixed use developments that make best use of available land and support patterns of growth that enable fullest use of sustainable transport modes.

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

## EMPLOYMENT DEVELOPMENT

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

9.17 In accordance with the requirements of paragraph 26 of the NPPF, the applicant has submitted an Office Impact Assessment. This has considered the town centres of Garstang, Poulton, Cleveleys, Fleetwood, Kirkham, Lytham, St. Annes, Longridge and Broughton. In all instances it is considered that the lack of a competing office offer in these locations would prevent any unacceptable impacts on the vitality and viability of the centres. It is also noted that local demands are different in Longridge and that a Local Plan commitment is proposed in Poulton. With regard to Blackpool and Preston, it is noted that in both cases there is a strong, long-term Council commitment to future office development as part of wider regeneration plans for those centres. It is also suggested that the target markets would be different to

those of the application site. In light of the above, and notwithstanding the sites inclusion in the boroughs employment portfolio, no unacceptable impacts on surrounding centres arising from the provision of office floor space is anticipated.

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

## COMMERCIAL DEVELOPMENT

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

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

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

9.22 Nevertheless, in order for the retail floor space proposed to be considered acceptable in terms of the NPPF, the requirements of the sequential test must be met and it must be demonstrated that the scheme would not have a significant adverse impact on the health of Garstang Town Centre. The applicant has undertaken a review of comparable, available sites within or on the edge of the town centre and identified only one unit. However, as this is restricted to A4 use it is not considered suitable for the development proposed. No other sequentially preferable sites within the catchment area are identified and officers are not aware of any alternative options. On this basis the sequential test is passed and the principle issue becomes one of impact.



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

## HOUSING MIX AND DENSITY OF DEVELOPMENT

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

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

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

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

9.28 As previously stated, this is an application for outline planning permission that only seeks to agree the matter of access at the current time. In basic terms, this means that the applicant wishes to establish the principle of development on the site, and that the means of access shown would be acceptable to serve up to 269 new dwellings and the other uses proposed. The details of the layout of the development are not a matter for consideration at this stage. Consequently, whilst the indicative information provided at this stage is considered to be acceptable, the details of layout and final housing numbers, mix and density would be a matter to be agreed at reserved matters stage.

## INFRASTRUCTURE AND OBLIGATIONS

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

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

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

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

## IMPACT ON EXISTING RESIDENTIAL AMENITY

9.33 As set out above, and notwithstanding the countryside designation of the site, the land uses proposed are considered to be acceptable in principle. It is considered that conditions could be attached to any permission granted that would prevent noise and odour nuisance from the proposed employment and commercial uses from having an unacceptable impact on the amenities of nearby neighbours.

9.34 The illustrative layout plan supporting this application shows linear public open space along the old railway line from Nateby Crossing Lane to the A6, with a combined footway/cycleway through to Derbyshire Avenue. This route would utilise

the existing railway bridge that passes under the A6 and directly link the site to the public open space on Derbyshire Avenue. Concerns have been raised that this link would lead to a loss of privacy and noise disturbance for existing residents in the area of the underpass link. The footway/cycleway proposed would link through to existing highway that is already open to public access. Consequently, whilst the level of pedestrian and cyclist traffic may increase, this is an inevitable result of development and it is not considered that the Council could reasonably resist the proposal on this basis.

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

## LANDSCAPE AND VISUAL IMPACT

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

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

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

9.39 The design of the proposal is not a matter for detailed consideration at this stage. The submitted Design and Access Statement indicates that the scheme would be sensitively designed to be in-keeping with existing properties in the area and that

the features of greatest landscape value would be retained as part of the scheme. As previously set out, the scale, layout and appearance of the development would be agreed at reserved matters stage should outline permission be granted. On this basis, given the location of the site adjacent to the A6 and the main body of Garstang, and given its limited inherent landscape value, it is not considered that the visual impact of the proposal would be sufficiently detrimental to the wider landscape so as to weigh heavily against the application. Members are respectfully reminded that the potential for loss of view does not constitute a valid reason for refusal.

## HERITAGE IMPACT

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

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

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

## IMPACT ON HIGHWAY SAFETY

9.43 Vehicular access to the site is proposed to be from three access points. The main point of access would be a new, four-arm roundabout on the A6 immediately to the north of the former railway line. The existing A6 would form the eastern arms of this roundabout with two spurs giving access to the west into the site. The more northerly of these would serve the proposed employment area with the remaining spur providing residential access. This last spur would bisect the site and create a vehicular access through to Nateby Crossing Lane. This junction on Nateby Crossing Lane would be the second vehicular access point to the site with the third further to

the north on Nateby Crossing Lane. Pedestrian/cycle access points would be available into the site from Nateby Crossing Lane at the point of the former railway line and to the south near to the canal. Pedestrian/cycle access points to the proposed employment area are also indicated on Croston Barn Lane and the A6. It is considered that the through-road would improve links to the Garstang and Bridge House Marinas, thereby reducing traffic on the Nateby Canal Bridge and Croston Barn Lane. The existing railway line would be converted into a pedestrian/cycle access path with a subway under the A6 linking to Derbyshire Avenue to the east. This would improve links between the site and beyond into Garstang.

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

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

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

9.45 Members will be aware that there is considerable pressure for new residential development within the A6 corridor evidenced by what has already been approved within the last few years and the current number of applications as listed in Table 1 of the introductory report to this agenda. Following the refusal of the previous application on this site and in recognition of this pressure, LCC has undertaken a review of the previous 2015 junction modelling (J1 M55). Further analysis has taken place since November 2016 which has allowed LCC to review their position in regards to the impact of development on this junction. It is LCCs current position that a limited amount of development may be able to be accommodated (equating to 176 two way trips at J1) subject to contributions to improve that junction. Funding has already been committed from two previously approved major developments and developments approved now will contribute towards the present shortfall. LCC confirm that there is further limited capacity within the corridor that can support the application proposal but where resolutions to grant planning permission would result in committed development that would result in a cumulative number of two way trips exceeding 176 at J1 of the M55, then that development should only be approved subject to the grant of planning permission for J2 of the M55 and the Preston Western Distributor Road (PWD).

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

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

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

9.49 It is acknowledged that the development proposed would increase traffic on the local and wider highway network. To mitigate this impact, a range of highway

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

## ECOLOGICAL AND ARBORICULTURAL IMPACT

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

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

9.52 The hedgerows on site are the most important features for bats. The scheme proposes the retention of most of the hedgerow habitat and further hedgerow could be created. This will ensure the retention of the main habitat. Before any trees are removed, the absence of bats and birds must be confirmed by a suitably qualified ecologist and the trees must be soft-felled. Replacement planting would be required to compensate for the loss of any trees or hedgerows. Replacement planting should also be provided along the railway line. This could be secured as part of the agreement of landscaping at reserved matters stage. There should be no net loss of waterbodies on the site and a condition could be attached to any permission granted to this effect. The ecology and quality of the canal and the watercourses on site must be protected.

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

#### FLOOD RISK AND DRAINAGE

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

#### AIR QUALITY

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

#### LAND CONTAMINATION

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

#### OTHER ISSUES



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

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

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

## ASSESSMENT OF SUSTAINABILITY AND THE PLANNING BALANCE

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

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

9.62 The site is not designated for its landscape or environmental value. It is considered that existing biodiversity could be adequately protected and that biodiversity enhancement could be delivered as part of an approved development. The proposal would have a detrimental impact on the character of the immediate area but limited weight is accorded to this impact in the overall planning balance for the reasons set out above. The quality of water resources could be satisfactorily safeguarded and adequate drainage could be provided. It is acknowledged that natural resources would be used as part of the development process. No unacceptable impacts on air quality as a result of atmospheric pollution are anticipated, and it is felt that adequate safeguards could be achieved against any potential land contamination.

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

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

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

9.66 It is recognised that capacity issues exist at junction 1 of the M55 and that this is a limiting factor on development that can be supported within the A6 corridor. However, a range of improvement works have been identified to both the local and strategic highway network in order to increase capacity, avoid undue delay and congestion, and improve facilities for travel by sustainable modes. The available capacity has been identified to be 176 two-way peak hour traffic impacts before junction 2 of the M55 and the Preston West Distributor (PWD) Route is committed. The level of development proposed by this application equates to 108 two-way traffic impacts. The site is on the edge of Garstang, which is considered to be the most sustainable settlement to support new development within the A6 corridor. It is considered to be the joint second most sustainable option in terms of location of all of the schemes proposed within the A6 corridor. When viewed in isolation and cumulatively with the other applications being recommended for approval, it could be supported to come forward on an unrestricted basis i.e. before junction 2 of the M55 and the PWD Route is committed. Please refer to the introductory report for further detail. It is judged that safe and suitable access to the site could be provided. No unacceptable impacts on the highway network are anticipated. Consequently, the scheme in itself is considered to be socially sustainable.

## 10.0 CONCLUSION

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

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

## 11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

## 12.0 RECOMMENDATION (as updated)

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

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

### Representations

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

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

- Highways
  - o Baseline data, including traffic counts and accident records, is flawed and incorrect
  - o The proposed roundabout would be unsafe
  - o A dangerous rat-run would be created through the site
  - o Local junctions could not accommodate the development

- o Safe pedestrian access could not be achieved
- o LCC response falsely implies that a road safety audit has been done for the whole application
- Impact on Garstang Town Centre
- o The submitted office impact assessment is flawed
- o No sequential test has been applied
- o Permitted development rights would allow the offices to change to retail
- Drainage
- o Drainage proposals are inadequate
- o Increased risk of flooding from surface-water

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

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

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

Officer response: This report has been considered by LCC Highways and a response has been provided. This response notes that LCC have suitably reviewed the submitted Transport Assessment (TA) and the information presented, and that a suitable response with due regard to the NPPF has been provided. It is suggested that SCP misrepresented or misunderstood the LCC position. The author criticises aspects of the submitted TA but has replicated those elements in his own TA in respect of another scheme in the A6 corridor. It is suggested that the strategy put forward by LCC is misunderstood or misrepresented. SCP acted as transport consultants in respect of a scheme at Daniel Fold Lane in Catterall in 2015 which supported this general strategy. LCC maintain that the TA submitted is acceptable as a whole. The concerns raised in respect of the local junctions are not agreed or accepted. It is noted that the modelling criticised by SCP has been used by them in respect of another scheme within the corridor (16/00230/OULMAJ). It is further suggested that SCP failed to fully appreciate the approach taken by LCC. It is stated

that the LCC stance was correctly represented in the report to Committee. The response concludes with a reiteration that LCC identify no outstanding issues in relation to this application.

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

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

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

Four further representations have been received raising the following issues:

- Insufficient highway arrangements to support the scheme;
- Insufficient provision for pedestrians and cyclists;
- Inadequate car parking within Garstang to accommodate the cumulative level of development proposed;
- Use of the Bellflower pub car park as a cut-through
- Increase in congestion;
- Funding would be needed to upgrade nearby junctions;
- Impact on infrastructure, particularly medical services;

- Provision of affordable housing;
- Impact on the character of the town;
- The recommendation in respect of this application is inconsistent with that for application ref. 16/00230/OULMAJ (land south of Gubberford Lane);
- Insufficient weight has been given to the existing local plan.

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

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

### Education contributions

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

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

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

### Officer Response:

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

For example, in Bowgreave the application for 49 dwellings (15/00928/OUTMAJ) generates a requirement for nearly £400,000 towards both primary and secondary places whereas the application for 46 dwellings (15/00420/OUTMAJ) does not require a contribution despite the number of units and location of the sites being very similar. The application at the golf club for 95 dwellings (15/00891/OUTMAJ) generates a significantly smaller contribution requirement than the scheme for 49 units. Furthermore, the secondary school identified is in Broughton despite the three schemes being in very close proximity to Garstang Community Academy, however it is understood this is likely to be because the number of applications that LCC have already named as contributing towards Garstang Community Academy has already reached five and therefore alternative schools are identified in order to be CIL compliant.

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

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

#### **Recommendation: Permit**

##### **Conditions: -**

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

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

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

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

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

3. (a) The total number of residential units to be provided on the site shall not exceed 269.

(b) the total amount of employment floor space to be provided on the site shall not exceed 9,489sq m (gross). No more than 5,532sqm of the employment floor space hereby approved shall be for use within class B1(a) of the Town and Country (Use Classes) Order 1987 (as amended). No less than 2.6ha of employment land shall be provided within the site for use within class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

(c) the total amount of floor space for use within classes A1 and A3 of the Town and Country (Use Classes) Order 1987 (as amended) shall not exceed 795sq m (gross) with the total floor space for use within class A1 not exceeding 495sq m (gross).

Reason: In the interests of highway safety and capacity and to safeguard the vitality and viability of Garstang Town Centre in accordance with Policy SP14 of the Wyre Borough Local Plan (1999) and the provisions of the NPPF.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no change Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no change of use of the class A3 floor space hereby approved to retail floor space within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall take place without the express permission of the Local Planning Authority.

Reason: In order to maintain a mix of uses on the site and to safeguard the vitality and viability of Garstang Town centre in accordance with the provisions of the NPPF.

5. The development of any phase incorporating residential development shall not begin until a scheme for the provision of affordable housing for that phase of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided and retained in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units.
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider (if no Registered Provider is involved) ;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the adequate provision and delivery of affordable housing in accordance with the provisions of the NPPF.



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

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy ENV15 of the Wyre Borough Local Plan (1999) and the provisions of the NPPF.

7. (a) Prior to the commencement of each phase of the development, the design of a scheme for the drainage of foul and surface water from that phase, based on sustainable drainage principles so far as is possible subject to ground conditions, the results of the investigation required under part (d) and an assessment of the hydrological and hydrogeological context of the development shall be submitted to and approved in writing by the Local Planning Authority.

(b) This scheme shall include;

- i. information about the design storm period and density (1 in 30 and 1 in 100 year + 30% allowance for climate change)
- ii. discharge rates and volumes (both pre and post development and including any discharge through culvert no. 37 under the Lancaster Canal)
- iii. temporary storage facilities
- iv. means of access for maintenance
- v. the methods employed to delay and control surface water discharged from the site
- vi. the measures taken to prevent flooding and pollution of receiving surface waters, including watercourses and surface water sewers
- vii. details of floor levels in AOD
- viii. a quantitative and qualitative risk assessment and mitigation strategy with respect to groundwater protection to manage the risk of pollution to public water supply and the water environment. The risk assessment should be based on the source-pathway-receptor methodology. It shall identify all possible contaminant sources and pathways for the life of the development and provide details of measures required to mitigate any risks to groundwater and public water supply during all phases of the development. The mitigation measures shall include the highest specification design for the new foul and surface water sewerage system (pipework, trenches, manholes, pumping stations and attenuation features);
- ix. details of any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts where relevant);
- x. floodwater exceedance routes both on and off site;
- xi. a timetable for implementation;
- xii. a management and maintenance plan for the lifetime of the development which, as a minimum, shall include arrangements for adoption by an appropriate public body or statutory undertaker; management and maintenance by a Residents Management Company; arrangements of appropriate funding mechanisms for on-going maintenance of the scheme; and details of an inspection programme to assess performance, asset condition, operation costs, and any necessary maintenance and/or remedial works.

(c) The scheme shall demonstrate that surface water run off for the entire site once developed would not exceed run-off from the undeveloped site for the corresponding rainfall event.

(d) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates;

(e) Details of water quality controls and appropriate mitigation measures to prevent pollution of ground or surface waters including the Lancaster Canal;

(f) No surface water, highway drainage or land drainage shall discharge to the public combined sewerage system or via an infiltration system unless agreed by United Utilities.

(g) The approved drainage scheme for each phase shall then be implemented in full accordance with the approved details, including the agreed timetable for implementation.

Reason: To ensure a satisfactory form of development, to manage flood risk, to prevent pollution from foul and surface water and to protect drinking water supplies in accordance with Policy ENV15 of the Wyre Borough Local Plan (1999) and the provisions of the NPPF.

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

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

Lancaster Canal in order to minimise risk of damage to this bridge during construction.

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

Reason: In order to safeguard the biodiversity of the site, protect the water environment and public drinking water supplies, and to maintain the operation and safety of the local highway network, during site preparation and construction, in accordance with Policy ENV17 of the Wyre Borough Local Plan and the provisions of the NPPF.

9. (a) No trees shall be felled or vegetation cleared during the bird breeding season (March to July inclusive) unless a report, undertaken by a suitably qualified person, has been submitted in writing to the local planning authority, demonstrating that nesting / breeding birds have been shown to be absent.

(b) No trees shall be felled or vegetation cleared during the main bat activity season (May to August inclusive) unless a report, undertaken by a suitably qualified person, has been submitted in writing to the local planning authority, demonstrating that roosting bats have been shown to be absent.

(c) Any trees to be felled shall be soft-felled whereby tree limbs are cut and left grounded over-night to allow any bats to make their way out.

Reason: In order to safeguard the biodiversity of the site in accordance with the provisions of the NPPF.

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

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

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

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

Reason: In order to safeguard biodiversity in accordance with the requirements of paragraph 17 and section 11 of the NPPF.

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

bird boxes, and native tree and shrub planting. The scheme shall also include details of planting along the existing railway line that would support foraging bats.

Reason: In order to safeguard and enhance the biodiversity of the site in accordance with the provisions of section 11 of the NPPF.

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

Reason: In order to safeguard existing trees and hedgerows on site in the interests of maintaining and enhancing biodiversity in accordance with section 11 of the NPPF.

13. No development shall be commenced until:

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

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

(c) Remediation of any potential land contamination of the site has been undertaken strictly in accordance with the remediation strategy and a validation report has been submitted to the Local Planning Authority for approval in writing, confirming full implementation of the approved remediation scheme.

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

Reason: In order to prevent harm to human health or the environment from land contamination.

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

Alternatively, prior to the commencement of each phase of the development, a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures for that phase are not required. Any gas monitoring must be carried out over a period of at least three months and include at least three readings where the atmospheric pressure is below 1000mb. Gas flow

rates must also be provided. Results shall be submitted for approval in writing by the Local Planning Authority.

Reason: In order to ensure that the development would be suitably protected against potential gas ingress in order to safeguard the environment and human health.

15.

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

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

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

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

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

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

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

Reason: In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings from cumulative noise from the existing and proposed industrial, commercial and traffic sources, to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy SP14 of the Local Plan and the provisions of the NPPF.

16. Prior to the occupation of each commercial unit, an Odour and Noise Management Plan for any extraction or air conditioning system in that unit shall be submitted to and approved in writing by the Local Planning Authority. The height of

each kitchen extraction flue should be a minimum of 1m above the eaves, and the fixings used to attach the extraction flue to the wall of the building shall be designed so as to prevent vibration. The kitchen extraction system shall be designed in accordance with the Department for Environment, Food and Rural Affairs (DEFRA) document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. All extraction systems shall be installed and thereafter maintained in full accordance with these approved plans.

Reason: In order to protect the residential amenities of nearby neighbours in accordance with Policy SP14 of the Wyre Borough Local Plan (1999) and the provisions of paragraph 17 of the NPPF.

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

Reason: In order to avoid an unacceptable impact on residential amenity by virtue of noise and to ensure that highway safety is maintained at all times in accordance with Policy SP14 of the Local Plan and the provisions of the NPPF.

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

Reason: In the interests of the amenity of nearby residents in accordance with Policy SP14 of the Wyre Borough Local Plan (1999) and the provisions of paragraphs 17 and 123 of the NPPF.

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

Reason: In order to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy SP14 of the Local Plan and the provisions of the NPPF.

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

Reason: In order to avoid an unacceptable impact on residential amenity and biodiversity by virtue of light pollution in accordance with Policy SP14 of the Local Plan and the provisions paragraph 17 and section 11 of the NPPF.

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

- (i) The Main Site access junction on re-aligned A6 - roundabout (serving both the employment and residential elements) as per agreed layout drawing ref: 1600402b
- (ii) 2 No. Site access junctions onto Nateby Crossing Lane as per agreed layout drawing 1600404
- (iii) Interim improvement scheme for A6 Preston Lancaster New Road / Croston Barn Road / Green Lane West / B5272 Cockerham Road / Croston Road Signalised Junction to include upgrade to MOVA and a toucan crossing over A6 south approach as per agreed layout drawing 1600401b
- (iv) Interim improvement scheme for A6 Preston Lancaster New Road / Moss Lane / Longmoor lane Priority junction in-line with wider scheme to include pedestrian footway and dropped kerbs as per agreed layout drawing 1600403b
- (v) Pedestrian Green Link, underpass of A6 (re-aligned), providing high quality connection for sustainable modes (pedestrian/cycle) to Garstang. Scheme details shall include the standard of the link, width and surfacing together with technical information and analysis that includes structural stability of the embankment, construction / structural detail of the proposals including any retaining structure, longevity of the structure, drainage, future maintenance, access for maintenance purposes, liability of the structure, responsibility, ownership and safety of workers has been submitted to, and approval has been granted by LCC as the Highway Authority, with all necessary legal agreements in place to deliver and maintain the proposal. This is required in order to satisfy the Local Planning Authority and the Highway Authority that the final details of the proposed pedestrian/cycle underpass do not affect the future maintenance of the local highway network and are acceptable. Pedestrian and cycle access via the proposed underpass (old rail line) is to be maintained at all times post opening of the development.
- (vi) Pedestrian footway improvements on A6 (east and west side to Longmoor Lane in the south and Croston Barn Lane in the north) as agreed in layout drawings 1600401b 1600402b and 1600403b.
- (vii) Pedestrian footway improvements and traffic calming and Gateway measures on Nateby Crossing Lane as agreed in layout drawings 1600404 and 1600405a.
- (viii) Public Transport facilities to quality bus standard on Croston Road and on the new link between A6 and Nateby Crossing Lane with details of the stops to Quality Bus Standard to be agreed.
- (ix) Renewal of the carriageway markings at the Nateby Crossing Lane / Croston Barn Lane junction as agreed in layout drawing 1600405a.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work

commences on site; to enable all construction traffic to enter and leave the site in a safe manner without causing a hazard to other road users and to provide safe access to the site for all users (motorised and non-motorised).

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

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

23. The visibility splay identified as that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Nateby Crossing Lane to points measured 120m (for the northerly access) and 90m (for the southerly access) in each direction along the nearer edge of the carriageway of Nateby Crossing Lane, from the centre line of the access, shall be constructed and maintained at footway / verge level in accordance with a scheme to be agreed in writing by the Local Planning Authority in conjunction with the Highway Authority prior to commencement of development. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

Reason: To ensure adequate visibility splays are maintained at all time.

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

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

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

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



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

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

28. As part of any reserved matters application where layout is applied for, public open space shall be provided on site in accordance with the requirements of saved Policy H13 of the adopted Wyre Borough Local Plan (1999), or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan, and such area or areas of open space shall be provided and available for use, and shall thereafter be retained and maintained for use by the public in accordance with a scheme which shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of any dwelling on the site.

Reason: In order to ensure adequate provision and delivery of public open space in accordance with the provisions of the NPPF and Policy H13 of the Wyre Borough Local Plan (1999).

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

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

**Notes: -**

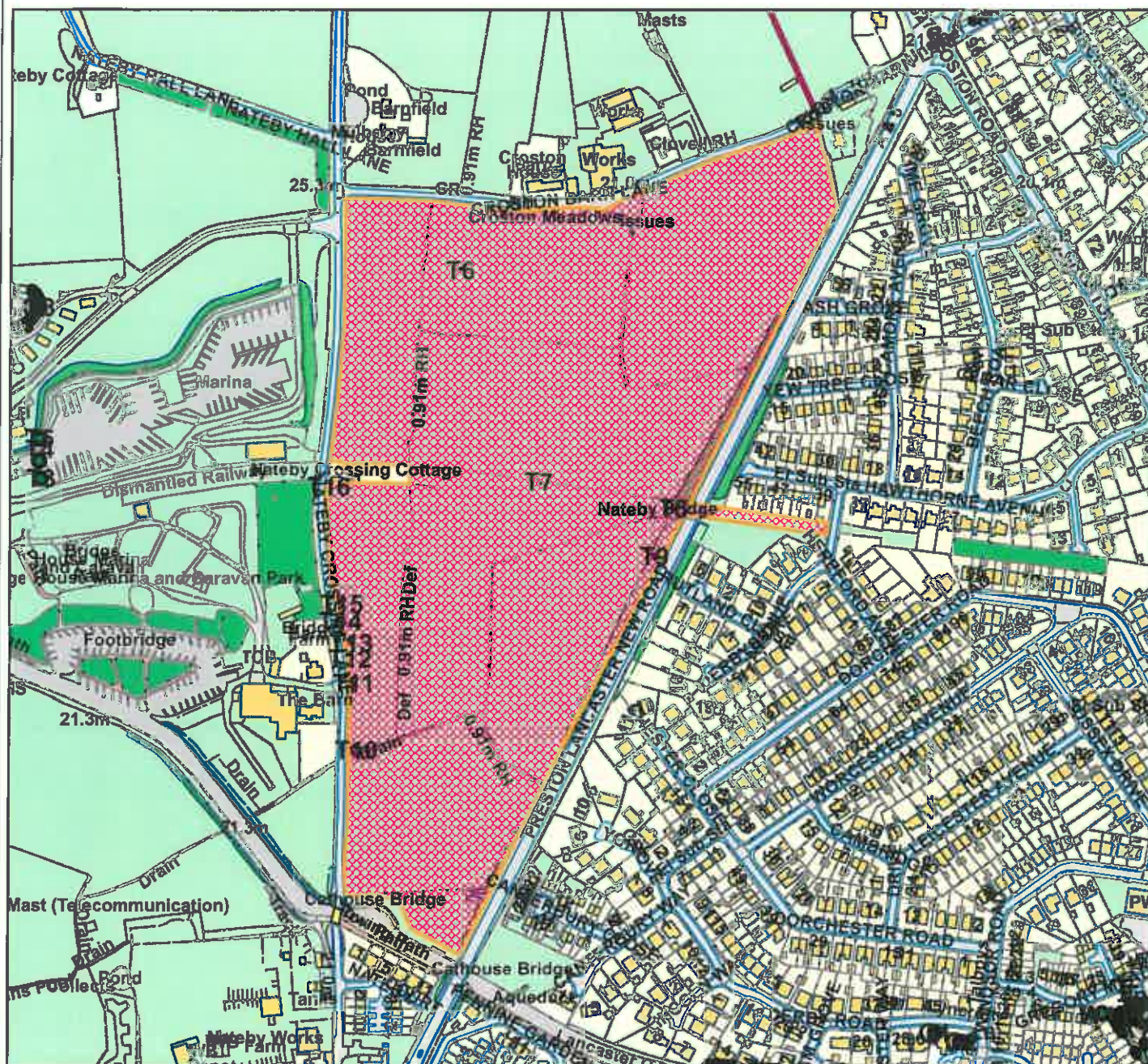
1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

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

3. Traffic Regulation Orders, diversions of Public Rights of Way, Stopping Up of existing highway, changes to public transport scheduling/routing and other activities require separate statutory consultation processes beyond the planning application process. The applicant will be obliged to meet all the costs associated with these of

works and ensure that any works which rely upon them do not commence until all legal processes have been satisfactorily completed.

Land to the West of the A6, Nateby



Scale: 1:5,000

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	23/05/2018
MSA Number	100018720

This page is intentionally left blank



## Committee Report

Date: 06.06.2018

Item Number	8b
Application Number	17/00267/OUTMAJ
Proposal	Outline application for the erection of 10 dwellings with access from Little Tongues Lane / Bourbles Lane and layout applied for (all other matters reserved)
Location	Selbys Pig Farm Little Tongues Lane Preesall Poulton-Le-Fylde Lancashire FY6 0PD
Applicant	Messrs Gornall & Dewhurst
Correspondence Address	c/o M L Planning Ltd 5 Bobbin Mill Cottages Stubbins Lane Claughton On Brock Preston PR3 0PL
Recommendation	Permit

## REPORT OF THE HEAD OF PLANNING SERVICES

### CASE OFFICER - Mr Karl Glover

#### 1.0 INTRODUCTION

1.1 This application is before Members at the request of Councillor Orme. 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 site which forms the subject of this application relates to a former agricultural enterprise known as Selbys Pig farm which is located on the eastern side of Little Tongues Lane in Preesall. The site comprises of an array of rundown dilapidated and overgrown agricultural structures including former pig pens and shelters. Currently one of the buildings is used for an indoor archery range (permitted in 2014). The surrounding area is mixed in character, to the north, west and south are residential dwellings and to the east beyond the site is open countryside area. Mature trees are sporadically located along the northern and eastern boundary and there is pond located immediately to the north east. The site benefits from an established access onto Little Tongues Lane. The site is allocated within the Local Plan proposals map as being within the Countryside Area just outside of the settlement boundary of Preesall and is also located within Flood Zone 3. Little Tongues Lane is also a designated PROW and Bridle Way (FP20 and BW21).

#### 3.0 THE PROPOSAL

3.1 The application seeks outline planning permission for the erection of 10 residential dwellings with access from Little Tongues Lane/Bourbles Lane and layout

applied for (appearance, scale, and landscaping are matters reserved) following the demolition of existing agricultural structures. The existing access from Little Tongues Lane is proposed to be utilised to serve one detached dwelling which will sit on a similar building line to the adjacent property 'The Bungalow'. A new access is also to be taken from the corner of Little Tongues Lane and Bourbles Lane into the site to the north where the remaining 9 units are laid out in a court yard arrangement around a central island.

3.2 The layout proposed demonstrates that to the north and east a terrace row of 3 units are proposed, to the south is a pair of semi-detached houses and a detached dwelling is proposed to the west (along with the detached unit accessed from Little Tongues Lane). Each of the dwellings are shown to have rear gardens and off street parking by way of detached garages and driveways. The proposed access junction on the corner of Bourbles Lane and Little Tongues Lane is shown to measure 20m narrowing to 5m for the access road which leads into the site.

3.3 The application has been submitted with indicative elevation and floor plans. The design of the dwellings are (2 storey) rural and traditional in character comprising of a mixture of stone and red brick, decorative stone quoins and openings which reflect that of barn conversions with stone heads and cills with small pitched roof porches and wall/gable dormers. The dwellings are shown to measure approximately 7m in height. The plans also show illustrative garage designs (single and double).

3.4 The application is accompanied by the following supporting documents

- o Design and Access Statement
- o Ecological Survey / Assessment (Revised)
- o Flood Risk (and Sequential Test) Assessment

#### 4.0 RELEVANT PLANNING HISTORY

4.1 The site has the following relevant planning history:

4.2 11/00315/LAWE - Lawful Development Certificate for existing dwelling occupied by person not employed in agriculture - Application Withdrawn (The Bungalow)

4.3 11/00476/LAWE - Lawful Development Certificate for existing dwelling occupied by person not employed in agriculture (resub. 11/00315/LAWE) - Lawful (The Bungalow)

4.4 11/00708/FUL - Creation of fishing lake - Application Permitted

4.5 11/00708/DIS - Discharge of condition 3 of planning permission  
11/00708/FUL

4.6 11/00724/FUL - Replacement dwelling - Application Permitted

4.7 13/00903/FUL - Erection of detached dwelling - Application Refused

4.8 14/00538/FUL - Change of use from an agricultural building to an indoor archery range - Permitted

4.9 17/00202/FUL - Erection of an indoor archery range with associated parking (Use Class D2) - Permitted

## 5.0 PLANNING POLICY

### 5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1.1 Section 1 - Delivering sustainable development The NPPF was published by the Department of Communities and Local Government on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision". The following sections are relevant to this application:

#### 5.1.2 Section 4 - Promoting Sustainable Transport

Encouragement should be given to solutions which support reductions in greenhouse gasses and reduce congestion. Support should be given to facilitate the use of sustainable modes of development. Plans and decisions should take account of whether safe and suitable access to the site can be achieved and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

#### 5.1.3 Section 6 - Delivering a wide choice of high quality homes

Local Authorities should boost significantly the supply of housing and provide five years' worth of housing with an additional 5%. Housing applications should be considered in the context of the presumption in favour of sustainable development and deliver a wide choice of high quality homes and plan for a mixed housing base. In rural areas housing should be located where it will enhance or maintain the vitality of rural communities. In the countryside isolated dwellings should be avoided unless there are special circumstances.

#### 5.1.4 Section 7 - Requiring Good Design

Good design is a key aspect of sustainable development. High quality and inclusive design for all development is needed. Development away from areas at highest risk, but where development is necessary, making it safe without flood risk elsewhere. Sequential and exception tests should be used.

#### 5.1.5 Section 10 - Meeting the challenges of Climate Change and Enhancing the Natural Environment

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without flood risk elsewhere. Sequential and exception tests should be used.

#### 5.1.6 Section 11 - Conserving and Enhancing the Natural Environment

The planning system should contribute to and enhance the natural and local environment. There is encouragement for the effective use of land by re-using land that has previously been developed (Brownfield land) provided it is not of high environmental value.

### 5.2 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.2.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. The following policies

are considered to be of relevance to the determination of this application. The weight to be afforded to these policies is discussed within subsequent sections of this report:

- o SP8 - Definition of small rural settlements
- o SP13 - Development in the countryside
- o SP14 - Standards of design and amenity
- o ENV7 - Trees on development sites
- o ENV13 - Development and flood risk
- o ENV15 - Surface water run-off
- o CIS6 - Securing adequate servicing and infrastructure
- o TREC12 - Public rights of way

### 5.3 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

5.3.1 The following Supplementary Planning Guidance is considered to be of relevance to the determination of this application:-

- o Supplementary Planning Guidance 2 - Development and Trees
- o Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

### 5.4 EMERGING LOCAL PLAN

5.4.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The minor amendments deal with clarification matters or errors raised at the public consultation and they do not alter the substance of the 'Publication' draft Wyre Local Plan. The 'Submission' stage is an advanced stage in the local plan process. It confirms the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. This stage is a further advancement in the local plan process. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document. As the draft Local Plan has now advanced to 'submission' the weight to be given in the planning balance has increased depending on the particular circumstances of the case.

5.4.2 The following policies contained within the draft Local Plan are of most relevance:

- o SP1 - Development Strategy
- o SP2 - Sustainable Development
- o SP4 - Countryside Areas
- o CDMP1 - Environmental Protection
- o CDMP2 - Flood Risk and Surface Water Management
- o CDMP3 - Design
- o CDMP4 - Environmental Assets
- o CDMP6 - Accessibility and Transport
- o HP3 - Affordable Housing

5.4.3 The draft Local Plan is prepared on the basis of the completed housing evidence. This includes the Strategic Housing Market Assessment (including the 2017 Addendum 3) which confirms that the figure of 479 dwellings remains a robust and appropriate objectively assessed need (OAN) figure. However the local plan sets an annual housing requirement of 411 dwellings for the period 2011 to 2031. The evidence supporting the Local Plan shows that the full OAN cannot be delivered.



The 'Publication' draft Wyre Local Plan indicates that Wyre can only deliver 8,224 dwellings due to various constraints. It is considered that the identified annual housing requirement represents a robust and sound figure for the local plan within the context of constraints in the borough.

## 6.0 CONSULTATION RESPONSES

### 6.1 PREESALL TOWN COUNCIL

6.1.1 Object on the grounds that the development is an incursion into the countryside as it is outside of the settlement boundary. The access is poor with no footpaths, un-adopted roads and is generally unsustainable.

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

6.2.1 No objections in principle subject to the delivery of the required sight lines and pedestrian footway. LCC Highways are of the opinion that the impact of the proposed 10 dwellings should have a negligible impact on highway capacity and highway safety in the immediate vicinity of the site.

### 6.3 LANCASHIRE COUNTY COUNCIL (EDUCATION)

6.3.1 A contribution towards Education provision is required by reason of £47,474.56 towards secondary education (x 2 Places). St Aidans C of E High School is the named school. There is no requirement for the provision of primary education contributions. This is based upon a reassessment at the time of compiling the report (27th April 2018).

### 6.4 LANCASHIRE COUNTY COUNCIL (PUBLIC RIGHTS OF WAY)

6.4.1 No objections subject to the full widths of the Public Rights of Way being available for safe use by the public at all times. The short length between the site entrance and Little Tongues Lane is not maintained at the public expense as a vehicular right of way. LCC do not accept responsibility for the repair and upkeep of this section of the bridle way as a vehicular access. This responsibility should rest with the landowner or those with private vehicular access rights and the surface must be suitable for equestrians.

### 6.5 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.5.1 Objection due to an inadequate Flood Risk Assessment being submitted. Following re consultation on 30th April 2018 there has been no response received at the time of compiling this report. Any response received will be reported on a committee update sheet.

### 6.6 ENVIRONMENT AGENCY

6.6.1 Initially objected as the submitted FRA was not considered to be acceptable. Following the submission of the revised FRA the objection was withdrawn subject to a condition requiring the development to be undertaken in accordance with the revised FRA and the mitigation measures set out within. The EA are satisfied that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.

## 6.7 UNITED UTILITIES

6.7.1 No objections subject to conditions requiring drainage details to be submitted

## 6.8 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.8.1 No objections, however a revised Bat survey was requested due to the age of the assessment submitted with the application. Following the submission of the revised survey it has been confirmed that there are no objections subject to a condition relating to the protection of nesting birds and biodiversity enhancements.

## 6.9 WBC HEAD OF ENGINEERS (DRAINAGE)

6.9.1 No objections subject to full detailed drainage plans to be submitted

## 6.10 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION)

6.10.1 No objections subject to a condition relating to a contaminated land desk study to be submitted

## 6.11 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE)

6.11.1 No objections - It is not anticipated that there will be any adverse environmental impact from noise on the proposed development and I do not anticipate that the proposed development will have an adverse noise impact on the surrounding countryside.

## 6.12 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ODOUR)

6.12.1 No objections

## 6.13 WBC PARKS AND OPEN SPACES MANAGER (TREE OFFICER)

6.13.1 No objections - Note that the design would require the removal of approx. 11 Nos of over-mature poplar trees. Close inspection of the said trees indicated an overall low retention value. (Numerous large broken limbs noted, soil level raise considerably adjacent to the trees stems). No objections as the said trees are not desirable to retain however it would be necessary to secure a detailed landscape plan incorporating a schedule and specifications relating to new tree planting on the site to compliment new build.

## 7.0 REPRESENTATIONS

7.1 At the time of compiling this report there have been 4 letters of objection received and 1 letter of support for the proposal. The primary reasons for objections are:

- o Highways concerns
- o Danger to pedestrians, horse riders and lawful vehicles
- o Bourbles Lane is private and should not be used for construction traffic
- o The proposed entrance is directly at a spot where water supply is connected
- o The positioning of the entrance is dangerous
- o Issues regarding Ownership and legal rights of access

- 7.2 The reasons set out in support of the development are:
- o The development would greatly improve and enhance the site and the surrounding area.

## 8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Ongoing discussions have been had with the agent with regards to objections and observations received from consultees including a number of amended Flood Risk Assessments and revisions/clarification to the Flood Risk Sequential Test. A revised existing site plan, levels plan and Finished Floor Levels plan has also been requested. An extension of time has also been received until the 7/6/2018.

## 9.0 ISSUES

9.1 The main key issues in the determination of this application are as follows:

- o Principle of Development and compliance with Planning Policy
- o Design and Impact on the Character and Appearance of the Surrounding Area
- o Impact on upon Residential Amenity
- o Impact on Highway / Parking
- o Flood Risk and Drainage
- o Ecological Matters
- o Impact upon Trees
- o Contamination

### Principle of Development and compliance with Planning Policy

9.2 The application site is allocated within the existing Local Plan proposals map as 'Countryside Area'. In turn the provisions of Saved Policy SP13 applies. Saved Policy SP13 sets out that unless otherwise justified by the policies within the local plan, development in areas designated as countryside on the proposals map will not be permitted subject to the following exceptions:

- A) The essential requirements of agriculture or forestry, suitable forms of tourism and related activities
- B) Fulfilling a local housing need
- C) The re-use or refurbishment of listed buildings or institutional buildings
- D) The conversion of rural buildings
- E) The development of a single infill plot within an established frontage of not less than five dwellings

9.3 In this instance the provision of 10 dwellings as proposed within this application fails to satisfy any of the criteria above nor is it justified by other policies within the development plan. Whilst Policy SP13 is a saved policy and was adopted some time ago recent appeal decisions have determined that it is considered to be broadly consistent with, and reflects the objective of Paragraph 55 of The National Planning Policy Framework which seeks to avoid new isolated homes in the countryside unless the development is deemed to be sustainable development or accords with a number of identified special circumstances (none of which apply here).

9.4 As set out in 5.4.1 the new Wyre Local Plan is at an advanced stage in the local plan process. Whilst it may be justifiable to refuse planning permission on grounds of prematurity where a development plan is being prepared, the NPPG sets out that arguments that an application is premature are unlikely to justify a refusal

other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Such circumstances are likely to be limited to situations where both the development proposal is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about scale, location or phasing of new development that are central to an emerging Local Plan; and the emerging plan is at an advanced stage. However the development of 10 units in this instance is not seen to be a substantial development and therefore it is not considered that a refusal on the grounds of prematurity can be justified here. Notwithstanding this, appropriate weight is to be attributed to the relevant policies of the new Wyre Local Plan. In this instance SP1, SP2 and SP4 seek to support sustainable development whilst limiting any impacts upon the Countryside Area. Within the development hierarchy (set out in Policy SP1) Preesall is identified as a Rural Service Centre with a predicted housing growth of 19% for the plan period of 2011 to 2031.

9.5 As set out within the new Wyre Local Plan, whilst the Objectively Assessed Need (OAN) figure for Wyre is 479 dwellings per annum, due to the boroughs environmental constraints (highways capacity and flood risk) an annual figure of 411 dwellings is considered realistic to deliver. The new Wyre Local Plan is at an advanced stage however it is not formally part of the development plan for the area and until there is an indication that the 411 figure is a robust figure, the OAN figure of 479 per annum is to be used to determine the Council's five year land supply position. The Council acknowledges that against the OAN figure of 479 dwellings per annum it cannot currently demonstrate a five-year supply. In accordance with paragraph 49 of the NPPF in the event that such a supply cannot be demonstrated, relevant policies for the supply of housing should not be considered to be up-to-date and housing applications should therefore be considered in the context of the presumption in favour of sustainable development and paragraph 14 of the NPPF. The three dimensions to sustainable development are as set out paragraph 7 of the NPPF and seek to achieve economic, social, and environmental gains and positive improvements to the quality of the built and natural environment. These are not to be undertaken in isolation because they are mutually dependant. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

9.6 Paragraph 55 of the NPPF promotes sustainable development in rural areas, stating that housing should be located where it will enhance or maintain the vitality of rural communities or, where there are groups of smaller settlements, that development in one village may support services in a village nearby. The application site is located approximately 1 mile north of St Aidan's C of E High school and the lane itself is a designated Public Right of Way and there is a bus stop at the junction with Little Tongues Lane and Sandy Lane. Within Preesall there are a variety of public services and conveniences including churches, primary and secondary schools, shops, public houses and recreational facilities. Although on the periphery (approx. 300 metres) of the settlement boundary the application site lies within a well-defined grouping of residential properties located along Little Tongues Lane with a reasonable level of pedestrian connectivity (street lighting although no defined footpaths) to the wider areas of the settlement and indeed the services available in the adjoining villages. It therefore cannot be said to be an isolated site. It is considered that the additional 10 dwellings would provide modest benefits to the village's existing economy and support the local businesses within the area. Furthermore the site is in close proximity to schools, public transport links and recreational facilities, resulting in valuable social gains for any potential future occupiers of the properties. The application site comprises of an array of former

rundown and dilapidated agricultural structures, including one which is used for an indoor archery range, as such the site can primarily be considered as previously developed land. When viewed from Little Tongues Lane, Bourbles Lane and even across the landscape from Tongues Lane to the east the site in its current form does appear as run down and is clearly visually unmaintained with the Landscape. It is considered that the new dwellings and associated landscaping will utilise an existing site which would enhance the appearance of the area by reason of its redevelopment.

9.7 The provision of 10 new open market dwellings in this location would provide a contribution to the shortfall of housing land supply across the borough and would constitute sustainable development providing economic, social and environmental benefits which all weigh in favour of the proposal. Whilst the principle is considered to be acceptable for the reasons set out above, this has to be balanced against other material planning considerations which make up the overall planning balance. This includes highway safety, flood risk, visual impacts and other matters contained and set out below within this report.

#### Design and Impact on the Character and Appearance of the Surrounding Area

9.8 In assessing the impacts arising from the proposal, taking into consideration the existing built environment as described above it is necessary to apply the provisions set out within Saved Policies SP13 and SP14 of the Local Plan. Policy SP14 seeks to ensure that development proposals are compatible with adjacent existing land uses and acceptable in the local landscape in terms of its scale, mass, style, siting and use of materials. Amongst other criteria the policy goes on to state that any development proposals should respect and accommodate existing important features of the site such as preserved trees, biological and heritage features. As part of this application layout is a matter applied for to enable a more detailed assessment of the visual impacts and any harm which may arise. In the location of the dwellings 2 significantly large buildings are to be demolished along with the ruins of the former piggeries. The agent has confirmed that all of the existing agricultural structures (including the indoor archery building) are to be removed and demolished as part of this application, although some buildings fall outside the confines of the red edge as shown on the submitted location and site plans. Whilst consent has been approved for a new indoor archery range to the east of the application site under application 17/00202/FUL, this proposal would not compromise that development from being delivered and nor would the archery development result in any impacts upon this proposed housing scheme.

9.9 In terms of visual impacts, there will be a change in nature of the built form from agricultural structures to residential dwellings giving the site a more domestic and urbanised character. However, whilst views of the dwellings will be experienced from most of the surrounding public vantage points the layout has been designed in a way which reflects that of a barn conversion/court yard complex with the dwellings designed around a central island and access road (with the exception of the 1 unit which is to be accessed directly from Little Tongues Lane to the west). This design approach will reduce the visual impacts and allow it to sit and integrate with the rural character of the area similar to other barn conversions within close proximity, most notably to the east (Tongues Farm Barns). The pattern of development along Little Tongues Lane does vary. Along the western side the dwellings are equally spaced in a uniform pattern with limited rear gardens, however on the eastern side the siting of properties and structures is very much more sporadic with tandem development and extensive rear gardens with large outbuildings projecting into the landscape. In this instance the proposed dwelling to the east/front of the site will share a similar building

line as the adjacent dwellings, New Rochelle and The Bungalow whilst the remaining development will be contained within the extent of the existing built development within the site and will project not too much further into the landscape than that of the neighbouring properties. It is considered that the redevelopment of the site with residential dwellings in the layout provided will not appear as an incongruous addition to the landscape or have any significant harm upon the character of the area.

9.10 It is acknowledged that at this stage only access and layout has been applied for so the appearance and scale of the dwellings as shown on the plans is for illustrative purpose only. However these plans do assist in assessing the impacts of the development and can be used as an indicative guideline in assessing the bulk and massing in comparison to the existing structures on site. Overall each of the dwellings are not shown to exceed 7.3m in height, the applicant has provided plans which also annotate the Finished Floor Levels required to accommodate the mitigation measures set out within the Flood Risk Assessment. The site at present is relatively flat at approximately 5.84m AOD. To accommodate the required increase in level as part of the mitigation measures set out within the Flood Risk Assessment a 0.6m high increase across the site is required. Notwithstanding this increase in level the overall scale of the development will not have a significant impact upon the character of the area or result in excessively tall structures. In comparison, the buildings which are currently on site are of a similar scale and although they are slightly lower to the ridge than the proposed dwellings, cumulatively they are much wider and as a group dominate the majority of the site and landscape. There will be more visual breaks and gaps in the development as part of this proposal. Landscaping (to be dealt with as a Reserved Matter) can be introduced within the site and along the boundaries to provide screening and soften the proposed development. A number of large mature Poplar Trees which are located along the northern boundary are to be removed to accommodate the proposal, these trees can be mitigated against by appropriate landscaping and tree planting.

9.11 In terms of design and layout the proposal has been assessed in accordance with the spacing guidance set out within SPG4. The interface distances stipulated and set out within the guidance is generally complied with across the site and there is adequate off street parking for at least 2 vehicles per dwelling. Internally each of the dwellings are seen to provide good levels of accommodation and the detached garages meet the internal requirements (6m x 3m for single and 6m x 6m for double). Externally the dwellings are shown to be constructed from a mixture of materials including stone and red brick, however all materials are to be assessed and secured at the Reserved Matters stage when appearance has been applied for. Overall the proposed scheme is seen to comply with Saved Policies SP13, SP14 and SPG4

#### Impact on upon Residential Amenity

9.12 Residential amenity can only be assessed in full once appearance has been applied for at reserved matters stage, however as layout is a matter for determination it is still possible to make an initial assessment. To the north west of the application site is a property known as the Bungalow which was associated with the former farming enterprise. Originally this property was once an agricultural workers dwelling but has since been granted a lawful development certificate under application (11/00315/LAWE) to enable it to be occupied by a person not employed in agriculture. This dwelling will not be affected by the proposed development. The nearest unit which is accessed from Little Tongues Lane is approximately 13m away to the south with a front to side relationship. This distance is sufficient to ensure that the dwelling could be designed so there will be no overlooking, loss of privacy or overbearing impacts and would comply with the guidance set out within SPG4.

9.13 Along the northern boundary the dwellings will back on to an area of land associated with Springfield which has a large outbuilding adjacent to and set off the southern boundary. The 3 dwellings along the northern boundary will be set off by approximately 7.5m. Whilst design guidance seeks rear gardens of 10.5m in this instance as the land is not domestic and there is a domestic outbuilding immediately adjacent, this boundary off set is considered to be acceptable and would not result in any adverse impacts upon the amenity of the occupants of Springfield.

9.14 To the south and west of the proposed development is a detached bungalow known as New Rochelle which fronts on to Little Tongues Lane. It is considered that there will be no adverse impacts upon this dwelling in terms of overlooking or loss of privacy as the interface distances also comply with the guidance set out in SPG4. It is also considered that the removal of the existing farm buildings and the derelict structures would be a planning gain as these buildings albeit run down could be occupied and used in the future for agricultural purpose where impacts arising from odour and noise could have some adverse impacts upon this dwelling. Whilst the impacts upon neighbouring amenity are accepted based on the site layout plan, the full impacts can only be fully assessed at reserved matters stage when appearance, including the location of windows etc are fully established. Whilst the new archery range has been permitted the activities are fully contained within a new building and there will be approximately 70m separation from the new dwellings which is seen to be sufficient as to not have any impacts arising from noise or disturbance on the occupiers of the new dwellings.

#### Impact on Highway / Parking

9.15 Concerns have been raised by both neighbours and the Town Council as to the impacts upon highway safety. Little Tongues Lane is partly adopted to the south but then progresses in to a private lane with no adoption and is characterised as a relatively narrow track of 5m in width. It is also a public right of way (PROW FP 2-3-20) and at the point of joining Bourbles Lane it is also a designated bridle way (BW 2-3-BW21). Observations have been received from residents regarding the ownership and rights of access along the lane, however this would be a private and legal matter which falls outside the realms of the planning system. Lancashire County Highways have advised that the proposed 10 dwellings would have a negligible impact on highway capacity in the immediate vicinity of the site. The Highways Officer requested an additional plan demonstrating that visibility splays of 2.4 x 25m in each direction can be achieved from the main access point onto Little Tongues Lane and Bourbles Lane. This has been provided and is demonstrated on the site and within land which is fully within the applicant's ownership. Lancashire County Highways have advised that the proposed 10 dwellings would have a negligible impact on highway capacity in the immediate vicinity of the site and would therefore have no impact on the highways evidence submitted in support of the Local Plan which identifies a finite housing capacity figure for Over Wyre based on highway constraints. For this reason the development would not require a reduction in housing numbers from any of the allocated sites identified for Over Wyre.

9.16 To mitigate against the development and additional pedestrian footfalls the dwellings will create a new 2m wide pedestrian footpath is to be provided to the south of the proposed new access along the western side of Little Tongues Lane (from the northern boundary of number 9 Little Tongues Lane to the southern boundary of Ivy Dean) as part of highway improvements. This can be secured and conditioned accordingly along with other reasonable conditions recommended by the Highways Officer. As set out within Paragraph 9.9 the parking provisions provided are

considered to be acceptable. Whilst concerns raised by residents and the Parish Council are acknowledged, the NPPF states that developments can only be refused where highway impacts are considered to be severe. With no objection from Lancashire County Highways to the proposal subject to conditions and S278 works there is no reason to conclude that the development would be unacceptable on highway grounds.

## Flood Risk and Drainage

9.17 The majority of the application site is located within Flood Zone 3 which is defined as having a high probability of flooding in the National Planning Practice Guidance (NPPG). Given the location of the proposed scheme, a Sequential Test is required to assess whether more appropriate locations for the proposed development exist which are in areas which are at lower risk of flooding. The need and importance of the Sequential Test is set out in NPPF Paragraph 101, which states that "The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development with a lower probability of flooding". The NPPG is clear in Paragraph 33 that for individual planning applications where there has been no previous sequential testing via the local development plan that a Sequential Test will be required. If it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should then be applied. For this to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall.

9.18 It is for the Local Planning Authority to determine whether or not the proposals satisfy the Sequential Test as defined in paragraph 101 of the NPPF and, where necessary, the requirements of the Exception Test as set out in paragraph 102. As part of this application and accompanying the submitted FRA the applicant has provided a detailed Sequential and Exceptions Test. The methodology used in the Sequential Test is in general accordance with the Council's 2015 Flood Risk Sequential Test: Advice for Applicants guidance. The geographical search area is borough-wide; the range of alternative sites considered include those within the +/- 5 dwellings or 10% threshold based on both no. of units (10 dwellings) and site area (0.40 to 0.49ha) (+/-10%); and the sources investigated include sites allocated in the current Local Plan and Fleetwood-Thornton AAP, and those identified in the latest Housing and Employment Land Monitoring Reports and 2017 Strategic Housing Land Availability Assessment (SHLAA), as well as approaching local agents and undertaking online land/property searches. A number of potentially alternative sites are discounted because they do not fall in a lower flood risk area, or because they are not considered "reasonably available" using the criteria outlined in the Council's guidance. In assessing the ST Officers requested more information and more justification on a number of the sites including sites granted consent since the application was submitted. Also a more robust Exceptions test (Part 1) was requested and a response from an additional agent to confirm there was no site available. This additional information was provided and following its assessment it was concluded to represent a robust assessment which demonstrates there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding and therefore the application is considered to pass the Sequential Test.



9.19 The Exception Test submitted (Section 5 of ST) outlines the sustainability benefits to the community including the emphasis placed by the NPPF as to the economic, social and environmental benefits of meeting housing needs across a Borough which should be afforded significant weight in any planning decision. Local level benefits to help support the vitality and viability of the rural community at Preesall and rural services such as bus routes and local schools along with short-term construction jobs, are also outlined (although it is considered only limited weight should be given to the latter) along with the redevelopment of a rundown and visual eyesore of a site. These benefits are considered to outweigh any flood risk harm subject to a satisfactory site-specific Flood Risk Assessment (FRA) being provided. It is the role of the Environment Agency to consider whether or not the proposals satisfy the requirements of this part of the Exception Test and paragraph 101 of the NPPF. They have advised that based on the submitted (Revised) FRA that the applicant has demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce the flood risk overall. This is subject to a number of recommendations e.g. finished floor levels being set no lower 6.44m AOD and are no lower than 600mm above the external ground level. The Environment Agency (EA) is satisfied with this FRA and conditions will be required to secure implementation of the recommendations.

9.20 The submitted FRA also sets out an indicative surface water drainage plan and an identified strategy for discharging of foul waters. Surface water discharge is shown to be discharged to the existing watercourse via a ditch located along the southern boundary and connects to the Wheel Foot Water course approximately 400m to the north of the site. The surface water will be connected to the system via an attenuation system located under the central island and connected at a restricted run off rate. Foul water is to be connected to a piped system via an onsite pumping station and discharged in to the combined public sewer within Sandy Lane. The Council's Drainage Engineer has raised no objections to the proposal in principle subject to full details being submitted. The proposed drainage of surface water is seen to comply with the principles of Sustainable Urban Drainage Systems (SUDS) and would satisfy the provisions set out within the NPPF and the NPPG. The connection of the foul waters to the existing system raises no concerns and an appropriate drainage scheme can be secured via condition.

#### Ecological Matters

9.21 Within the site there are a number of dilapidated and run down structures. The application has been submitted with an ecological appraisal which has been assessed by Greater Manchester Ecological Unit to determine any possible harm the development may have on protected species or ecological impacts within the locality. Given the age of the submitted survey a revised bat survey was requested. The Ecologist has advised that the proposed development is unlikely to have any significant ecological impacts however conditions relating to the protection of nesting birds and biodiversity enhancements has been recommended.

#### Impact upon Trees

9.22 To accommodate the proposal 11 large over-mature poplar trees have been identified for removal along the northern boundary. The Tree Officer has advised that upon close inspection these trees are considered to be of low retention value as they have a number of large broken limbs and soil levels have been raised considerably adjacent to the trees. New tree planting secured by way of condition as part of the

biodiversity enhancements requested by GMEU / at reserved matters stage could mitigate against the loss of these trees to an acceptable standard.

#### Contamination

9.23 The application site is a former agricultural enterprise where there is potential for onsite and ground contamination as a result of this use. The Council's Environmental Protection team has requested that a desk study be secured through condition in respect of land contamination. Should this study reveal any likely contamination, a scheme of investigation must then be agreed along with any mitigation measures required. Subject to the imposition of this condition, no unacceptable impacts on human health or the environment arising from land contamination are anticipated.

#### Other Matters

##### Public Right of Way/Bridal Way

9.24 To the west of the site Little Tongues Lane is a designated Public Right of Way (FP20) and to the south Bourbles Lane is also a Bridal Way (BW21). As part of the application the PROW Officer at Lancashire County Council has been consulted and has raised no objection to the proposal subject to the PROW and bridal way being available for safe use by the public at all times. As part of this application there is no proposed works which would require a stopping up or diversion of either the PROW or bridal way with the only impacts being the additional vehicular movements at the junction to the south of the site. It is not considered that the development will have any material impacts in this respect above and beyond that which could or would have arisen by agricultural vehicles associated with the farm. An advice note is recommended to be attached to bring it to the attention of the applicant that no materials or stopping up of the PROW shall take place without the consent from the PROW Officer.

#### Obligations/ Contributions

##### Affordable Housing

9.25 There are no saved policies relating to affordable housing in new housing developments in the adopted Local Plan. For the purpose of assessing Affordable Housing provision Policy HP3 is considered to be appropriate to use as the calculations set out within are founded upon the latest evidence based Viability Study. Policy HP3 sets out that residential development of 10 or more units will be required to contribute towards meeting the identified need for affordable housing. The policy sets out that on a brownfield site in Preesall 10% affordable housing would be required. This 10% provision would equate to 1 affordable housing unit.

9.26 Whilst normal practice for the Council is to require an onsite provision, in this instance due to limited Registered Provider financial capacity and the management issues that a Registered Provider would experience with 1 affordable dwelling on the development site, it would be more reasonable and appropriate to seek an off-site equivalent commuted sum amount based on a 2 bed dwelling which in this case would total £60,390 This financial contribution is agreed by the applicant and is to be secured via a Section 106 Legal Agreement.

#### Education Contributions

9.27 To ensure the proposal secures the necessary infrastructure to mitigate the impacts of the development Lancashire County Council Education have been consulted. Based on the 2017 School census and resulting projections and taking into account all the approved applications LCC will not be seeking a contribution for primary school places however 2 secondary school places (towards increased provision at St Aidans C of E High school) equating to a financial contribution of £47,474.56 is to be provided. It has been agreed by the applicant that the contribution is acceptable and it is agreed that this would be secured via a Section 106 agreement.

## 10.0 CONCLUSION

10.1 The NPPF places significant weight on the delivery of housing (paragraph 14, 47 and 49). The principle of residential development on this site has been fully considered and balanced against the lack of five year housing land supply and whether or not the development would constitute sustainable development. Despite the site being located approximately 300m from the settlement boundary it is located within a grouping of dwellings in close proximity to the existing infrastructure and community facilities within Preesall where there is a reasonable level of pedestrian connectivity and so the site cannot be said to be isolated. In this turn the proposal will assist in supporting the local economy and provide social benefits to any future occupants. The redevelopment of the site and the removal of the existing rundown and dilapidated structures will provide visual and environmental gains to the character of the locality albeit it will make the site more domestic and urbanised in character with the introduction of 10 dwellings. The development would not have a severe impact on the safe and efficient operation of the highway/PROW and would be served by an acceptable access arrangement, provided off-site highway works are secured by condition.

10.2 The proposal does demonstrate that the site can sufficiently accommodate 10 dwellings without causing significant adverse effects on neighbouring residential amenity and that the development can be designed to ensure there is no risk to flooding on or off site. The scheme also provides opportunities for biodiversity enhancement through the proposed landscaping proposals which would be secured by condition. The applicant also agrees to the provision of education and affordable housing contributions to mitigate the impacts of the development on such infrastructure. In addition the proposal will make a positive contribution to the supply of market and affordable housing at a time when the borough currently has an undersupply. Overall and on balance, the proposed development is considered to represent a sustainable development compliant with the National Planning Policy and the saved Policies of the Wyre Borough 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 That the outline application be approved subject to conditions and a S106 legal agreement to secure appropriate financial contributions towards local education

and affordable housing provision. That the Head of Planning Services be authorised to issue the decision on the satisfactory completion of the s106 agreement.

**Recommendation: Permit**

**Conditions: -**

1. In the case of any reserved matter, namely, appearance, landscaping, 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 30/03/2017 including the following plans/documents:

Revised Site Layout Plan (Showing Levels) (streetscene elevation) Drawing Number LF/SG/3301

Revised Site Layout Plan Drawing Number LF/SG/3201 Rev A

Site Location Plan

In respect to Layout Floor Plans (Elevations and scale remain illustrative):

Garage Layout Drawing Number LF/SG/3203

Dwelling Floor Plans Drawing number LF/SG/3202

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

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

3. Prior to the commencement of 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, with evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates to be submitted. For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No part of the development shall be occupied or brought into first use until the drainage works and levels have been completed in accordance with the approved

scheme. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with Policy ENV15 of the Adopted Wyre Borough Local Plan (July 1999) 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.

4. No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to July 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 11 of the National Planning Policy Framework (March 2012).

5. No development shall take place until full details of biodiversity enhancements within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include, but not be exclusive to, areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), and schedules of any new trees and landscape planting (including plant size, species and number/ densities and mitigation for nesting bird habitat).

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 11 of the National Planning Policy Framework.

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

Reason: The development is for a sensitive end use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

7. a) No development approved by this permission shall be commenced until details of the existing and proposed ground, slab and finished floor levels have been submitted to and approved in writing by the Local Planning Authority.

b) The scheme 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 SP14 and ENV15 of the Adopted Wyre Borough Local Plan (July 1999).

8. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: 2016-C-154 Preesall; received by Wyre Borough Council on 8 March 2018) prepared by CTC Infrastructure and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 6.44 metres above Ordnance Datum (mAOD)

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

Reason: To reduce the risk of flooding to the proposed development and future occupants.

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

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

10. The visibility splays shown on plan reference LF/SG/3201/A identified as that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access from the continuation of the nearer edge of the carriageway of Little Tongues Lane and Bourbles Lane to a point measured 25m along the nearer edge of the carriageway of Little Tongues Lane and Bourbles Lane from the centre line of the proposed access shall be provided prior to first occupation of the development 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, for the free flow of traffic, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

11. Prior to the commencement of development a scheme for the construction of the site access and the off-site works of highway improvement [namely, the new 2m wide pedestrian foot path on the western side of Little Tongues Lane from the northern boundary of No. 9 Little Tongues Lane to the southern boundary of Ivy Dean], including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The site access and off-site works of highway improvement shall be constructed and completed in accordance with the approved scheme details.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

12. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road. The road with all supporting infrastructure (drainage, footways, lighting and traffic calming measures) shall be completed prior to that phase of development being substantially constructed.

Reason: To ensure that satisfactory access is provided to support each phase of site construction hereby permitted in the interests of highway safety in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

13. Prior to the commencement of development a Traffic Management Plan (TMA) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The TMA shall include and specify the provisions to be made for the following:-

- o The parking of vehicles of site operatives and visitors;
- o Loading and unloading of plant and materials used in the construction of the development;
- o Storage of such plant and materials;
- o Wheel washing facilities;
- o Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- o Routes to be used by vehicles carrying plant and materials to and from the site;
- o Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The development shall be carried out in accordance with the approved TMA

Reason: to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

14. The development hereby approved shall not be first occupied or brought into use until the parking / turning area(s) shown on the approved plan LF/SG/32011A has been laid out, surfaced and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

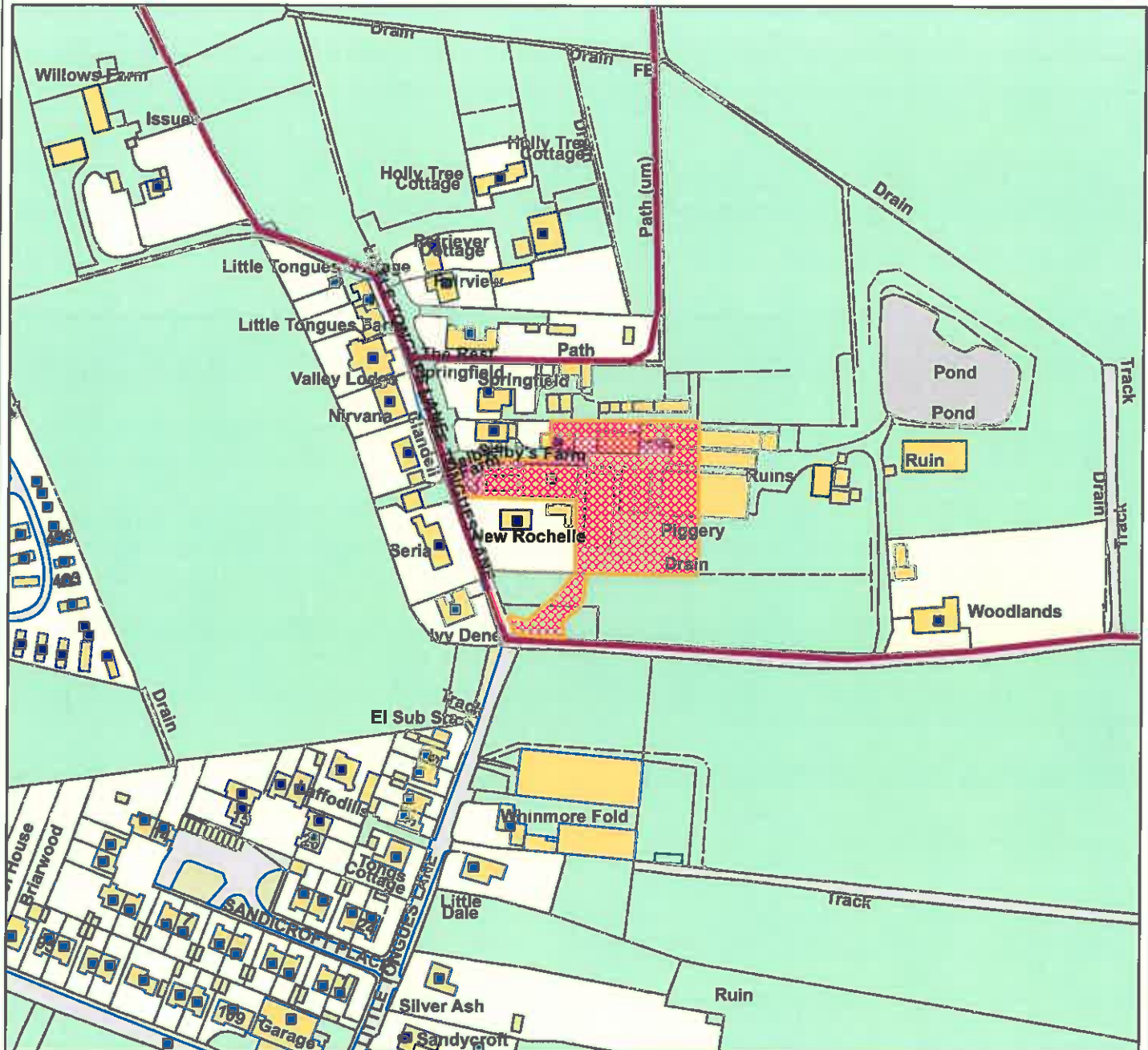
Reason: To ensure that adequate off road parking is provided to serve the development in the interests of highway safety and in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

**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.
3. The grant of planning permission does not authorise any closure, obstruction or diversion of a public right of way. Any proposed stopping-up or diversion of a public right of way should be the subject of an Order under the appropriate Act and Lancashire County Council should be contacted for advice in the first instance.



Selbys Pig Farm, Little Tongues Lane, Preesall



**Scale:** 1:2,500

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Wyre Council
Department	Planning Department
Comments	Item 2
Date	23/05/2018
MSA Number	100018720

This page is intentionally left blank

## Committee Report

Date: 06.06.2018

Item Number	8c
Application Number	18/00145/FUL
Proposal	Erection of 8 apartments following demolition of existing residential dwelling
Location	15 Newton Drive East Normoss Blackpool Lancashire FY3 8QJ
Applicant	Mr M Atherton
Correspondence Address	c/o Graham Anthony Associates 2 Croston Villa High Street Garstang PR3 1EA
Recommendation	Permit

## REPORT OF THE HEAD OF PLANNING SERVICES

### CASE OFFICER - Mrs Lyndsey Hayes

#### 1.0 INTRODUCTION

1.1 This application is being presented to the Planning Committee at the request of Councillor Barry Birch. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted.

#### 2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is located within the urban area on the south-west edge of Poulton-le-Fylde close to the Blackpool boundary. The site is a corner plot on the southern side of Newton Drive East at the junction with Normoss Road. The site comprises a two storey detached dwelling with main elevation to the south facing Normoss Road. There is a gradual fall in levels of approximately 1m from south-west to north-east. Along the south-west boundary is a detached garage, beyond which is neighbouring property No. 13 Newton Drive East. There are currently two vehicular accesses serving the site, one onto Normoss Road and the other onto Newton Drive East. The surrounding area is predominantly residential.

#### 3.0 THE PROPOSAL

3.1 The application proposes the erection of a new two storey building to provide 8 No. apartments following the demolition of the existing dwelling. The proposed building would be located in the south-west corner of the site where the existing development is concentrated. The building has been designed to have two main elevations. The north-west elevation facing Newton Drive East would have a two storey glazed entrance feature. The south-east elevation facing Newton Drive would have 3 No. narrow two storey pitched roof gable projections each providing a pedestrian entrance into the apartments. Excluding the glazed entrance feature, the main form of the building is V-shaped with a pitched roof and constructed in a mix of

brick and render materials. The main roof has rooflights although there is no accommodation proposed in the roof area. The main building would be set back 3m from Newton Drive East at its closest point and 9m from Normoss Road.

3.2 The proposed building would measure 29m in width as viewed from Newton Drive East and 22.5m in width as viewed from Normoss Road. The main building would measure 17.6m in depth, 5.9m in height to the eaves and 8.9m in height to the main roof ridge.

3.3 The proposed building would have two floors of accommodation, with four units at ground floor and four units at second floor. Three of the ground floor units would have separate entrances on the south-east elevation. The remaining ground floor unit and each of the first floor units would have a shared entrance on the north-west elevation. Five of the units would have one bedroom and three units would have two bedrooms.

3.4 Ten parking spaces are proposed (5m x 2.4m) to serve the apartments to the south-east of the building leading directly onto Normoss Road. A pedestrian access is proposed onto Newton Drive East. Communal amenity space together with bin / cycle store area is also proposed along this frontage.

#### 4.0 RELEVANT PLANNING HISTORY

4.1 17/00882/FULMAJ - Erection of 10 apartments with associated access / parking and landscaping following demolition of existing building -Withdrawn.

#### 5.0 PLANNING POLICY

##### 5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1.1 The NPPF was published by the Department of Communities and Local Government on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision". Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.1.2 The most relevant sections of the NPPF to the determination of this application are considered to be:

- o Section 1 - Building a strong, competitive economy
- o Section 4 - Promoting sustainable transport
- o Section 6 - Delivering a wide choice of high quality homes
- o Section 7 - Requiring good design

##### 5.2 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.2.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be given to relevant policies according to their degree of consistency with the NPPF.

5.2.2 The following policies are considered to be of relevance to the determination of this application:-

- o SP14: Standards of Design and Amenity
- o ENV13: Development and Flood Risk
- o ENV15: Surface Water Run-Off

### 5.3 EMERGING LOCAL PLAN

5.3.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The minor amendments deal with clarification matters or errors raised at the public consultation and they do not alter the substance of the 'Publication' draft Wyre Local Plan. The 'Submission' stage is an advanced stage in the local plan process. It confirms the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. This stage is a further advancement in the local plan process. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document' As the draft Local Plan has now advanced to 'submission' the weight to be given in the planning balance has increased depending on the particular circumstances of the case.

5.3.2 The following policies contained within the draft Local Plan are of most relevance:

- o SP1: Development Strategy
- o SP2: Sustainable Development
- o CDMP2: Flood Risk and Surface Water Management
- o CDMP3: Design
- o HP1: Housing Land Supply
- o HP2: Housing Mix

5.3.3 The draft Local Plan is prepared on the basis of the completed housing evidence. This includes the Strategic Housing Market Assessment (including the 2017 Addendum 3) which confirms that the figure of 479 dwellings remains a robust and appropriate objectively assessed need (OAN) figure. However the local plan sets an annual housing requirement of 411 dwellings for the period 2011 to 2031. The evidence supporting the Local Plan shows that the full OAN cannot be delivered. The 'Publication' draft Wyre Local Plan indicates that Wyre can only deliver 8,224 dwellings due to various constraints. It is considered that the identified annual housing requirement represents a robust and sound figure for the local plan within the context of constraints in the borough.

### 5.4 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

5.4.1 The following Supplementary Planning Guidance (SPG) is relevant:-

- o SPG4 - Spacing Guidance for New Housing Layouts

## 6.0 CONSULTATION RESPONSES

### 6.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.1.1 No objections to the proposed and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. All construction vehicles, deliveries etc. to be carried out from Normoss Road. The existing access on Newton Drive East to be reinstated as verge with full face kerbs and the footway re-profiled. The existing street light on Normoss Road outside the site will require removing and a new column and light installed in a suitable location within the vicinity. The car parking area on Normoss Road will require a dropped kerb and the footway re-profiling. A cycle store is shown on the plan, although number of bicycles to be stored is not shown. It is requested that the cycle store is covered. An average of 1.5 secure cycle spaces per dwelling / bedroom for communal cycle storage areas (is recommended). Eight conditions suggested requiring a highways condition survey; construction Traffic Management Plan (TMA); closure of existing access; level of new driveway to be specified; submission of detailed highway works scheme; marking out and surfacing of parking area; and provision of cycling facilities.

## 6.2 UNITED UTILITIES

6.2.1 Two conditions suggested requiring foul and surface water to be drained on separate systems, and a surface water drainage scheme to be submitted. General comments on water supply and connections provided.

## 6.3 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY)

6.3.1 (Response taken from 17/00882/FULMAJ application at the request of Environmental Health as those comments remain relevant) - Conditions suggested requiring a dust management plan, specifying hours and days of construction work, the development to be designed to achieve various noise levels (to safeguard future occupants from road traffic noise), a noise impact assessment to be provided along with any noise mitigation measures considered necessary.

## 6.4 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LAND CONTAMINATION)

6.4.1 Condition suggested requiring a desk study to be carried out prior to commencement of development and further works if shown to be necessary.

## 6.5 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.5.1 No objection. The site is located within Flood Zone 1 (low risk of flooding).

## 7.0 REPRESENTATIONS

7.1 Twenty-five representations have been received, six of which are in support of the application and 19 raise objections. The issues raised can be summarised as follows;

### Object

- o Insufficient parking
- o More on street parking close to a busy junction and creating a greater parking issue / reduced visibility at nearby junctions
- o Increase in traffic on already busy roads a danger to motorists and pedestrians
- o Vehicles manoeuvring into / out of site will block the highway

- o Building footprint forward of building line
- o Size and mass of the development is incongruous and visually out of keeping with the streetscene, being houses not flats
- o Overdevelopment and overcrowding of the site, disregard for neighbouring properties
- o This type of development not needed in the area / ample flats for sale nearby
- o Noise and disturbance
- o Amended plans no better than the original scheme in terms of size and impact on streetscene
- o Concerns about future occupiers / impact on community safety
- o Visual impact of car park fronting onto Normoss Road

#### Support

- o Investment in the area / regeneration of the site
- o Developments of good quality housing welcomed
- o Benefit to the housing needs of the area
- o Ideal location for young families and professionals
- o Apartments more affordable
- o Short supply of quality new build apartments in the area

Comments on the following matters are not valid planning considerations and cannot be taken into account:

- o Decreased value of nearby homes
- o This is a cash motivated proposal
- o Query over future postal addresses
- o Letters of support are expressed from people living outside the area so not relevant or credible as will not experience the issues that local residents do

## 8.0 CONTACTS WITH APPLICANT/AGENT

8.1 The agent was contacted in relation to the design and layout of the scheme. The agent has submitted amended plans to retain a 3m distance between the proposed building and the site boundary on Newton Drive East by cutting the northern most corner of the building out (which in turn provides some building relief to that elevation).

## 9.0 ISSUES

9.1 The main issues to consider in this application are as follows:

- O Principle of Development
- O Impact of development on character/appearance of the area
- O Impact on residential amenity
- O Impact on the local highway network and safety
- O Flooding & Drainage
- O Ecology
- O Contamination

#### Principle of development

9.2 The site does not fall within a specific saved local plan policy allocation or designation. It lies within the settlement boundary on the urban edge of Poulton-le-Fylde with good accessibility and connectivity to services and facilities in nearby centres.

9.3 Paragraph 14 of the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against NPPF policies taken as a whole or specific policies in the NPPF indicate development should be restricted.

9.4 Paragraph 49 of the NPPF says that where a Council cannot demonstrate a five year supply of deliverable housing sites policies relating to the supply of housing must be considered out of date in accordance with of the NPPF. Notwithstanding some of the objections raised about housing need and supply, the Council does not currently have a 5 year supply of deliverable housing land against the objectively assessed need figure of 479 dwellings per annum. The relevant policies for the supply of housing are therefore considered to be out of date. Proposals for housing should therefore be considered against Paragraph 14 of the Framework. This means that planning permission should be granted for the proposal unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or there are specific policies in the Framework that indicate that permission should be refused.

9.5 The application site is located on the edge of the existing settlement of Poulton-le-Fylde with good accessibility and connectivity to services and facilities in nearby centres. The site is already developed as it contains an existing dwelling that would be demolished. The proposed apartments would be served by the same services and facilities as nearby residential properties and the existing dwelling to be demolished, without the need for the creation of any major new infrastructure. The site therefore falls to be considered sustainably located to support this residential development proposal in principle. A net gain of 7 units on the site would also help, albeit marginally, towards providing a five year land supply.

9.6 Consideration will now be given as to any impacts, to determine whether they would significantly and demonstrably outweigh the benefits of the proposed scheme.

#### Impact of development on character/appearance of the area

9.7 The existing dwelling is not of any special design or historic merit and there is no policy to protect it from being demolished.

9.8 The proposal would see the erection of a new building at a larger scale than the existing dwelling that would be demolished. The new building would be positioned 3m from Newton Drive East, approximately 3.4m closer than the existing dwelling at its closest point. It would be positioned 9m from Normoss Road (8m when including the three forward gables), approximately 3.4m (or 2.4m) closer than the existing dwelling which lies 6.6m at its closest point. It would be positioned 11m from the north-east boundary which lies adjacent to the junction of Normoss Road and Newton Drive East, approximately 7.5m closer than the existing dwelling which lies 18.5m at its closest point. The new building would be two storey like the existing dwelling, although the eaves height would be 0.7m higher (increase from 5.2m to 5.9m) and the ridge height 1.5m higher (increase from 7.4m to 8.9m). The plans indicate that the eaves height of the building would be no taller than the neighbouring dwelling to the south-west, No. 146 Normoss Road.

9.9 The building would have a greater bulk and mass compared to neighbouring properties and would be more imposing compared to the existing dwelling. However this being a corner plot and a larger site in comparison means that there is scope to accommodate a focal building like the development proposed, which would add



interest and variety in the streetscene. It is not considered that the building would represent over-development of the plot. Space remains within the site for parking, communal areas, bin / cycle store area and footpaths. Revised plans have pulled the corner of the building closest to Newton Drive East further back, meaning whilst it would still encroach 4.8m forwards of the existing building line along this frontage, it would retain a distance of 3m to the pavement. SPG 4 requires this distance to be 3m from the side building line to the boundary, or 5m from the front building line to the boundary unless the form of housing layout justifies a reduction. In this instance the angled form of the building in relation to the pavement means that it is 3m at its closest point and not the entire length. This justifies the 3m distance proposed in line with the SPG. Furthermore the streetscene is characterised by grass verges between the pavement and the road, which help to reduce the building dominance. The Normoss Road elevation respects the existing building line along this frontage. Therefore in terms of scale it is considered the building would not appear excessive in height or massing when viewed in proximity to neighbouring properties and within the plot size.

9.10 The immediate property to the south-west, No. 13 Newton Drive East, is a narrow single storey dwelling which has the appearance similar to an outbuilding. Whilst the proposal is considerably larger than this low lying property, it is the wider streetscene which the development will be viewed against, which comprises a mix of two-storey and single storey dwellings of mixed type, size and character. In this context the proposal will not appear incongruous. Furthermore the single storey dwelling of No.13 will provide some screening of the side elevation of the proposed building.

9.11 The proposed building would be sited close to the shared boundary with No.13 Newton Drive East retaining a separation gap of 1m. SPG 4 requires this distance to be 2m (1m either side of the party boundary). However, No. 13 is single storey and low lying. Along Normoss Road there is a distance of approximately 6.4m between the proposed building and the two storey dwelling at No. 146 beyond No. 13. Along Newton Drive East beyond No. 13 is the neighbouring garage of No. 11 which sits separately from that property. The nature of this type and form of neighbouring development helps to provide a visual break from the proposed building and avoid physical dominance.

9.12 The proposed design and layout of the building means that it is considered to have two main elevations fronting both Normoss Road and Newton Drive East. The introduction of a two-storey glazed entrance feature on the Newton Drive East frontage and a cut-out feature on the north-west corner facing the junction, as well as the forward projecting gables on the Normoss Road frontage and materials mix of red brick and render walls help to add interest and provide relief from the main bulk and mass of the building. The proposed building materials, which also includes red tile roof, would also be similar to neighbouring dwellings and is considered acceptable subject to a condition requiring exact details to be submitted for approval.

9.13 The existing property has an extensive area of hardstanding and so the introduction of a row of parking bays along Normoss Road would not have an adverse visual impact. The introduction of soft landscaping to the north-east and north-west of the building would be an improvement. A condition requiring exact details of hard and soft landscaping materials / schedules to be submitted for approval would be necessary. So too would a condition requiring details of the appearance of the cycle and bin store along with details of all boundary treatments to be submitted for approval, to ensure that these elements are visually appropriate.

9.14 The design, siting, scale and appearance of the proposed building is considered to be acceptable and therefore the proposal would comply with Policy SP14 of the Adopted Local Plan and the NPPF which requires developments to provide a good level of design. Any conflict with SPG 4 has been assessed as acceptable.

#### Impact on residential Amenity

9.15 The nearest residential property is along the south-west boundary; No. 13 Newton Drive East. This property has a narrow curtilage with no windows or external areas alongside the side elevation of the proposed building. Three obscure glazed windows are proposed in the facing side elevation at first floor level to prevent overlooking. No. 13 would provide a visual break from the development as viewed from No. 146 Normoss Road. Along Newton Drive East the nearest residential properties to the west, No.11, and to the north facing the site, are a considerable distance away (27.2m and 30m respectively). So too are those to the south facing the site along Normoss Road (29.8m). The development would not result in unacceptable overlooking, overbearing or loss of light to any neighbouring property. A condition requiring those three windows in the side elevation to be obscure glazed would be necessary.

9.16 BRE standards indicate that impact on skylight, daylight (natural light) and sunlight should be taken into account when assessing proposals for new development. Where land levels are the same between existing and proposed development which would directly face each other, a distance of 10m is required to prevent overshadowing. In this case the proposed development would easily achieve the 10m distance to facing residential properties. Those properties to the south-west and west would be sited side to side and therefore there is no 10m separation requirement.

9.17 The proposed apartment building would not result in unacceptable noise and disturbance to residents, being a residential use compatible with this residential neighbourhood. The comings and goings of future occupants of a development of eight units would not result in an unacceptable impact on the amenity of nearby residents. In response to objections about the nature and character of future occupants, this is not proposing specialist accommodation but a general C3 (dwellinghouses) use class and so the homes would be offered for sale or for rent on the open market. Environmental Health request a number of conditions including dust management plan, specifying hours and days of construction work, the development to be designed to achieve various noise levels (to safeguard future occupants from road traffic noise), and a noise impact assessment to be provided along with any noise mitigation measures considered necessary. However, these conditions are not considered necessary or reasonable to impose on this scale of development for less than ten units and in a residential area where existing neighbouring properties are subject to the same background noise issues.

#### Impact on Highway / Parking

9.18 The NPPF sets out that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

9.19 At present there is an existing vehicular access from the site onto Newton Drive East as well as onto Normoss Road. The proposal only requires one, albeit widened, access to be provided onto Normoss Road. This will provide direct access to ten parking spaces. LCC Highways do not raise any concerns with this access and egress arrangement directly onto the highway. They do require the existing

redundant access onto Newton Drive east to be formally closed and the footpath / grass verge reinstated. Pedestrian access onto this frontage would be retained. A pedestrian link through the site along the south-west boundary would be provided to provide easier access from the building to the bin and cycle store for future occupants.

9.20 LCC Highway have not raised any objections to the level of parking to be provided, which equates to 1 space per unit plus 2 visitor spaces. Applying the parking standards in SPG 4 of 1.5 spaces for housing squares and flats would equate to a requirement of 12 spaces. One bed units are required to have one parking space each plus additional space for every 2 dwellings for visits. This equates to 11 spaces in total. However, it is not considered that a shortfall of 1 space in this sustainable location would in itself be a reason to refuse the application given the lack of objection from LCC Highways, and also having regard to the proposed cycle store provision.

9.21 LCC highways have not raised any objections to the level of traffic that would be generated by the proposal for 8 apartments, and consider that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site including the junctions immediately adjacent the site which is a concern raised by local residents. A number of conditions are suggested by LCC Highways as set out in section 6.2.1 of the report. These would be required to make the development acceptable, apart from a construction management plan and road condition survey, neither of which are considered reasonable or necessary to impose for this scale of development or enforceable. Subject to these conditions it is considered the proposal would comply with the NPPF and policy SP14 in respect of highway safety.

#### Flood Risk

9.22 Paragraph 100 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. It also states that Local Planning Authorities should ensure flood risk is not increased elsewhere.

9.23 The proposal is located within Flood Zone 1 on the Environment Agency's flood risk mapping with the lowest probability of flooding. Therefore there is no requirement for the applicant to demonstrate accordance with the sequential or exceptions tests with regard to flood risk. It is considered that the proposal is acceptable in terms of flood risk and would not be at risk of fluvial flooding, nor would it exacerbate the flood risk to surrounding development.

#### Drainage

9.24 With no objections from United Utilities or WBC Drainage Engineer, then subject to a condition requiring full drainage details to be submitted for approval, it is considered that the proposal would be acceptable in terms of foul and surface water drainage and would comply with Policies ENV13 and ENV15 of the Adopted Local Plan, and the NPPF.

#### Trees and Ecology

9.25 The proposal would require the demolition of the existing dwelling. The existing dwelling is not considered likely to support roost sites for bats and so it is not

considered necessary to request a bat survey in this instance. Very little trees and shrubbery existing on site and so a condition to limit the timing of any works to remove any trees, hedgerows or shrubbery outside of the main bird breeding season is not considered necessary here. It is considered the proposal would not result in harm to protected species and would comply with the principles of the NPPF.

## Contamination

9.26 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.

9.27 Environmental Health have no objections to the application subject to conditions requiring a desk study to be carried out prior to commencement of development and further works if shown to be necessary. Subject to this condition it is considered the proposal would be acceptable and would comply with the provisions of the NPPF.

## Other Issues

9.28 Waste Management - 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. The plans indicate a designated bin store fronting Newton Drive East. It is considered that the proposed apartments would be provided with adequate waste storage and collection and the proposal would therefore accord with the National Policy for Waste.

9.29 Contributions - The scale of development falls below the threshold at which contributions could be sought for affordable housing, education or open space.

## 10.0 CONCLUSION

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

10.2 Objections have been received in relation to this application. These objections have been taken into account, however it is considered that these objections have been addressed either through consultation responses from statutory consultees or are not of such weight that planning permission should be refused. County Highways has no objections to the proposal, subject to conditions, and considers the development would be unlikely to result in significantly impact upon highway capacity, highway safety or amenity.

10.3 The NPPF supports the presumption in favour of sustainable development, and looks at the 'economic role', 'social role', and 'environmental role'. It is considered that the proposal would represent sustainable development in terms of its links and easy access to the highway network and services and facilities nearby.

10.4 In terms of the economic role, the proposed development would provide investment and employment (albeit short term construction work only) in the local area through the delivery of additional housing. It would also bring inhabitants to a location with good links to an existing settlement and this would support local facilities.

10.5 In terms of the environmental role the proposal would have a limited impact upon the environment, as it would replace an existing property with a larger building but which has been assessed as visually appropriate in its setting. A slight shortfall in parking has been identified but overall the location has been judged to be sustainable.

10.6 The proposal would provide some social benefit with a net increase of 7 additional housing units in a sustainable location, which would go towards providing additional housing when the Council does not currently have a five year land supply of deliverable housing sites.

10.7 In this case it is considered that the economic and social benefits would outweigh the limited environmental harm caused. It is considered there are no significant adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and no specific policies in the NPPF that indicate development should be restricted. It is considered that in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be approved.

## 11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

## 12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions.

### **Recommendation: Permit**

#### **Conditions: -**

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 6th February 2018 including the following plans/documents:

- Location Plan
- Proposed Elevations (plan ref: GA3088-PL02C)

- Proposed Floor Plans and Block Plan (plan ref: GA3088-PL02B)

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. Building work shall not commence on any building until details of the materials to be used in the construction of the external surfaces of that building (including the external walls, roof, and windows) have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). The details are required prior to the commencement of the development because they were not submitted with the application.

4. Prior to the commencement of development details of the appearance, including materials to be used, of the bin and cycle storage area 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 SP14 of the Adopted Wyre Borough Local Plan (July 1999). 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.

5. Prior to the commencement of the development, a plan indicating the positions, design, materials and type of boundary treatment to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed before the use hereby permitted is first commenced, or before the dwelling(s) is first occupied. The approved details shall thereafter be maintained and retained.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants / neighbours in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). The details are required prior to the commencement of the development because they were not submitted with the application.

6. Prior to the commencement of development, a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, 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, with evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates to be submitted. For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No part of the development shall be occupied or brought into first use until the drainage works 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 and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with Policy ENV15 of the Adopted Wyre Borough Local Plan (July 1999) 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.

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

Reason: The development is for a sensitive end use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

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

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

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity in accordance with the provisions of Policy SP14 of the Adopted Wyre

Borough Local Plan (July 1999). The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development in the interests of the visual amenity of the area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

9. The existing access into the development site shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Specification for Construction of Estate Roads prior to the first occupation of any part of the development hereby approved.

Reason: To limit the number of access points and to maintain the proper construction of the highway in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

10. The development hereby approved shall not be first occupied or brought into use until the parking area(s) shown on the approved plan have been laid out, surfaced and drained. The parking area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate off road parking is provided to serve the development in the interests of highway safety and in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

11. The level of the new driveway shall be constructed 0.150m above the carriageway channel line of Normoss Road.

Reason: To safeguard the future reconstruction of the highway in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

12. Prior to the commencement of development a scheme for the construction of the site access and other works to be carried out within the adopted highway, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The site access shall be constructed and completed in accordance with the approved scheme details.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). 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 the first occupation or use of the development hereby approved, obscured glazing shall be installed in the south-west elevation at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured) and maintained and retained thereafter. Any subsequent repaired or replacement glazing shall be fitted with obscure glass to the same level of obscurity.

Reason: To safeguard the privacy of adjoining residents and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).



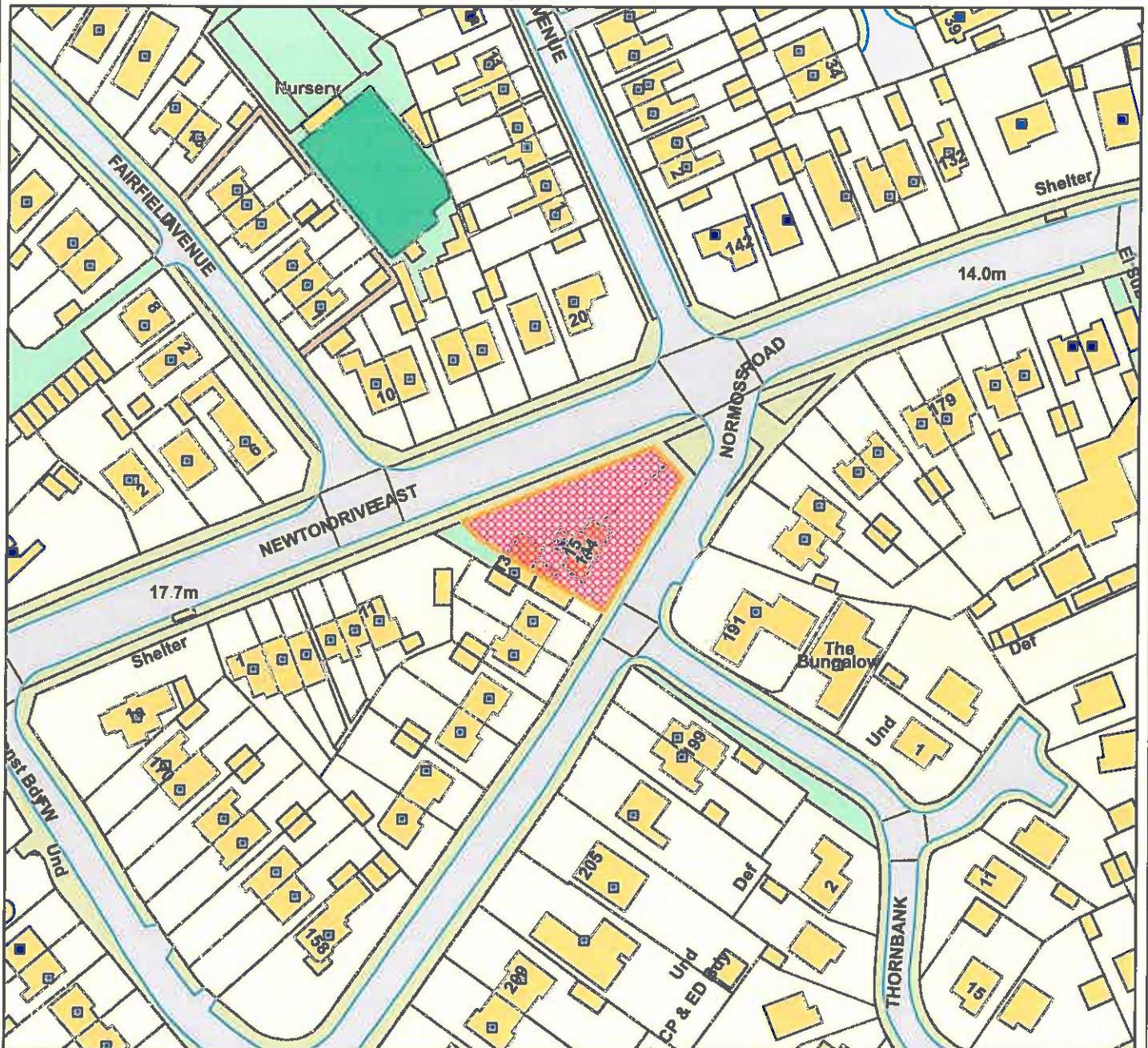
**Note(s): -**

1. The new vehicular access to the car parking bays, the relocation of the street light and the closure of the existing access onto Newton Drive East will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for 278 agreement.

This page is intentionally left blank

# 18/00145/FUL

15 Newton Drive East, Normoss



**Scale:** 1:1,250

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Wyre Council
Department	Planning Department
Comments	Item 3
Date	23/05/2018
MSA Number	100018720

This page is intentionally left blank

## Committee Report

Date: 06.06.2018

Item Number	8d
Application Number	18/00158/ADV
Proposal	Part retrospective application for the erection of 5 x 'One Stop' (3 x illuminated ) (2x non-illuminated) signs, 1 x 'Post Office' illuminated fascia sign, 4 x non-illuminated direct print panels, and 4 x non-illuminated poster frames
Location	Cooperative Retail 34 - 37 High Street Garstang Preston Lancashire PR3 1EA
Applicant	One Stop Stores
Correspondence Address	c/o Innovate Signs FAO: Unit 7 Solent Way Whiteley Fareham PO15 7FE
Recommendation	Permit

## REPORT OF THE HEAD OF PLANNING SERVICES

### CASE OFFICER - Miss Lucy Embery

#### 1.0 INTRODUCTION

1.1 The majority of advertisements the subject of this application have already been installed. This application is being reported to Planning Committee because the advertisements have generated significant public interest from residents contacting the press directly with their concerns about the appearance and illumination of the advertisements. 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 retail premises, formerly The Co-operative, on the west side of High Street in the centre of Garstang. The site falls within Garstang Conservation Area, and the Primary Shopping area. An existing public right of way runs along the south side of the site through a ginnel called Grayston's Weind which leads from High Street to West View.

2.2 The building to which the advertisements relate is a two storey building constructed with brick side walls and slim vertical pillars of brick on the front elevation that are each divided by window frames extending the full height of the building. Until recent months the building was used as The Co-operative store. Signage for The Co-operative extended in a centre band across the full width of the front elevation of the building, including projecting canopy, and continued around the north side elevation of the building and the south side elevation of the projecting canopy. This was in the form of green fascia signs, both externally illuminated and non-illuminated. There is

also an existing stand-alone post sign within the forecourt area to the right of the existing shop windows when looking directly at the front elevation.

### 3.0 THE PROPOSAL

3.1 The application seeks advertisement consent for the erection of 5 no. 'One-Stop' signs (3 No. externally illuminated and 2 No. non-illuminated), 1 No. 'Post-Office' externally illuminated fascia sign, 4 No. non-illuminated direct print panels, and 4 No. non-illuminated poster frames. Therefore 14 No. signs are applied for in total.

3.2 Since the application was submitted, all of the advertisements except one new post sign proposed in the forecourt area to the left of the entrance, have been installed at the site, along with illumination. All of the signs installed, except for the Post Office fascia sign and poster frames, are red with a blue One-Stop logo with white text. The Post Office signs are white with a red logo and white text.

3.3 The fascia signs that have been installed have replaced those formerly advertising The Co-operative on the existing building. All are 3.1m above ground level when measured from the front of the building. The fascia sign on the south side elevation of the projecting canopy measures 1.870m length by 0.9m height and is non-illuminated. On the front elevation the 3 No. fascia signs all measure 0.9m height and are 3.86m length, 3.03m length and 2.81m length respectively, when viewed left to right. All three signs are externally illuminated by trough lighting above. The right hand sign reads 'Post-Office' with the standard logo. The other two signs advertise the 'One-Stop' convenience store.

3.4 The proposed fascia signs on the north side elevation of the main building and projecting canopy measure 3.9m length by 0.9m height and 1.87m length by 0.9m height respectively. The larger sign on the main building advertising the 'One-Stop' convenience store is externally illuminated by trough lighting.

3.5 The application also seeks consent for 4 non-illuminated print panels. Three of these have been erected as follows (lettered as shown on the submitted documents);

- a) window print on the front elevation below Post Office fascia sign
- b) post sign located on the right hand side of the forecourt to the front of the building and at right angles to the front elevation of the building
- d) printed sign on the north side elevation measuring 0.9m length by 0.45m height to read 'One stop - Goods Entrance'.

Only the proposed new post sign (sign c) on the left hand side of the forecourt has not been installed to date. This is an additional sign beyond what is currently sited on and around the building.

3.6 The 4 No. non-illuminated poster signs have been sited on the inner walls below the entrance canopy. All measure 57.5cm by 83cm. These signs are also additional signs beyond those that previously existed.

### 4.0 RELEVANT PLANNING HISTORY

4.1 13/00457/FUL - Advertisement consent for three externally illuminated fascia signs and one non-illuminated fascia sign. Permitted.

4.2 13/00417/FUL - Two full height replacement windows and installation of ATM machine and window to replace existing entrance door to front elevation. Permitted.

4.3 06/01134/ADV - Advertisement consent for 2 No. fascia signs (1 No. halo illuminated and 1 No. internally illuminated), 1 free standing directional sign, 1 No. wall mounted menu board and 2 No. non-illuminated directional signs. Permitted.

4.4 06/00317/FUL - Rear conservatory. Permitted.

4.5 04/00898/ADV - Advertisement consent for internally illuminated fascia sign and non-illuminated signs. Permitted.

4.6 94/00611 - Demolition of paper store and rebuilding of store in brickwork with steel roof. Permitted.

4.7 94/00611 - Erection of 1.2m roof mounted satellite dish. Permitted.

## 5.0 PLANNING POLICY

### 5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1.1 Paragraph 17 requires all new developments to secure high quality design and a good standard of amenity. Paragraph 67 notes that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. It further notes that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Section 12 of the NPPF states that great weight should be given to conserving the heritage asset and the desirability of sustaining and enhancing the significance.

### 5.2 NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

5.2.1 The NPPG includes guidance on advertisements, design and light pollution. In particular it states that it is required that Local Planning Authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors. Unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary, or offensive to public morals.

5.2.2 The interests of amenity and public safety include the general characteristics of the locality, including the presence of any feature of historic, architectural or cultural or similar interest. Factors relevant to public safety include;

- the safety of persons using any highway
- whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of any traffic sign
- whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

### 5.3 THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 -

5.3.1 Regulation 72 sets out the general duty of local planning authorities in respect to exercising planning functions in conservation areas. It sets out with respect to any

buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

#### 5.4 ADOPTED WYRE BOROUGH LOCAL PLAN (1999)

##### 5.4.1 The following policies are of most relevance:

Policy SP14: Standards of Design and Amenity  
Policy S7: The Design of Signs and Shop Fronts  
Policy ENV9: Conservation Areas  
Policy TC2: Primary Shopping Areas

#### 5.6 EMERGING LOCAL PLAN

5.6.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The minor amendments deal with clarification matters or errors raised at the public consultation and they do not alter the substance of the 'Publication' draft Wyre Local Plan. The 'Submission' stage is an advanced stage in the local plan process. It confirms the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. This stage is a further advancement in the local plan process. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document'. As the draft Local Plan has now advanced to 'submission' the weight to be given in the planning balance has increased depending on the particular circumstances of the case.

##### 5.6.2 The following policies contained within the draft Local Plan are of most relevance:

- o Policy EP14 Outdoor Advertisements and Directional Signs
- o Policy CDMP3: Design
- o Policy CDMP5: Historic Environment

#### 5.7 SUPPLEMENTARY PLANNING GUIDANCE

##### 5.7.1 Supplementary Planning Guidance 3 (SPG 3): Signs and Shopfronts in Conservation Areas

#### 6.0 CONSULTATION RESPONSES

##### 6.1 GARSTANG TOWN COUNCIL

6.1.1 The Town Council note that the signs were installed the week beginning 12th March onwards, yet the application has not yet being approved. The Town Council support LCC's comments about the limits of the illuminance and would wish to have these included as a condition. It is queried whether the signs are in keeping with the conservation area that the property comes under.

##### 6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.2.1 No objections to the proposals as the development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site. However if minded to grant planning permission conditions should be attached to



limit the illuminance levels to 600 candela per square metre (cd/m<sup>2</sup>), and that external source of lighting be effectively screened from the view of a driver on the adjoining public highway.

## 7.0 REPRESENTATIONS

7.1 One letter of objection has been received from County Councillor S Perkins stating that the signs have been erected before permission has been granted, and that the signs, particularly the lighting, would be intrusive in the Conservation Area.

7.2 Two letters of support have been received. In summary these comments that;

- The One-Stop shop looks great
- This investment is something positive for Garstang High Street
- There is nothing wrong with the signs
- The signs are just replacing the green Co-op signs
- The colour of the signs should not make any difference

## 8.0 CONTACT WITH APPLICANT/AGENT

8.1 There has been extensive contact with the applicant including to inform them that the signs that have been erected are unauthorised having been erected without consent, and that the level of illumination installed is higher than that applied for. The applicant was requested to reduce the level of illumination below that installed and that applied for.

## 9.0 ISSUES

### Impact on Amenity

9.1 The application site is within Garstang Conservation Area and within the primary shopping area. The area comprises a variety of retail premises with associated signage. Wyre Borough Council's Conservation Officer describes the site as a 20th Century 1960's-80's purpose built retail building located at the northern end of the Garstang Conservation Area. It is located a considerable distance from the nearest listed building, the Arts Centre. As such the Conservation Officer considers that the advertisements would have no material impact upon the setting or appearance of this building.

9.2 In its previous use as the Co-operative, the building had a significant amount of signage. The current proposal is for a similar amount and type / appearance of signage to the previous use. The fascia signs that have been erected have replaced the former Co-operative signs on the building at the same size and scale and in the same location. The print panels on the windows have also been installed in the same location to those previously advertising the Co-operative. In effect the signage seeks to change the branding, colour and style of graphics to be utilised, to reflect the change in operator.

9.3 The smaller printed sign that has now been attached to the north side of the building, and the post sign (sign b) in the forecourt area, are also in the same location and at a similar size than the previous signs. Only the proposed post sign (sign c in the submission) and the 4 No. small poster frames would be additional signs. The post sign has not yet been erected. It is considered that the introduction of these signs on the building and forecourt would not result in visual clutter given the size and scale of the existing building.

9.4 In terms of the materials for the advertisements, the fascia signs and printed sign have been applied for and erected as dibond, which is an aluminium composite material (cut plastic covered with aluminium), and finished in coloured lacquer to produce the desired coloured finish. In this case the One-Stop signs are red with a blue logo with white text. The Post Office signs are white with a red logo and white text. Whilst the colour of signs is a matter that can be controlled by the Local Planning Authority, particular justification would be required to decide that a particular colour was unacceptable.

9.5 The materials have a glossy finish. SPG 3 states that a glossy finish should ideally be avoided in Conservation Areas. However, in this case, the signs previously advertising the Co-operative were modern, not matte finish, and considered acceptable. Whilst a matte finish would have a more subtle visual appearance in the Conservation Area, it is considered that the new signs are not so harmful to the amenity and characteristics of the local area to warrant refusal of the application.

9.6 The previous signs advertising the Co-operative were illuminated by trough lighting. The 3 No. fascia signs that have been erected on the front elevation, and the fascia sign on the north side elevation, are illuminated with trough lighting. The application originally proposed that the level of illumination would be 250 cd/m<sup>2</sup>. The level of illumination that was subsequently installed was 360 cd/m<sup>2</sup> i.e. brighter than the level applied for. Discussions with the applicant advised that the level of brightness installed is considered unacceptable and harmful to visual amenity. So too is the level of illumination applied for at 250 cd/m<sup>2</sup>. The applicant was asked to reduce the level of illumination to 150 cd/m<sup>2</sup> similar to that on nearby premises in the Conservation Area.

9.7 The applicant has agreed to reduce the lighting level to 150 cd/m<sup>2</sup> and has provided evidence in the form of a report and details of dimmer switches with a maximum setting of 150 cd/m<sup>2</sup> so that the lighting could not be turned up above this level. The applicant has also agreed to a condition requiring that the lighting level would not exceed 150 cd/m<sup>2</sup>. The Council's Conservation Officer considers that the location and type of illumination proposed is appropriate, given a reduced level of maximum illumination of 150 cd/m<sup>2</sup>. As the lighting level has been reduced to 150 cd/m<sup>2</sup>, and this illumination can be controlled by condition, it is considered that the illumination would not result in unacceptable harm to visual amenity. The fixtures and fittings of the trough lighting are so slim over the signs that the fixings would not result in harm to the visual appearance of the building.

9.8 The Conservation Officer considers that the advertisements will preserve the appearance of the Garstang Conservation Area and sustain the significance of this designated heritage asset. The siting and scale of the signs is considered to be acceptable. As replacement signs it is considered that the proposed fascia signs and window print panels and smaller print sign are of an appropriate scale on the building and in the street-scene, and that the additional signage of the posters and post sign in the forecourt would not result in unacceptable visual clutter. The signage is therefore considered to preserve the amenity value in this area of Garstang and would comply with the requirements of the NPPF, Policies SP14, S7 and ENV9 of the Adopted Local Plan, and the guidance contained within SPG 3.

#### Public Safety

9.9 The proposed advertisements that have been erected do not interfere with the public right of way to the south of the building or public highway to the east, as the

majority are fixed to the building. The 1 No. printed sign already present on posts within the forecourt area is away from the public right of way, and the southernmost post sign which has not been erected would be set into the site away from the route of the public right of way and away from the public highway.

9.10 The application site is on the western side of High Street, which is a narrow street with one-way traffic from north to south. LCC Highways has raised no objections to the proposal stating that the development would have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site. However two conditions have been requested including a condition restricting the levels of illuminance to 600 cd/m<sup>2</sup>. The application proposed a level of 250 cd/m<sup>2</sup>, which is well below the level specified by LCC Highways, and the lighting has since been reduced to 150 cd/m<sup>2</sup> for amenity reasons. Therefore it is considered the level of illumination would not result in harm to public safety.

9.11 LCC Highways has also requested a condition that any lighting is positioned so as not to result in distraction or hazard to drivers. The technical specification for the proposed trough lighting over the three fascia signs to the front elevation and a fascia sign on the north side elevation, shows the trough lighting to be positioned at the top of the signs and face backwards to shine onto the signs rather than towards the highway. The illumination has been erected in accordance with the details provided in the application. All advertisement consents nationally are issued with standard conditions with this requirement for the positioning of lighting, and any consent would also have a condition attached requiring the advertisements to be erected in accordance with the submitted plans. The submitted details demonstrate that light would not shine towards the highway and the illuminance levels would be low. Therefore it is considered that the further condition requested by LCC Highways would not be necessary. From the information submitted with the application, and a condition to ensure the advertisements are maintained in accordance with the submitted plans, the proposal would not cause a distraction or hazard to drivers and not be harmful to public safety and complies with the NPPF, NPPG and Adopted Local Plan policy ENV9.

## 10.0 CONCLUSION

10.1 The majority of the advertisements have been erected at the site and replace signage associated with the former Co-operative store. Although the signs that have been erected have a gloss appearance, having regard to the previous signage on the building, their siting, appearance and scale is considered acceptable in amenity terms and would not cause a hazard to drivers. The level of illumination has been reduced to 150 cd/m<sup>2</sup> which is considered acceptable in terms of amenity and public safety. The Conservation Officer considers that the advertisements will preserve the appearance of the Garstang Conservation Area and sustain the significance of this designated heritage asset. In summary the advertisements would not cause harm to amenity or to public safety.

## 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 advertisement consent subject to conditions.

#### **Recommendation: Permit**

#### **Conditions: -**

1. The advertisement(s) shall be displayed, except where modified by the conditions to this consent, in accordance with the Application for Advertisement Consent received by the Local Planning Authority on 13/02/2018 including the following plans/documents:

Location Plan/Block Plan DWG No. B Rev B

Proposed Site Signage DWG No. B Rev B

Fascia Sign Specification DWG NO. B Rev B (One-stop shop and Post Office fascia)  
The email from Innovate Signs dated 25th April 2018 (08:23) and attached Dimmer Installation Report

The email from Innovate Signs dated 30th April 2018 (11:13) and attached report from Portland Lighting detailing the illumination levels, and attached specification of the PDMINI Touch Key Dimming Controller

The advertisement(s) 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.

2. Notwithstanding the detail of illumination provided on the submitted application form or plans, the limits of the illuminance on those advertisements approved as illuminated shall not exceed 150 candela per square metre.

Reason: In the interests of amenity and the visual characteristics of the locality as part of Garstang Conservation Area.

#### **Standard conditions:**

- 1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 2) No advertisement shall be sited or displayed so as to:-
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

4) Any structure of hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: Imposed by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) Unless otherwise stated below in section (B), the express consent hereby granted shall expire at the end of a period of five years.

Reason: Imposed by article 14 (7) (b) of Part 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

This page is intentionally left blank

18/00158/ADV

Co-op, 34-37 High Street, Garstang



Scale: 1:1,250

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Wyre Council
Department	Planning Department
Comments	Item 4
Date	23/05/2018
MSA Number	100018720

This page is intentionally left blank



## Committee Report

Date: 06.06.2018

Item Number	8e
Application Number	17/01077/FUL
Proposal	Erection of a free standing ice cream kiosk on forecourt
Location	71A Victoria Road West Thornton Cleveleys Lancashire FY5 1AJ
Applicant	RCA Interiors
Correspondence Address	Mr Richard Chadwick Unit 2A Parkway Trading Estate Alba Way Trafford Park Manchester M32 0TL
Recommendation	Permit

## REPORT OF THE HEAD OF PLANNING SERVICES

### CASE OFFICER - Mrs Charlotte Parkinson

#### 1.0 INTRODUCTION

1.1 The application is being presented to Planning Committee because it is considered to be a distinctive and unusual development and the Local Planning Authority has not previously dealt with anything of this nature before. It also has the potential to set a precedent for similar proposals, which may generate a high level of public interest. 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 the forecourt of an established commercial property on the northern side of Victoria Road West, Cleveleys. The site falls within the primary shopping area of Cleveleys as defined by the Wyre Borough Local Plan. It also falls within flood zone 3 as defined by the Environment Agency.

#### 3.0 THE PROPOSAL

3.1 The application is to erect a detached freestanding retail kiosk structure in the forecourt area, 4.9m south of the commercial property frontage. The kiosk would be 2.4m wide and 2.4m long and measure 2.6m high to the eaves and 2.9m to the top of a flat roof canopy. The proposed materials to be used are steel box framing (granite grey colour RAL 7026), oak timber panelled inserts and glass windows. The north elevation of the kiosk facing No. 71A would contain the serving hatch with steel roller shutter. This would be housed internally behind the fascia.

#### 4.0 RELEVANT PLANNING HISTORY

4.1 17/01028/FUL - Change of use of ground floor from tobacconist (A1) to coffee shop (A3) with associated internal alterations and new shop front - Approved  
15.01.2018

## 5.0 PLANNING POLICY

### 5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1.1 The NPPF was published by the Department of Communities and Local Government on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision". Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.1.2 The most relevant sections of the NPPF to the determination of this application are considered to be:

- o Section 1 - Building a strong competitive economy
- o Section 2- Ensuring the vitality of town centres
- o Section 7 - Requiring good design

### 5.2 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.2.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be given to relevant policies according to their degree of consistency with the NPPF.

5.2.2 The following policies are considered to be of relevance to the determination of this application:-

- o SP14: Standards of Design and Amenity
- o ENV13: Development and Flood Risk

### 5.3 EMERGING LOCAL PLAN

5.3.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The minor amendments deal with clarification matters or errors raised at the public consultation and they do not alter the substance of the 'Publication' draft Wyre Local Plan. The 'Submission' stage is an advanced stage in the local plan process. It confirms the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. This stage is a further advancement in the local plan process. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document' As the draft Local Plan has now advanced to 'submission' the weight to be given in the planning balance has increased depending on the particular circumstances of the case.

5.3.2 The following policies contained within the draft Local Plan are of most relevance:

- CDMP3 Design
- EP4 Town and District Local Centres
- EP5 Main Town Centre Uses
- EP6 Development in defined primary and secondary frontages
- EP15 Security Shutters

## 6.0 CONSULTATION RESPONSES

### 6.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.1.1 No objections, the proposal will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity. The private forecourt is not on the adopted highway. The wide pedestrian footway can accommodate the associated queueing for ice cream at peak times. It is requested that the window for serving customers is not at the south east side onto the adopted highway.

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

6.2.1 To prevent an adverse impact on the health and quality of life of nearby residents, a number of conditions are requested stipulating no hot food to be sold, hours of use (8am - 8pm), that noise from plant / machinery / equipment should be inaudible inside the nearest noise sensitive properties and no use of amplified sound.

## 7.0 REPRESENTATIONS

7.1 None

## 8.0 CONTACTS WITH APPLICANT/AGENT

8.1 The agent has been contacted for the purposes of requesting further information and revised/additional plans, together with details of materials.

## 9.0 ISSUES

### Principle of development

9.1 Within the Adopted Local Plan the site falls within the Primary Shopping Area of Cleveleys. Policy TC2 permits the change of use at ground floor level to a use class other than A1 retail provided that there would be no adverse effect upon the dominance of retailing and the character, diversity and vitality of the retail element in the designated areas.

9.2 The proposal seeks to provide new development on an existing forecourt belonging to the premises at 71A Victoria Road West where the principle of development involving a change of use from A1 retail to A3 coffee shop has already been established in a recent planning permission (reference 17/01028/FUL). The kiosk will be used to sell ice cream and hot drinks and will be ancillary to the use of the premises 71A Victoria Road West. The applicant has stated that the floor space in the recently approved café is limited and the intention is to relocate some of the sales to the kiosk taking advantage of the busy footfall area.

9.3 Section 2 of the NPPF recognises that town centres are at the heart of the community and support should be given to their viability and vitality. Proposals should reflect the individuality of the town centre. It is necessary to promote

competitive town centres that provide customer choice and a diverse retail offer along with retaining and enhancing existing markets and where appropriate re-introduce or create new ones, ensuring that markets remain attractive and competitive. The development would help to support the vitality and viability of Cleveleys and promote its distinction and character as a coastal town centre. Section 4 of the NPPF encourages commercial uses in sustainable locations. The site is located in the town centre near to public transport and other commercial uses and is therefore sustainable.

9.4 The principle of allowing an ancillary use to the approved A3 coffee shop at 71A Victoria Road West would not conflict with Local Plan Policy TC2, and the principle of the proposal in adding vitality to this sustainable town centre location is supported by national policy.

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

9.5 This proposal would be the first of its kind in this particular town centre location. Therefore a good quality design is an important consideration.

9.6 The proposal is located on the forecourt of 71A Victoria Road West which has recently been granted planning permission for a change of use to coffee shop (A3) with associated internal alterations and new shop front. The commercial premises benefits from a wide forecourt. The dimensions of the flat roof kiosk are modest at 2.4m wide and 2.4m long with a maximum height of 2.9m. There are other temporary structures on forecourts in this location e.g. temporary stalls and retail stands which are removed after trading hours, in the winter and in periods of bad weather. However, there are no other permanent structures. The application seeks to erect a freestanding structure for the sale of ice cream and hot drinks in a prominent town centre location and busy footfall area. In the interests of visual amenity it is recommended that the kiosk be approved on a seasonal basis, with a condition to require its removal in the winter months (1st October - 31st February inclusive).

9.7 The proposed materials as detailed in section 3.1 of this report are considered acceptable in this location. All elevations are partly glazed except the elevation with the serving hatch (which faces towards the café) which will house a steel roller shutter when the kiosk is closed. Details of the shutter show the shutter box housed internally and integrated within the fascia. The shutter covers a small area of the serving hatch facing towards the café and therefore will not be visible from the road, only in the immediate vicinity as seen by passing pedestrians.

9.8 Within this wide forecourt area it is considered the modest scale kiosk proposed as an ancillary use to No. 71A would be viewed against the backdrop of main commercial premises and not harm the visual amenity of this part of the town centre in the summer months. Subject to a condition requiring it to be built in accordance with the submitted materials and shutter detail, and a condition requiring details of the shutter materials, the kiosk design is considered to be acceptable in accordance with Saved Local Plan policy SP14.

#### Impact on Residential Amenity

9.9 To prevent an adverse impact on the health and quality of life of nearby residents, Environmental Health request a number of conditions stipulating no hot food to be sold, hours of use (8am - 8pm), that noise from plant / machinery / equipment should be inaudible inside the nearest noise sensitive properties and no

use of amplified sound. These conditions are considered necessary and reasonable to impose.

#### Impact on Highway / Parking

9.10 LCC Highways raise no objections. They have advised that the private forecourt is not on the adopted highway and the wide pedestrian footway can accommodate the associated queuing at peak times. The serving hatch would not directly face onto the adopted highway. There would be no impact on parking.

#### Flood Risk and Drainage

9.11 The proposal is located within Flood Zone 3 and the applicant has provided a flood risk assessment. This shows that internal floor levels to the kiosk will be 250 mm above existing external level and all electrics will be a minimum of 600mm above the new internal floor level. This is considered acceptable. In addition a condition is recommended to require the kiosk to be securely anchored to the ground at all times. The proposal involves a minor non-residential extension to an existing commercial premises and so it is not necessary to apply the sequential and exceptions tests in this instance. No drainage issues are identified.

#### Trees

9.12 There are no trees that will be affected by this proposal.

### 10.0 CONCLUSION

10.1 This development is the first of its kind in this location. The principle of allowing this ancillary use in a sustainable town centre location is accepted. The kiosk is modest in scale however given the prominent location it is recommended that the structure be removed in the winter months and that conditions are imposed to ensure the materials and shutter details submitted are adhered to. The proposal is acceptable in highway safety and flood risk terms and conditions can be imposed to safeguard nearby residential amenity. No other issues or concerns are identified.

### 11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

### 12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions.

#### **Recommendation: Permit**

#### **Conditions: -**

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 20th November 2017 including the following plans/documents:

Ground Floor Plan (Revised) Drwg No 1 1404  
Kiosk Plans and Elevations Drwg No 2 1404  
Shutter Plans Drwg No 3 1404  
Revised Location 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. The development shall be carried out using those materials specified on the approved plan, namely

Steel box framing RAL 7026 granite grey  
Oak timber panel inserts (sample of this material also provided)

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

4. Notwithstanding the details submitted for the shutter, building work shall not commence until details of the style, design and colour of the shutter are 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 SP14 of the Adopted Wyre Borough Local Plan (July 1999). The details are required prior to the commencement of the development because they were not submitted with the application.

5. No amplified recorded or live music shall be played at any time in the kiosk hereby approved.

Reason: To avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

6. The use of the kiosk hereby permitted shall not operate outside the hours of 08.00 to 20.00.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

7. Noise and vibration from all plant, machinery and equipment connected with the use of the kiosk hereby permitted shall be inaudible inside noise sensitive premises (with their windows open or closed) and within their outside amenity areas (to include balconies).

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 SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

8. The use of the kiosk hereby approved shall not involve the cooking or sale of hot food.

Reason: To minimise the risk of odours that may cause nuisance and harm the amenity of occupiers of nearby buildings, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999),

9. When in place the kiosk shall be securely anchored to the ground at all times.

Reason: The site is located in Flood Zone 3 and so to prevent it from becoming mobile during a flood event to ensure an appropriate development in accordance with the National Planning Policy Framework.

10. The kiosk authorised by this permission shall be removed not later than 1st October of each calendar year and immediately following each such removal there shall be carried out such works as may be required for the reinstatement of the land to its condition before the development took place. The kiosk shall not subsequently be placed again on the site before 1st March of each calendar year.

Reason : To enable the Local Planning Authority to retain a measure of control over the development in a prominent location thereby safeguarding the amenities of the area in accordance with policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

11. The use of the kiosk shall be restricted to purposes which are ancillary to the main use of 71A Victoria Road West and shall not be used as a separate unit.

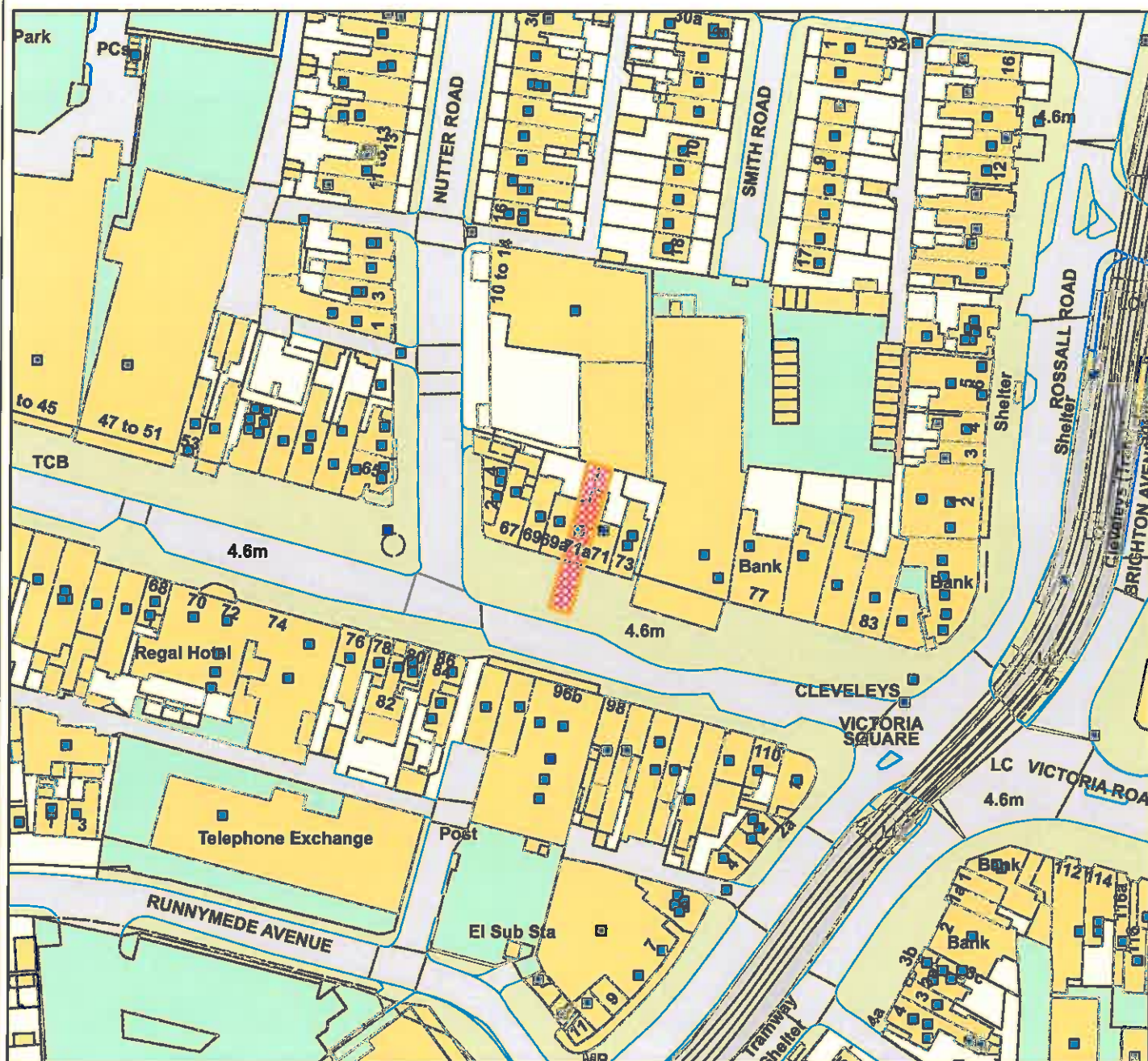
Reason: To prevent the over-development of the site in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

This page is intentionally left blank



17/01077/FUL

71a Victoria Road West, Thornton-Cleveleys



**Scale:** 1:1,250

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Wyre Council
Department	Planning Department
Comments	Item 5
Date	23/05/2018
MSA Number	100018720

This page is intentionally left blank



Report of:	Meeting	Date	Item No.
Mark Billington Service Director People and Places	Planning Committee	6 June 2018	9

**Wyre Borough Council Tree Preservation Order No 5 of 2018 –  
Land to the east of Tithebarn Park and to the north east side of  
Tithebarn Street, Poulton-le-Fylde, FY6 7BY.**

## 1. Purpose of report

- 1.1 To consider the objection to the making of Wyre Borough Council Tree Preservation Order No 5 of 2018 – Land to the east of Tithebarn Park and to the north east side of Tithebarn Street, Poulton-le-Fylde, FY6 7BY.

## 2. Outcomes

- 2.1 To determine whether or not to confirm the Wyre Borough Council Tree Preservation Order No5 of 2018 – Land to the east of Tithebarn Park and to the north east side of Tithebarn Street, Poulton-le-Fylde, FY6 7BY.

Once a TPO is made it is 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 Borough Council Tree Preservation Order No5 of 2018- Land to the east of Tithebarn Park and to the north east side of Tithebarn Street, Poulton-le-Fylde, FY6 7BY ("the TPO") is 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 in the interest of amenity by making tree preservation orders. Following the introduction of **The Town and Country Planning (Tree Preservation) (England) Regulations 2012**, The Local Planning Authority is required to confirm a tree preservation order within six months of the issue date if it is to continue

to have effect after that period. When an objection is received, a decision on confirmation is usually referred to the Planning Committee.

- 4.2** Tree preservation orders are usually made because it is considered expedient in the interests of amenity to protect the trees from felling or pruning. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make an order as a precaution.
- 4.3** Amenity is not defined in law but the government's advice is that authorities need to exercise judgement when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future (GOV.UK, 2014).

Therefore the following criteria should be taken into account when assessing the amenity value of trees:

- **Visibility:** *the extent to which the trees or woodlands can be seen by the general public will inform the LPA's assessment of whether its impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.*
- **Individual, collective and wider impact:** *public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to it of their characteristics including:*
  - *Size and form;*
  - *Future potential as amenity;*
  - *Rarity or historic value;*
  - *Contribution to, and relationship with, the landscape; and*
  - *Contribution to the character or appearance of a conservation area.*
- **Other factors:** *where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change.*

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

- 4.4** The Regulation 5 notice, which is a legal notice that is served with the tree preservation order documents on the owner and occupier of the land affected by a tree preservation order and also the owner and occupier of the adjoining land, states the reason why the trees have been protected and invites objections or representations to be made to the Local Planning Authority within a 28-day period. The Regulation 5 Notice issued in respect of the land affected by the TPO gave the reason for making the TPO as *“it is expedient in the interest of amenity continuity”*.
- 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. If it is not confirmed the tree preservation order ceases to have effect and the trees are unprotected. When objections or representations are received the Council must consider those before any decision is made whether or not to confirm the order. In these cases, referral to Planning Committee is usually appropriate.

## **5. Background to making the Area TPO**

- 5.1** An Area category protects all trees within an area as demarcated on the Order map. The Area category protects only those trees present at the time of making. The Area category is intended for short-term protection and only used as a temporary measure until such times as a full assessment and reclassification can occur.

In March 2018 the Tree Officer was requested by the Head of Planning Services to appraise an area of trees located on land to the east of Tithebarn Park and to the Northeast side of Tithebarn Street for TPO potential. The Tree Officer visited site on the 12 March 2018 to investigate and undertook a tree evaluation method for preservation orders survey data sheet (“TEMPO”) which guided the subsequent decision to make a tree preservation order.

Copies of the completed 12 March 2018 TEMPO Survey data sheet and public visibility images of ‘A1’ Area of Wyre Borough Council Tree Preservation Order No5 of 2018 - Land to the east of Tithebarn Park and to the north east side of Tithebarn Street, Poulton-le-Fylde, FY6 7BY are appended to this report at Appendix 2.

- 5.2** On 13 March 2018 Wyre Borough Council made the TPO. 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.

The period for any objections and representations to be made to the Council in respect of the TPO ended on 10 April 2018.

A copy of the TPO plan is appended to this report at Appendix 1.

- 5.3** Wyre Council received a formal objection to the TPO dated 9 April 2018 from an arboricultural consultant as instructed by the owner of the land to the east of Tithebarn Park and to the north east side of Tithebarn Street, Poulton-le-Fylde, FY6 7BY. The objection was attached to an e-mail from the Consultants whose client owns the land to which the Order relates.

A copy of the objection is appended to this report at Appendix 3.

Wyre Council received a letter of representation in support of the TPO dated 29 March 2018. A response to the letter of representation was sent on 4 April 2018. Copies of both are appended to this report at Appendix 4.

## **6. Summary of Objections**

- 6.1**
- The Order seeks to protect some material that is in poor condition / advanced decline, of generally low value and limited potential.
  - The Order seeks to protect some items that are clearly a hedgerow, or that would be considered as a shrub layer, coppice or similar, of short life expectancy and clearly inappropriate for inclusion within the Order.
  - No information has been provided or indicated as being available to show how the trees have been assessed for amenity value. As such the reasonableness of the Order cannot be fully assessed.
  - It has been advised that the material that was in fact appropriate for inclusion within an Order was not under threat and it was not therefore expedient for the order to be made.
  - The Order is inappropriate and unnecessary, the trees have not been fully or reasonably assessed and the reasoning for the imposition both inaccurate and speculative.

The consultant has also requested advice on relevant procedures and that a copy of the report relating to the TPO be forwarded in reasonable advance of the Committee date.

## **7. Response to Objections**

**The Tree Officer's response to the objections are as follows:**

- 7.1**
- Any trees which are deemed unsuitable for inclusion within the Order can be excluded when reclassification occurs. N.B. Low numbers of trees are expected to be excluded based on the Tree and Woodland Officer's observations on 12 March 2018.

- Hilliers and Coombes (2007) indicate that the common Hawthorn is a native small tree, Hazel a native small multi-stemmed tree or large shrub, Elder a native small tree or large shrub and Blackthorn a small bushy tree or large shrub. The Hawthorn, Hazel, Elder and Blackthorn trees observed on 12 March 2018 by the Tree and Woodland Officer were of a size to be considered as trees.

DEFRA (2007) provides a definition of hedgerow:

*“Any boundary line of trees or shrubs over 20m long and less than 5m wide at the base, provided that at one time the trees or shrubs were more or less continuous. It includes an earth bank or wall only where such a feature occurs in association with a line of trees or shrubs. This includes ‘classis’ shrubby hedgerows, lines of trees, shrubby hedgerows with trees and very gappy hedgerows (where each shrubby section may be less than 20m long, but the gaps are less than 20m)”*

Area 1 from the Order is approximately 18 metres in width at its narrowest.

Area 1 from the Order is not a hedgerow nor captured by the Hedgerow Regulations 1997 and in nature is appropriate for protection in the Order.

- The creation of the Order has been in accordance with current government guidance, authority procedure and undertaken in an open and transparent manner by the Tree and Woodland Officer. An onsite Tree Evaluation Method for Tree Preservation Orders (TEMPO) was undertaken on 12<sup>th</sup> March 2018 which comprised an assessment in relation to the condition and suitability of the trees along with remaining tree life expectancy, public visibility, other factors and expediency. It was concluded that the TPO should be made because of expedience in the interest of amenity continuity due to a perceived threat to the trees.
- The last point of objection made by the consultant is considered by the Tree and Woodland Officer to be incorrect.

Advice pertaining to Planning Committee and its procedures along with a copy of this report relating to the TPO have been forwarded to the Consultants in reasonable advance of the meeting of Planning Committee on 6<sup>th</sup> June 2018.

### **Concluding remarks**

Officer view is that the Area TPO has been properly made in the interests of securing the contribution and benefit of the trees to the public amenity in the area. The Area TPO protects important element of the local landscape and contributes to the local environment.

Officer view is that the Area TPO is fully justified and should be confirmed without modification. It will provide protection until such time as an in-depth assessment and reclassification can occur.

<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. 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>risks/implications</b>	<b>✓ / x</b>
asset management	x
climate change	✓



sustainability	x
health and safety	x

data protection	x
-----------------	---

report author	telephone no.	email	date
Ryan Arrell	01253 887614	Ryan.Arrell@wyre.gov.uk	May 2018

List of background papers:		
name of document	date	where available for inspection
Wyre Council TPO 5 of 2018	13 March 2018	Room 134 or by email to Tree Officer.

## **List of Appendices**

### **Appendices:**

- 1** – Wyre Council Tree Preservation Order No5 of 2018- Land to the east of Tithebarn Park and to the north east side of Tithebarn Street, Poulton-le-Fylde, FY6 7BY plan.
- 2** –12 March 2018 completed TEMPO Survey data sheet and also Public visibility Images of Area 'A1'.
- 3** - Copy of objection made on 9<sup>th</sup> April 2018.
- 4** – Copies of letter of representation dated 29<sup>th</sup> March 2018 and response letter dated 4<sup>th</sup> April 2018.

## **References List**

J. Hilliers and A. Coombes, *The Hillier manual of Trees and Shrubs* (2007), David and Charles.

The Hedgerow Survey Handbook. (2007) DEFRA.

*Tree Preservation Orders and trees in Conservation Areas*. GOV.UK, (2014) Accessed 14/05/18 via <http://www.gov.uk/-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

### Wyre Council Tree Preservation Order No.5 of 2018

Not Set



#### Legend

**Wyre Council Tree Preservation Order No5 of 2018: Land to the east of Tithebarn Park and to the north east side of Tithebarn Street, Poulton le Fylde, FY6 7BY.**

Scale 1:1651



Re produced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorized reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Wyre Council
Department	Planning Department
Comments	Not Set
Date	12 March 2018
S/LA Number	100018720

## Appendix 2

### TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

#### SURVEY DATA SHEET & DECISION GUIDE

Date: <u>12/3/18</u>	Surveyor: <span style="background-color: black; color: black;">[REDACTED]</span>	
----------------------	--	--

<b>Tree details</b> TPO Ref (if applicable): Owner (if known):	<b>Area</b> Tree/Group No: <u>1</u> Location: <u>Land to the east of Titheborn Park and to the northeast side of Titheborn Street.</u> Species: <u>sycamore, elms, Holly, hawthorn, Hazel, ash, blackthorn</u>
--	---

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

5) Good	Highly suitable	<div style="border: 1px solid black; padding: 5px;">Score &amp; Notes</div> <div style="font-size: 2em; margin-top: 10px;">3</div>
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	<div style="border: 1px solid black; padding: 5px;">Score &amp; Notes</div> <div style="font-size: 2em; margin-top: 10px;">2</div>
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	<div style="border: 1px solid black; padding: 5px;">Score &amp; Notes</div> <div style="font-size: 2em; margin-top: 10px;">4</div>
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	<div style="border: 1px solid black; padding: 5px;">Score &amp; Notes</div> <div style="font-size: 2em; margin-top: 10px;">1</div>
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	<div style="border: 1px solid black; padding: 5px;">Score &amp; Notes</div> <div style="font-size: 2em; margin-top: 10px;">2</div>
3) Foreseeable threat to tree	
2) Perceived threat to tree	
1) Precautionary only	

---

**Part 3: Decision guide**

Any 0	Do not apply TPO	<div style="border: 1px solid black; padding: 5px;">Add Scores for Total:</div> <div style="font-size: 2em; margin-top: 10px;">12</div>	<div style="border: 1px solid black; padding: 5px;">Decision:</div> <div style="font-size: 1.2em; margin-top: 10px;">Create TPO.</div>
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		



**Area A1 viewed looking north from Tithebarn Street.**



**Tithebarn Park: Area A1 viewed to the North East.**



## Appendix 3



For the attention of [REDACTED]  
Trees and Woodland Officer  
Wyre Council  
Wyre Civic Centre  
Breck Road  
Poulton – le- Fylde  
FY6 7PU  
9th April 2018

Dear Sir,

**Objection to The Wyre Council Tree Preservation Order – 005/2018/TPO – Land to the East of Tithebarn Park and to the north east side of Tithebarn Street, Poulton-le-Fylde, FY6 7BY**

**Your Ref: PLG/8/ 13<sup>th</sup> March 2018**

On the instructions of my Client, I wish to register an objection to the above Tree Preservation Order under the terms and conditions of the Town and Country Planning (Tree Preservation) (England) Regulations 2012

For a Tree Preservation Order to be made, the Council must be able to demonstrate that it appears to them to be “**expedient** in the interests of **amenity** to make provision for the preservation of trees or woodlands in their area”.

### **Amenity**

Guidance from the Department for Communities and Local Government advises that: When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

#### *Visibility*

The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the 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 its or their characteristics including:

- size and form;
- future potential as an amenity;



- rarity, cultural 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. These factors alone would not warrant making an Order.*

With reference to the trees identified in the Order, there is no information provided or offered to show how the amenity of the trees has been assessed, that removal would have a significant negative impact on the local environment and its enjoyment by the public or that protection would bring a reasonable degree of public benefit in the present or future.

Indeed, the Formal Notice simply states that:

*'We made this Order because it is expedient in the interest of amenity continuity to the locality.'*

It is possible that a TEMPO system or similar was utilised to assess amenity and if so, the inclusion of such information within the notification to the landowner may have simplified their understanding of why the Order was made and avoid the necessity of preparing an objection. Regardless, a walkover inspection of the area under consideration was recently undertaken by myself and from this it was immediately evident that whilst some individual trees did exist, much of the vegetation comprised of old Hawthorn hedgerows all of which could reasonably be described as such and which could be reduced by layering or cutting to produce more manageable and formal features.

Hedgerows should not be included within TPO's, having their own protection – if appropriate, under the Hedgerow Legislation. It is understood that these hedges existed to either side of the railway track and to the Station that historically existed adjacent to the Park.

The reclamation of the hawthorn hedging – including removal of undesirable species within the hedge such as Elder that reduce their efficacy as a security / control feature would therefore substantially reduce the “amenity” that the Order states.

It was also noted that some items were in poor condition and would certainly not be considered to have a useful life expectancy approaching 10 years and would therefore be inappropriate for inclusion within an Order. From these comments and observations, it is reasonable to conclude that in terms of amenity, there is no evidence to support that the vegetation is of value which together with the evidence of the condition of some material suggests that the Order is both unreasonable and inappropriate.

#### **Expediency**

Notwithstanding that some of the trees included within the Order may contribute to amenity value, it must also be expedient for the Council to make those trees the subject of a Tree Preservation Order.

It is accepted that some discussions may have taken place regarding the alternative use of this land but, there was no intention to immediately clear or otherwise disturb the area without appropriate negotiations.

As such it is not considered that it was expedient for the Council to serve an Order and that reasonable negotiations may well have resolved the matter.

It is not therefore considered expedient in the interest of amenity for the Council to make this Tree Preservation Order.

#### **Other Considerations.**

The Order states in the schedule that tree species within the Area include: Sycamore, Hawthorn, Elder, Holly, Ash, Hazel and Blackthorn.

Of these it is generally considered that Hawthorn, Elder, Hazel and Blackthorn are rarely of a size and quality that would be considered as trees and are invariably classified as shrubs, hedging or coppice material. Their habit permits regular and intensive management and it is why such materials are favoured for hedging / coppicing.

Also of these, Elder in particular has only a comparatively short life expectancy and due to the age and quality of the material observed, as discussed previously a 10 year useful life expectancy would be considered as optimistic.

As far as we are aware the "trees" have no historical value although the hedgerows do appear to define the extents of the original railway track which, would be considered as the normal / typical boundary treatment to adjacent land for security.

Finally, the guidance states that:

*'The area category is intended for short-term protection in an emergency and may not be capable of providing long-term protection. The Order will protect only those trees standing at the time it was made, so it may over time become difficult to be certain which trees are protected. Authorities are advised to only use this category as a temporary measure until they can fully assess and reclassify the trees in the area.'*

Unfortunately, no information has been provided to indicate if or when the trees will be fully assessed and reclassified. Advice in instances such as this would assist in permitting objectors to fully assess the situation and may assist in communications with the Council thereby saving resources.

As such the reasoning for the making of the Order appears somewhat speculative.

## **Conclusion.**

It appears that this Order seeks to protect some material that is in poor condition/advanced decline, of generally low value and limited potential. It also seeks to protect some items that are either clearly a hedgerow or, that would be considered as shrub layer, coppice or similar, of short life expectancy and clearly inappropriate for inclusion within an Order.

No information has been provided or indicated as being available to show how the trees have been assessed for amenity value. As such the reasonableness of the imposition of the Order cannot be fully assessed.

It has also been advised that the any material that was in fact appropriate for inclusion within an Order was not under threat and it was not therefore expedient for the Order to be made.

In the light of the foregoing comments and observations it appears that the Order is inappropriate and unnecessary, the trees have not been fully or reasonably assessed and the reasoning for the imposition both inaccurate and speculative.

As such it is respectfully requested that it be withdrawn.

**When considering this objection, it should be noted that since LPA's are responsible for making and confirming Tree Preservation Order's their decisions, as noted in "A Guide to the Law and Good Practice", should be taken in an even handed and open manner.**

**In respect of the Human Rights Act 1998, it provides that public authorities must now act in a manner that is compliant with the terms of the European Convention on Human Rights, article 6 of which provides that a person's civil rights should be determined by "an independent and impartial tribunal".**

**Since the Order is confirmed by the same authority which made it in the first place, the authority may be open to the criticism that it has only paid lip service to any objection and has in reality simply rubber stamped its original decision.**

**Indeed, Government guidance states that:**


***'Authorities should bear in mind that, since they are responsible for making and confirming Orders, they are in effect both proposer and judge. They should therefore consider how best to demonstrate that they have made their decisions at this stage in an even-handed and open manner.'***

**In order to assure my Client that the matter will be correctly considered, appropriate advice on your procedures and how impartiality and independence are assured would**

**be most welcome. Furthermore, it would be appreciated that any reports by Officers to the relevant Committee in respect of this matter be copied to me in reasonable advance of the Committee date so that if necessary, responses can be prepared.**

I trust that this letter addresses all the appropriate issues. Should there be any queries, or if you wish to discuss the matter further, please contact me.

Yours faithfully



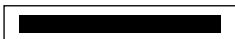


## Appendix 4



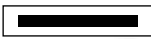
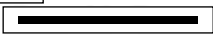
29<sup>th</sup> March 2018

Your ref: PLG/8/

  
Council Tree Officer,  
Wyre Borough Council,  
Civic Centre,  
Breck Road,  
Poulton le Fylde,  
FY6 7PU.

Dear 

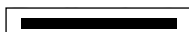
Wyre Borough Council Tree Preservation Order 005/2018/TPO

I refer to the letter from  dated 13<sup>th</sup> March which, although addressed to me, greets me as  and our telephone conversation of this afternoon.

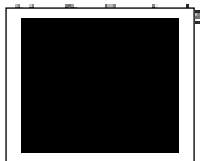
Whilst I am in full agreement with tree preservation, I would wish to retain the right to request that the trees be pruned should their growth become detrimental to the use of the land.

Yours sincerely,









**Please ask  
for:**

**Email:**

**Tel No:**

**Our Ref:**



**01253 887614**

Wyre Council Tree  
Preservation Order No5 of 2018:  
Land to the east of Tithebarn  
Park and to the north east side of  
Tithebarn Street, Poulton-le-  
Fylde, FY6 7BY.

**Date: 04 April 2018**

Dear 

Re: Wyre Council Tree Preservation Order No5 of 2018: Land to the east of  
Tithebarn Park and to the north east side of Tithebarn Street, Poulton-le-Fylde, FY6  
7BY.

Please accept my apology for the confusion caused by the error made within the  
related letter from Legal Services dated 13<sup>th</sup> March 2018.

Thank you for your letter of 29<sup>th</sup> March 2018 and for your support in regard to the  
Tree Preservation Order 'TPO'. After careful consideration I can confirm that I  
understand the need that arises to reduce back encroachment to the boundary of the  
TPO to allow efficient use of the land to the immediate east. As such I feel it  
appropriate to advise in regard to the TPO that reducing of lateral branches back to  
the boundary is permitted under common law.

Any other tree works outside of the aforementioned scope would be subject to the  
formal TPO application process.

Informative: I would advise you to check all trees for the presence of protected  
species before undertaking any work, and if any breeding birds or bats are  
encountered to cease work immediately and contact Natural England.

Yours sincerely

Ryan Arrell  
Tree and Woodland Officer

