



Planning Committee Agenda

Wyre Borough Council
Date of Publication: 21 December 2023
Please ask for: George Ratcliffe
Assistant Democratic Services Officer
Tel: 01253 887608

Planning Committee meeting on Wednesday, 10 January 2024 at 2.00 pm in the Council Chamber - Civic Centre, Poulton-le-Fylde

1. Apologies for absence

2. Declarations of interest

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

3. Confirmation of minutes

(Pages 3 - 6)

To approve as a correct record the Minutes of the meeting of the Planning Committee held on Wednesday 6 December 2023.

4. Appeals

(Pages 7 - 12)

The Schedule of Appeals lodged and decided between 15 November 2023 – 15 December 2023, is attached.

5. Planning applications

Background Papers:

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

1. The Wyre Borough Local Plan (2011-2031) (incorporating partial update of 2022)
2. Draft Revised Joint Lancashire Minerals and Waste Local Plan
3. Joint Lancashire Minerals and Waste Local Plan
4. Statements of Government Policy/guidance (NPPF, NPPG, Ministerial Statements etc.)
5. Supplementary Planning Guidance and evidence base documents specifically referred to in the reports
6. The application file (as per the number at the head of each report)

7. The forms, plans, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports
8. Any additional information specifically referred to in each report.

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

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

- | | | |
|-----|---|-----------------|
| (a) | Application 1 - 1 Sarahs Fold Stalmine-with-staynall
23/00627/FUL
Construction of new driveway and vehicular access with dropped kerb onto Smithy Lane. | (Pages 13 - 20) |
| (b) | Application 2 - Land Off Lambs Road And Raiques Road
Thornton Cleveleys 22/00780/FULMAJ
Proposed erection of 40 dwellings with associated landscaping, car parking and infrastructure works (Phase 3(c)). | (Pages 21 - 50) |
| (c) | Application 3 - Layby At Woodfold Lane Cabus
23/00941/FUL
Proposed re-siting of a shipping container to use as short stay café. | (Pages 51 - 60) |

PLEASE NOTE:

Transport for members of the committee will leave the Civic Centre, for the site visits, at 9:45am.



Planning Committee Minutes

The minutes of the Planning Committee meeting of Wyre Borough Council held on Wednesday, 6 December 2023 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Planning Committee members present:

Councillors Rendell, Lady D Atkins, Amos, Catterall, Fielding, Higgs, Higginson, Preston, Rimmer and Belshaw

Absent- apologies received:

Councillors Livesey and Raynor

Officers present:

George Ratcliffe, Assistant Democratic Services Officer
Karl Glover, Development Manager
Carmel White, Solicitor
Steve Smith, Head of Planning and Regeneration
Hannah Dodgson, Planning Officer
Angela Parkinson, Solicitor

No members of the public or press attended the meeting.

PA.42 Declarations of interest

None.

PA.43 Confirmation of minutes

The minutes of the meeting of the Planning Committee held on Wednesday 1 November 2023 were **confirmed** as a correct record by those who were in attendance.

PA.44 Appeals

The committee noted the Schedule of Appeals lodged and decided between 15 October 2023 and 15 November 2023. The Chair invited any Member requiring any further details or clarification on the appeal to contact the relevant case officer.

The Head of Planning and Regeneration gave a verbal update in relation to the enforcement case at 12 Gloucester Avenue.

PA.45 Planning applications

PA.46 Application 1 - Low Mill Farm Calder Vale Road Barnacre with Bonds 23/00381/FUL

The application was brought before members for consideration at the request of Councillor Ibison due to concerns over the site's sustainability and the scale and nature of the development being inappropriate in a sensitive location. Concerns also related to the site access.

An update sheet was published on the council's website, the information only having become available after the original agenda was published. The committee considered the update sheet, which contained a development plan update and additional consultee responses which were acknowledged by officers.

The Senior Planning Officer introduced the report. The application was for the change of use of land for siting of 6 chalets for holiday use and one managers accommodation cabin, hard surfacing for vehicle turning area and associated hard landscaping. She highlighted that the land was bound on all sides by established trees and woodland which was designated as Green Infrastructure in the Adopted Wyre Local Plan (2011-2031). She explained that the River Calder ran directly through the site and a large part of the subject land fell within Flood Zone 2 and 3.

The Planning Development Manager displayed a video of the site that he had taken to enable members to understand the site context beyond the plans submitted.

Members raised concerns over:

- flooding;
- disabled access;
- access road;
- location; and
- practicality

Following discussion and a proposal by Councillor Lady Atkins, seconded by Councillor Belshaw, it was resolved to refuse the application as per the Officers recommendation for the following reasons:

1. Insufficient evidence had been provided with the application to demonstrate that the new buildings and supporting infrastructure were necessary, and that the proposed new holiday accommodation would be viable in the long term. There were flaws and inconsistencies between the business plan and the other documents submitted with the application. Therefore the application failed to satisfy parts B and C of

Policy EP9. In turn, the proposal did not amount to an appropriate form of development in the countryside and was considered unacceptable in principle, contrary to the NPPF and Policies SP4 and EP9 of the Wyre Local Plan (2011-31).

2. The application site was located in an isolated position within the countryside area. The development would involve the creation of new holiday accommodation in a poorly accessible location detached from any nearby settlement. There were no public amenities and very limited bus services in this location. As a consequence users of the proposed development would be heavily reliant on the use of a private motor vehicle to access services and attractions of nearby settlements, with very limited opportunity to access the site via alternative sustainable travel modes. No statement outlining why the proposal should be considered to be sustainably located and how it would reduce the need to travel by car had been submitted. Therefore, the development was considered to be sited in an unsustainable and inaccessible location which would increase vehicular movements. The proposal was therefore contrary to the provisions of the NPPF and Policies SP2 and CDMP6 of the Wyre Local Plan 2011-31.
3. The proposed development would be sited in part within flood zones 2 and 3. A sequential test had not been submitted in support of the application, and therefore inadequate evidence had been provided to show that there were no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. This would not steer development to areas with the lowest probability of flooding, thereby increasing the number of people and property at risk from flooding and fail the Sequential Test. Additionally, this would not form sustainable development or demonstrate adequate response to climate change. This would be contrary to Section 14 of the NPPF and the National Planning Policy Guidance 'Flood Risk and Coastal Change, and Policies SP2 and CDMP2 of the Adopted Wyre Local Plan and Wyre Council Flood Risk Sequential Test Guidance for Applicants v1.2 April 2021.
4. Insufficient information had been provided with the planning application to address the potential impact of the development on the Sullom Woods and Curwen Woods Biological Heritage Site and associated direct and indirect loss of habitats. Adequate survey work had not been undertaken and adequate compensation measures had not been provided, particularly in respect of harm to bats and otters. As such, it cannot be concluded that the proposal would not have a harmful impact in terms of ecology, contrary to the NPPF, Policy CDMP4 of the Wyre Local Plan (2011-31), and The Wildlife and Countryside Act 1981 (as amended).

The meeting started at 2.00 pm and finished at 2.20 pm.

Date of Publication: 12 December 2023

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APPEALS LODGED AND DECIDED
Appeals Lodged between – 15th November 23 – 15th December 23

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
23/00274/FUL	Land Adjacent To Inglewood Cabus Nook Lane Cabus Preston Lancashire PR3 1AA	Erection of 1 dwelling (C3) with detached garage and orchard, and new access	Committee	Written Reps	20/11/23
22/00518/FUL	Braeden Bleasdale Lane Claughton-on-brock Preston Lancashire PR3 1UR	Retrospective application for change of use from agriculture to doggy day care (sui generis) including erection of timber building and creation of hardstanding and track (re-submission 21/01278/FUL)	Delegated	Written Reps	30/11/23
23/00478/FUL	Ashfield Dockinsall Lane Out Rawcliffe Preston Lancashire PR3 6TE	Erection of first-floor residential annexe with domestic garage and home office below (part retrospective)	Delegated	Written Reps	12/12/23

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Appeals Decided between – 15th November 23 – 15th December 23

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
21/00133/ENF	Land To The South-east Of Hornbys Lane Hale Nook Out Rawcliffe Preston Lancashire	Appeal against enforcement notice	NA	Appeal dismissed	17/11/23
21/00009/ENF	Land At Bowses Hill Farm Neds Lane	Appeal against enforcement notice	NA	Appeal dismissed	29/11/23

Agenda Item 4

	Stalmine Poulton-le-Fylde Lancashire FY6 0LW				
21/00293/NEWEXT	12 Gloucester Avenue Thornton Cleveleys Lancashire FY5 2DQ	Appeal against enforcement notice	NA	Appeal allowed	16/11/23
22/00796/COUQ	White House Farm Preston Road Inskip-with-sowerby Preston Lancashire PR4 0TT	Prior approval for proposed change of use of agricultural building to 3 dwelling houses (C3) with building operations under Class Q of the GDPO	Delegated	Appeal dismissed	15/11/23



Appeal Decision

Site visit made on 3 October 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2023

Appeal Ref: APP/U2370/W/23/3319409

White House Farm, Preston Road, Inskip-with-Sowerby, Preston PR4 0TT

- The appeal is made under section 78 of The Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by L&A Duckett against the decision of Wyre Borough Council.
 - The application Ref 22/00796/COUQ, dated 3 August 2022, was refused by notice dated 28 September 2022.
 - The development proposed is described as: 'Change of Use of Agricultural Building to three dwellings'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is common ground between the main parties that the appeal scheme meets the requirements of paragraph Q.1 of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) and as such that it would constitute development permitted under Class Q, subject to the prior approval of certain matters. I see no reason to disagree.

Main Issue

3. The main issue is therefore whether the location or siting of the building would make it impractical or undesirable for it to change from agricultural use to a use falling within Class C3, with particular regard to noise and odour.

Reasons

4. The appeal site comprises an agricultural building forming part of a closely knit group of agricultural buildings. These buildings front the central yard and access route through the site. The appeal building backs onto the roadside verge and lies adjacent to the gated entrance to the site from Preston Road. The Grade II listed dwelling of Whitehouse Farmhouse is located to the opposite side of the entrance, set back from the road behind an enclosed front garden. The agricultural buildings are predominantly corrugated-sheeted, timber and steel framed structures and are typically open to the front.
5. It is proposed to convert the building to three dwellings. New openings would be inserted into the structure and the dwellings would be arranged with the main living spaces facing onto the proposed small areas of curtilage abutting the parking and access road, which is proposed to remain. Each of the dwellings would have large door openings onto these spaces facing towards the

- remaining agricultural buildings. These curtilages and the living spaces of the proposed dwellings would consequently have a very close relationship with the remaining open fronted agricultural buildings and the farm access.
6. From my site visit I saw that the buildings appeared to be in use primarily for storage of straw, fencing materials and fertiliser, alongside some agricultural machinery. The appellant states that there are no farming operations on the site nor any desire to restart any by the appellant. However, any future owner of the land and buildings may have different intentions.
 7. The current lawful use of the surrounding land and buildings adjacent to the appeal building is for agriculture. That would remain were I allow the appeal. I have not been directed to any planning restrictions that would prevent the future use of these buildings for a more intensive agricultural activity, such as for housing livestock, should an owner wish to do so. Indeed, whilst some of the buildings are in 'poor condition' as per the appellant's structural survey¹, some are considered to be in good or reasonable structural condition, making future re-use more feasible.
 8. Should a more intensive use of the buildings arise once the dwellings have been occupied, their residents would potentially be subjected to significant noise and smells arising from the activity, including agricultural vehicle movements passing very close to the dwellings and their small curtilages. As is the nature with such an enterprise, agricultural activities could take place during the day and night, seven days a week.
 9. I acknowledge that, as set out in an Inspector's decision² provided by the appellant, many residents are likely to accept or indeed value, working rural surroundings. I also recognise, as stated in another referenced appeal decision³, that, owing to the nature of proposals coming forward as part of Class Q, some disturbance to future residents, including through noise and smells, would be expected. In that appeal, the Inspector determined that the distance from the agricultural buildings to the appeal site would be sufficient to limit any disturbance to an acceptable level. In the case of the earlier referenced decision, it is clear from the description of the site that agricultural buildings were not located in close proximity to the barn granted prior approval. As such neither appeal is directly comparable to what is before me.
 10. In that regard, given the very close proximity of the proposed living spaces and curtilages to the large number of remaining agricultural buildings and the access, the appeal proposal has potential to lead to significant disturbance to the occupiers of those properties, adversely affecting living conditions. Although I recognise that the appellant has ceased agricultural activities, there is nothing before me to indicate that this would be the case in perpetuity. Intensive agricultural activities and the associated movement of agricultural vehicles could recommence at any time, even if some, or all, of the buildings were demolished as indicated by the appellant.
 11. In that regard, the appellant has suggested that the harm from future use of the agricultural buildings could be overcome by including a negatively-worded condition on any grant of prior approval requiring the demolition of all

¹ Structural Condition Survey for Assessing Conversion to Residential Properties by Paul Snape Consulting dated July 2021.

² Ref: APP/B2355/W/21/3284053.

³ Ref: APP/L3245/W/21/3269754.

- agricultural buildings at the site, prior to commencement. A site location plan has been provided showing the buildings intended to be removed outlined in blue.
12. The appellant has provided a copy of an appeal decision⁴ from 2015 in which the Inspector granted prior approval subject to a similar condition requiring the demolition of buildings marked on a plan. I have not been provided with a copy of this plan or any other details of the scheme. The precise nature of the buildings to be demolished, their proximity to the building subject of the appeal, including whether or not they were attached, is therefore unclear. As such, I cannot be certain that the precise circumstances of that case are comparable with the scheme before me. This limits the weight I can attribute to this decision. Furthermore, I note from the decision that at least some buildings at the site were proposed to be retained and that the buildings to be demolished are referred to as 'adjoining'. On the evidence available, the 2015 appeal is therefore not directly comparable with the scheme before me.
 13. Part 3 of Schedule 2 of the GPDO, through paragraph Q.1(i)(ii), allows partial demolition '*to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i)*'. The demolition of other unattached buildings that do not form part of the appeal building, would not constitute partial demolition. Moreover, the demolition of all of the remaining buildings at the site could not be considered to be reasonably necessary to carry out the permitted building operations. At Q (i) it is clear that the development is not permitted by Class Q if it would consist of building operations other than those at Q(i)(i) and Q(i)(ii).
 14. Paragraph W(13) sets out that the decision-maker '*may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.*' Given the extent of the buildings and the scale of the operation to remove them, requiring this to be carried out through a pre-commencement condition would go beyond what could be considered to be reasonably related to the subject matter of this prior approval appeal: the change of use of a single agricultural building.
 15. In conclusion, the location or siting of the building would make it undesirable for it to change from agricultural use to a use falling within Class C3. The proposal would not provide adequate living conditions for future occupiers of the proposed dwellings with particular regard to noise and odour. There would therefore be conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which, amongst other things, requires planning decisions to ensure developments provide a high standard of amenity for existing and future users.

Other Matters

16. The appeal site lies within the setting of Whitehouse Farm, a Grade II listed building. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving listed buildings or their settings when considering whether to grant planning permission. However, this is not directly relevant as a prior approval application is not an application for planning permission, with planning permission having already been granted by Article 3(1) of the GPDO.

⁴ Ref: APP/Q3305/W/14/3000602.

Nonetheless, where the prior approval matters include design and external appearance, it is appropriate to take into account the impact of a development on the setting of a listed building. Having regard to paragraph Q.2(1)(f) of the GPDO, the design and external appearance of the proposal are considered acceptable by the Council. Furthermore, the Council has no objections to the design in relation to impacts on the historic asset. Having regard to the extent and nature of the building operations to a modern agricultural building set away from the listed building, I see no reason to disagree.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR

Committee Report

Date:10.01.2024

Item Number 01

Application Number 23/00627/FUL

Proposal Construction of new driveway and vehicular access with dropped kerb onto Smithy Lane

Location 1 Sarahs Fold Stalmine-with-staynall Poulton-Le-Fylde Lancashire FY6 0LZ

Applicant Mr Mark Evans

Correspondence Address c/o Mr Lee Fenton Carrfield Ingol Lane Hambleton FY6 9BJ

Recommendation Refuse

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mrs Mandy Ramsden

Site Notice Date: 09/08/2023

Press Notice Date: N/A

1.0 INTRODUCTION

1.1 This planning application is presented before planning committee at the request of Cllr Robinson citing that the creation of a new driveway in front of the applicant's house will improve visibility from the main cul-de-sac junction and it will prevent cars parking on the pavement. A site visit is recommended to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The site which forms the subject of this application is located on the western side of Sarah's Fold, and the southern side of Smithy Lane, Stalmine. The site is occupied by a two-storey detached dwelling, the front of which faces Smithy Lane, with driveway and garage to the rear of the property off Sarah's Fold. The surrounding area is residential in character.

2.2 The grassed frontage of the property is enclosed by a 1.8m high wall with 1.4m high gate posts allowing for pedestrian access. Between the boundary wall and the carriageway is a deep footpath area which narrows to the west side of the site. This footway is approx. 4.6m deep at the junction with Sarah's Fold narrowing to approx. 1.3m, with an average depth of 3.8m to front of the property. There are no parking restriction along this section of highway.

3.0 THE PROPOSAL

- 3.1 The application proposal is the formation of a hard standing over the majority of the front garden area to provide additional parking provision. To facilitate access to this area it is proposed to provide a 7m wide drop kerb, remove a 4.7m section of the existing boundary wall to provide a 5.57m wide opening, and erect sliding access gate between the brick piers.

4.0 RELEVANT PLANNING HISTORY

- 4.1 20/00878/LAWP - Certificate of lawfulness for the construction of a driveway to frontage of property including partial removal of front boundary wall to create access - Not Lawful - Due to condition 3 attached to planning permission 99/00212/FUL (see below)
- 4.2 08/00975/FUL - Rear Conservatory (amendment to 07/00759/FUL) - Permitted
- 4.3 07/00759/FUL - Rear Conservatory - Permitted
- 4.4 99/00212/FUL - 5 Dwelling (2 Houses and 3 Bungalows) - Permitted - Condition 3: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 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. The visibility splay to be the subject of this condition is that part of the site between the frontage walls and the nearside carriageway edge of Smithy Lane shall be constructed as shown on the submitted plan and thereafter maintained as footway/verge.

5.0 PLANNING POLICY

- 5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 2011-2031) (INCORPORATING PARTIAL UPDATE OF 2022) AND BARTON NEIGHBOURHOOD PLAN (2019-2030)
- 5.1.1 The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 and forms the development plan for Wyre. The Barton Neighbourhood Plan (2019-2030) was adopted on 30 November 2023 and forms part of the development plan for Wyre, where decisions are made within the Barton Neighbourhood area. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- 5.1.2 The following policies contained within the WLPPU 2031 are of most relevance:
- CDMP1 Environmental Protection
 - CDMP3 Design
 - CDMP6 Accessibility and Transport
- 5.2 NATIONAL PLANNING POLICY FRAMEWORK 2023

- 5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 5th September 2023. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2023 NPPF are material considerations which should also be taken into account for the purposes of decision taking.
- 5.2.2 The following sections / policies set out within the NPPF are of most relevance:
- Section 9 - Promoting sustainable transport
 - Section 12 - Achieving well-designed places

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 Extending Your Home Supplementary Planning Document

- Design Note 1 General Design Principles

6.0 CONSULTATION RESPONSES

6.1 STALMINE PARISH COUNCIL

- 6.1.1 No objections.

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

- 6.2.1 Object - The proposal will have a detrimental impact on highway safety in the immediate vicinity of the site and should be refused on highway safety grounds.

7.0 REPRESENTATIONS

- 7.1 One letter of support. States that due to the time since planning permission was granted, that the number of cars per household has increased and that inadequate off-street parking is available. Consequently there is an increase in pavement parking making it difficult for pavement users and reducing visibility for neighbouring driveways.

8.0 CONTACTS WITH APPLICANT/AGENT

- 8.1 7/11 - Agent request to delay application being reported to committee until Jan 24 due to applicant being away.
8/11 - Time extension agreed.

9.0 ISSUES

- 9.1 The main issues to be considered in the determination of this application are:
- Principle of the Development
 - Visual Impact, Design and Impact on the Landscape

- Impacts upon Residential Amenity
- Impacts upon Highway Safety and Parking
- Impacts upon Flooding and Drainage
- Impacts upon Ecology/Trees

9.2 Principle of development

9.2.1 The application relates to an existing dwelling fronting Smithy Lane with pedestrian access, with vehicle access garage and parking space located within the cul-de-sac of Sarah's Fold which is to the east and rear of the property. The proposed new access would allow for frontage parking with vehicle access directly off Smithy Lane. The site is located within the settlement of Stalmine and relates to an existing dwelling where the proposal would be acceptable in principle subject to other material considerations discussed further below.

9.3 Visual Impact on the street scene

9.3.1 The proposed access would be used for domestic purposes, enabling vehicles to access the dwelling from Smithy Lane. The access would cross a deep area of footpath which widens to the east and narrows to the west due to a forward projecting building. The former front garden area would be paved over and two trees removed leaving a small area where it is proposed to plant two replacement trees. It is considered that the proposed new dropped kerb would have minimal visual impact on the street scene. The removal of a section of garden wall and the provision of a large area of hardstanding in place of the existing lawned area is regrettable, however as the property is within the settlement and there are other dwellings on this section of the street with driveways to the frontage, it would not result in an unacceptable visual intrusion and would therefore not conflict with the aims of Policy CDMP3 of the Wyre Local Plan (2011-2031).

9.4 Impact on the residential Amenity

9.4.1 The proposed vehicle access would have little impact on the residential amenity of neighbouring property in respect of light to neighbours. The use of the property frontage as car parking would not raise any overlooking concerns. There may be some additional activity over its current use, however, it is not considered that its use for parking would result in any unacceptable noise/disturbance as it is not uncommon to have parking close to residential properties. Overall it is considered that the proposal would not be detrimental to residential amenity, compliant with Policy CDMP3 of the Wyre Local Plan.

9.5 Impact on Highway / Parking

9.5.1 The Lancashire County Council Highway Engineer advises Wyre Council on matters relating to the safety and appropriateness of proposed vehicle crossings within the Borough. In this instance the advice is that the proposed vehicle crossing cannot achieve the required visibility splays as shown on the submitted plan. The visibility splays required for a 20mph speed limit areas are 2.4m by 25m in both directions and whilst this is indicated on the submitted plan this cannot be realistically achieved. Additionally, the provision of a vehicle access at this point would result in the displacement of the existing on street parking at this point, with the likely result that parking would

take place on either side of the proposed access, blocking visibility splays on both sides. The highway authority have further advised that it would not consider introducing parking restrictions to enable the splays to remain clear.

- 9.5.2 The applicant has identified a previous planning consent at Carr End Lane where the Highway Engineer has in the past accepted substandard visibility splays. However, this related to alterations to an existing access where on street parking was limited and the alterations led to an overall highway improvement over that which existed. Whereas the current proposal is for a new vehicle access which would be served by substandard visibility splays with no scope for improvement, and where the property already benefits from private parking at the rear on Sarah's Fold, in addition to on-street parking at the front on Smithy Lane. Section 9 Paragraph 111 of the NPPF states that development should only be refused on highway grounds if there would be an unacceptable impact to highway safety. In this case, the proposal has been assessed to represent an unacceptable risk to highway safety due to the lack of acceptable visibility splays and would therefore be contrary Policies CDMP1 and CDMP6 of the Wyre Local Plan (2011-2031).

9.6 Flood Risk and Drainage

- 9.6.1 The application site is in Flood Zone 1, and is not identified as being at risk from other sources of flooding. There are therefore no flood risk concerns with the proposal. A sequential/exception test is not required because the site is not in an area at risk of flooding.

Policy CDMP2 of the Adopted Local Plan requires where possible all development to achieve greenfield runoff rates and to comply with a hierarchy for the management of surface water. The submitted application form has not indicated how surface water will be disposed of, however, the proposed surface for the parking area would be permeable tarmac and the remaining area of grass with the two trees which will be permeable. Therefore the proposal would be acceptable in terms of drainage and would not conflict with Policy CDMP2.

9.7 Ecology/Trees

- 9.7.1 The proposal would involve the removal of two trees which are of ornamental value but do provide a contribution towards wildlife. The plans show new planting, therefore there would not be significant harm as a result of the replacing of trees.

- 9.7.2 The site is within a SSSI impact zone, but for this development within the settlement boundary there are no concerns about protected habitats or need to consult Natural England. It is considered that the proposal would not conflict with the aims of Policy CDMP1 on these terms. Should permission be granted, a condition could be added for the replacement planting scheme, and for no tree/hedgerow works to take place during bird nesting season.

9.8 Other Issues

- 9.8.1 No other material, planning related issues have been identified.

10.0 CONCLUSION

- 10.1 Whilst the proposal would be acceptable in principle given its location within the settlement boundary, and would not result in any detrimental harm to visual or neighbouring amenity, an objection has been raised by the Highway Engineer on highways safety issues in particular that the proposal cannot achieve the required visibility splays as shown on the submitted plan. Consequently the proposal would be unacceptable in terms of highway safety, contrary to Policies CDMP1 and CDMP6 of the adopted Wyre Local Plan (2011-2031) along with the provisions of the NPPF.

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

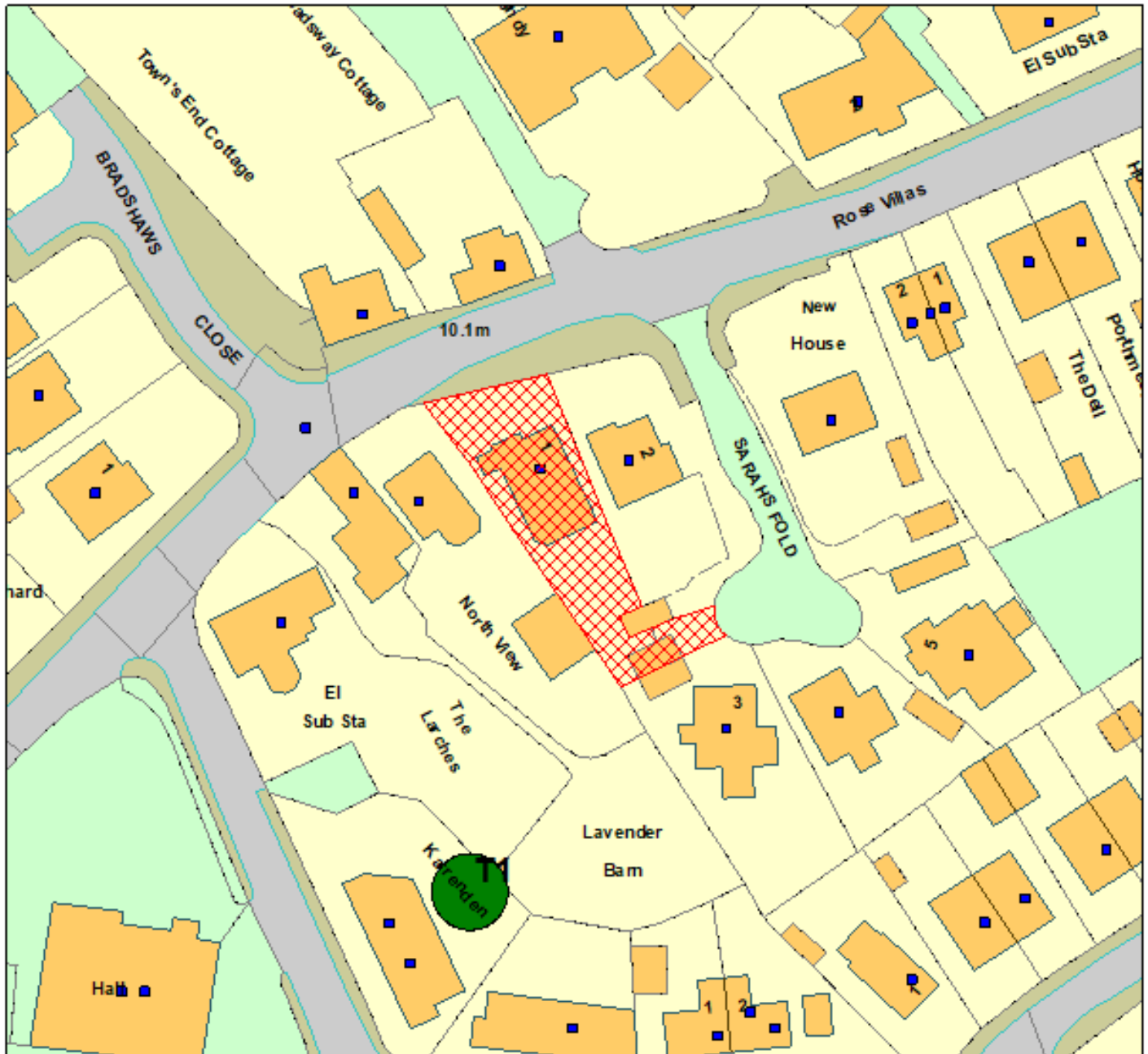
- 12.1 REFUSE

Recommendation: Refuse

1. The proposed vehicle crossing cannot provide a safe means of access to the site as the visibility splays shown on the submitted plan (Dwg No: LF/ME/3019) cannot be achieved at the required 2.4m x 25m and therefore the proposed vehicular access would result in poor visibility for drivers of vehicles leaving the property. This would be hazardous to other road users, and therefore the vehicles that would utilise the proposed access would pose an unacceptable risk to road safety on this section of Smithy Lane. The proposal is therefore contrary to Policies CDMP1 and CDMP6 of the adopted Wyre Borough Local Plan (2011-2031) along with the provisions of the NPPF

Planning Committee

23/00627/FUL - 1 Sarahs Fold, Stalmine-with-Staynall, FY6 0LZ



Scale: 1:750

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	15/12/2023
MSA Number	100018720

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Committee Report

Date: 10.01.2024

Item Number	02
Application Number	22/00780/FULMAJ
Proposal	Proposed erection of 40 dwellings with associated landscaping, car parking and infrastructure works (Phase 3(c))
Location	Land Off Lambs Road And Raikes Road Thornton Cleveleys Lancashire
Applicant	Baxter Homes Ltd
Correspondence Address	c/o Mr Sam Cheshire New Media House 8 Hardhorn Road Poulton-le-Fylde FY6 7SR
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Karl Glover

Site Notice Date: 16/10/2022

Press Notice Date: 17/08/2022

1.0 INTRODUCTION

1.1 This application is before the Planning Committee for consideration as the application site falls primarily within an allocated site in the Wyre Local Plan and is of strategic importance. A site visit is recommended to enable members to understand the site context beyond the plans submitted and site photographs taken by the Case Officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The site which forms the subject of this application comprises of 1.8 hectares (ha) of undeveloped green field and is located to the west of Raikes Road and east of Lambs Road in Thornton. To the south of the application site is the rear gardens of existing properties on Raikes Road and to the west are the residential dwellings associated with Phase 1 (Southdown Close, Portland Close, Herdwick Avenue, Romney Close). To the north is the wider housing allocation beyond which is Stanah Primary School. The application site is bounded by hedgerows and the site levels are generally flat.

2.2 The site forms part of a housing allocation (SA1/2 Lambs Road/Raikes Road) in the Wyre Local Plan 2011-2031. The allocation is made up of six parcels, referred to as Phases 1, 2a, 2b 3a, 3b and 3c in this report. Phase 1 in the south west corner of the allocation is under construction and close to completion having planning permission for 157 dwellings. The application site

relates to Phase 3C of the allocation. The relevant planning history in relation to the other phases within the allocation is set out in more detail within section 4 of this report.

3.0 THE PROPOSAL

- 3.1 This application seeks full planning consent for the erection of 40 dwellings with associated works this includes 12 (30%) affordable units. The proposed dwellings comprise of a mixture of 2, 3, 4 and 5 bed units and include detached (two storey and bungalows), semi-detached and terraced properties. The submitted plans show a woodland buffer to the eastern boundary adjacent to Raikes Road which makes up a majority of the overall proposed Green Infrastructure (GI) (0.29 Ha) along with a 3.5m wide pedestrian link.
- 3.2 Vehicular and pedestrian access is proposed via Phase 3(a) which itself connects to Phase 1 and is accessed from Lambs Road.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The site has the following relevant planning history:
- 4.2 Phases 2a, 2b, 3a,3b,3c
- 4.3 20/01018/LMAJ - HYBRID application: 1) Full planning application for the erection of 80 dwellings with vehicular access from Lambs Road and to land to the east (phase 3) and pedestrian access to land to the south (phase 1) and associated works to include landscaping and green infrastructure 2) Outline planning application for the erection of up to 194 dwellings, a one-form entry primary school (1.36ha) and a convenience retail store (up to 280sqm net sales floorspace) with associated works (all matters reserved for subsequent approval) - Permitted subject to conditions and S106 legal agreement
- 4.4 Phase 1 Planning History
- 4.5 19/00981/RELMAJ - Reserved matters application for approval of landscaping and layout to reflect the revised access arrangement off Lambs Road approved under application 18/00875/OULMAJ. Withdrawn.
- 4.6 18/00875/OULMAJ - Variation of condition 3 to vary site access on planning permission 14/00553/OULMAJ. Permitted.
- 4.7 18/00457/REM - Reserved matters application for appearance, landscaping, layout and scale for the erection of 4 dwellings (substitution of plots 6-9 on reserved matters application 17/00050/REMAJ). Permitted.
- 4.8 17/01021/REMAJ - Removal of condition 07 (positioning of doors and windows) and variation of condition 12 to allow permitted development rights on application 17/00050/REMAJ. Withdrawn.
- 4.9 17/00050/NOMAT1 - Non-material amendment to application 17/00050/REMAJ for the removal of two ground floor side elevation windows to Plot 151. Accepted.

- 4.10 17/00050/NONMAT - Non material amendment to the approved landscaping plan on planning application 17/00050/REMMAJ to include a planted hedgerow along part of the western boundary adjacent to 6-8 Furlong Green, and a reduction in the length of the road by 1 metre adjacent to Plot 10. Accepted.
- 4.11 17/00050/REMMAJ: Reserved matters application for the erection of 157 dwellings with associated works. Approved.
- 4.12 14/00553/OULMAJ: Outline application for a residential development of up to 165 dwellings with access applied for off Lambs Road and Raikes Road. Application Refused. Appeal allowed.
- 4.13 Phase 2b Planning History
- 4.14 22/00781/FULMAJ - Erection of a retail store (Use Class E) with associated works and car parking (280sqm net sales area) - Permitted
- 4.15 Phase 3a Planning History
- 4.16 22/00815/FULMAJ - Residential development for 184 no. dwellings with associated works (Phase 3) - Permitted subject to conditions and S106 legal agreement

5.0 PLANNING POLICY

- 5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 2011-2031)
(INCORPORATING PARTIAL UPDATE OF 2022) AND BARTON
NEIGHBOURHOOD PLAN (20019-2030)
- 5.1.1 The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 and forms the development plan for Wyre. The Barton Neighbourhood Plan (2019-2030) was adopted on 30 November 2023 and forms part of the development plan for Wyre, where decisions are made within the Barton Neighbourhood area. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- 5.1.2 The following policies contained within the WLPPU 2031 are of most relevance:
 - SP1 - Development Strategy
 - SP2 - Sustainable Development
 - SP7 - Infrastructure Provision and Developer Contributions
 - SP8 - Health and Well-Being
 - CDMP1 - Environmental Protection
 - CDMP2 - Flood Risk and Surface Water Treatment
 - CDMP3 - Design
 - CDMP4 - Environmental Assets
 - CDMP5 - Historic Environment
 - CDMP6 - Accessibility and Transport
 - HP1 - Housing Land Supply

- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Developments
- SA1 - Residential Development
- SA1/2 - Lambs Road/Raikes Road, Thornton Site Allocation

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2023

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 5th September 2023. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2023 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

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

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

5.2.3 In accordance with the National Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF) §74, the council must be able to demonstrate a 5 year housing land supply position (with a 5% buffer) when dealing with applications and appeals. The latest available evidence on housing delivery is that set out in the council's Housing Implementation Strategy (base dated 31st March 2023) which demonstrates a deliverable housing land supply position of 11.38 years. The council's position therefore is that it is able to demonstrate a deliverable 5 year housing land supply.

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

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

- Supplementary Planning Guidance 2 - Development and Trees
- Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts
- Guidance for Applicants - Green Infrastructure in New Residential Developments (Policy HP9)

5.3.2 National Planning Practice Guidance (NPPG)

5.3.3 The Conservation of Habitats and Species Regulations (amendment) (eu exit) 2019

- 5.3.4 The Wildlife and Countryside Act 1981 (as amended)
- 5.3.5 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- 5.3.6 Planning (Listed Buildings and Conservation Areas) Act 1990
- 5.3.7 The Lambs Road / Raikes Road Masterplan was approved by the Council on 14 July 2021 and represents a significant material planning consideration to this application.

6.0 CONSULTATION RESPONSES

6.1 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

- 6.1.1 No objections - Advised that the proposal has potential for impacting on designated sites however this could be mitigated by reason of condition. A condition requiring the protection of habitats during the construction phase is recommended along with the re positioning of the pond. Overall there are no objections to the application on nature conservation grounds, but certain conditions should be placed on any permission to ensure that mitigation measures for conserving nature conservation interests are delivered.

6.3 LANCASHIRE COUNTY COUNCIL (EDUCATION)

- 6.3.1 Objects- No education contribution required (based on the latest re assessment on the 13/12/2023) however a holding objection remains on the basis that there is no mechanism for the school land to the north to be secured and transferred to LCC at nil cost.

6.4 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

- 6.4.1 No objections - LCC Highways does not have any objections regarding the proposed erection of 40 dwellings with associated landscaping, car parking and infrastructure works (Phase 3(c)) 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. Full comments is set out in further detail and reflected within the highways impacts section of the report.

6.6 LANCASHIRE LEAD LOCAL FLOOD AUTHORITY (LLFA)

- 6.6.1 Object - At the time of compiling this report the LLFA object on the basis that the drainage strategy is insufficient.

6.8 NATURAL ENGLAND (NE)

- 6.8.1 No objections - Advised that a Habitats Regulations Assessment screening is required

6.9 NHS FYLDE & WYRE INTEGRATED CARE BOARD (ICB)

- 6.9.1 No objections - Contribution of £26,006 towards reconfiguration and extension at Thornton medical centre and Beechwood Surgery

- 6.10 UNITED UTILITIES (UU)
 - 6.10.1 Requested an updated drainage strategy and recommended conditions in relation to foul and surface water drainage
- 6.11 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)
 - 6.11.1 No objections in principle - Additional information required in relation to the maintenance of the drainage tanks
- 6.12 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY)
 - 6.12.1 No objections subject to conditions and mitigation measures set out within the submitted Noise Assessment
- 6.13 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION)
 - 6.13.1 No objections subject to conditions
- 6.14 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREES)
 - 6.14.1 No objections - Raised a query regarding the amount of hedgerow being removed on the tree protection plan
- 6.15 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (PARKS DEVELOPMENT TEAM)
 - 6.15.1 No observations received at the time of compiling this report
- 6.16 WYRE BC HEAD OF WASTE MANAGEMENT SERVICES
 - 6.16.1 No observations received at the time of compiling this report

7.0 REPRESENTATIONS

- 7.1 The application has generated 13 letters of objection based on the following (summarised) concerns:
 - No need for additional dwellings
 - Raikes Road is a single track road
 - Increase in impacts upon highway safety for both pedestrians and wildlife
 - Ecological impacts
 - Lack of infrastructure
 - Loss of hedgerows
 - Impacts upon air quality and noise
 - Landscape impacts
 - Incorrect certificate served as part of the application
 - Boundary incorrectly drawn
 - Poor site access
 - Impacts upon the loss of trees

- Construction noise
- Overdevelopment of the site
- Impacts upon the quality of life
- Flooding and drainage impacts

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Ongoing contact has been made with the applicant and agent to discuss the following matters:

- Site Layout
- Highway matters
- Request for further ecological information
- Financial contributions and other section 106 requirements
- Request for further information in relation to drainage
- Queried boundary matters and land ownerships
- Agreement of Extension of time until 8th September 2023

9.0 ISSUES

9.1 The main issues in this application are as follows:

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

- Principle of Development
- Primary School Site and other Infrastructure
- Housing Mix and Affordable Housing
- Visual impacts, Design and Layout
- Impact on Residential Amenity
- Impact on Highway Safety, Access and Highway network
- Flood Risk and Drainage
- Trees and Ecological Matters

Principle of Development

9.2 The application site falls within the settlement boundary of Thornton as defined in the Adopted Wyre Local Plan (WLP31). Policy SP1 of WLP31 directs new development to within settlement boundaries and states 'development within settlement boundaries will be granted planning permission where it complies with the other policies of this Local Plan'. The majority of the site is allocated for housing development as part of site allocation Lambs Road/Raikes Road (SA1/2). The total allocation consists of 19.67Ha with a housing capacity of 400 dwellings. This application site makes up 1 of 6 identified phases (Phase 3C) within the allocation. Planning history relating to the other site phases is listed within section 4 of this report. To summarise Phases 1, 2A, 3A and 3C are proposed to deliver residential development with Phase 2A being approved for a retail convenience Store and Phase 3B is land identified for being reserved for a potential new primary school. Any loss of agricultural land within the allocation site has already been considered and accepted as part of the Local Plan making process.

9.3 Site allocation SA1/2 contains 12 Key Development Considerations (KDCs) which are policy requirements that have to be satisfied. KDC1 states 'this site is to be brought forward in line with a masterplan to be produced covering the whole of the site. The masterplan must be agreed by the Local Planning

Authority prior to the granting of planning permission for any part of the site'. The Land off Lambs Road/Raikes Road Masterplan was formally approved by the Council in June 2021. Although the Masterplan itself does not create new policy, it does create a development framework, including vision, objectives and design principles that each planning application within the allocation should adhere to. The application proposal including locations of the housing, accesses and main highway network, Green infrastructure (GI) and the primary school site generally aligns with the Masterplan Framework (Uses section of the masterplan document). Specific KDCs and masterplan matters are subsequently discussed in each relevant section of this report.

- 9.4 Policy SP2 of WLP31 requires all new development to be sustainable. Relevant matters in this case would be to ensure housing provision meets the needs of all sections of the community; provision of strategic and local infrastructure and services; ensure accessible places and minimise the need to travel by car; reduce and manage flood risk; protect and enhance biodiversity, landscape and cultural heritage and green infrastructure assets; and achieve safe and high quality designed local environments which promote health and well-being. How the proposal achieves these sustainability considerations is discussed in turn in each relevant section of this report.
- 9.5 Policy SP2 (Criteria 6) requires development proposals to demonstrate how it would respond to the challenge of climate change through appropriate design and by making best use of resources and assets, including the incorporation of water and energy efficiency measures through construction phases and the reuse and recycling in construction both in the selection of materials and management of residual waste. The applicant has submitted a climate change / sustainability statement to demonstrate how the development will satisfy this criteria. A summary of the statement includes the following:
- Orientation of the buildings where possible so that they can optimise energy efficiency, solar gain and maximise daylight levels
 - Sustainable Transport - The proposed scheme maximises opportunity for travel other than car including transport links with footways linking an integrating with the GI and Raikes Road
 - Provisions of electronic vehicle charging points to all dwellings
 - Reduction of Flood risk using sustainable urban drainage solutions
 - Biodiversity features and habitat enhancements
 - Re use of building materials gained from the site during site preparation and ground workings
 - Water saving devices will be installed
- 9.6 The applicant has demonstrated that the proposal would satisfy this criteria of Policy SP2 of the Local Plan.

Primary School Site and other Infrastructure

- 9.7 Policy SP7 of WLP31 requires contributions towards infrastructure and in some cases new infrastructure on site. This includes affordable housing, green infrastructure, education, highway improvements and health care provision. The Lambs Road/Raikes Road Masterplan also identifies a number of infrastructure requirements that are integral to the creation of sustainable development and sets out the principles in which these should be delivered.

- 9.8 KDC6 of SA1/2 requires the allocation to make land available for a new primary school which will form part of the financial contributions towards education. The Masterplan considers the appropriate location for the primary school. It identifies 1.36 hectares of land to the north east of SA1/2 of flat agricultural land for a one form entry primary school. Its location has been accepted as part of the Masterplan process and has also been secured by reason of the approval of the hybrid application 20/01018/LMAJ.
- 9.9 The Local Education Authority's (LEA) response confirms that in the event a new school site is needed to accommodate the number of housing developments coming forward in Thornton then applicants may be required to provide a contribution towards the purchase cost of the school site land. The LEA would seek to work with the Council to ensure such equalisation arrangements are established prior to the approval of any of the developments affected. There have been some discussions with the LEA and developer however no such equalisation arrangements are in place and having regard to the LEA's methodology for seeking contributions the Council does not consider this additional contribution request is reasonable or in conformity with the CIL Regulations. Furthermore KDC6 of SA1/2 requires land being made available to be part of the financial contributions, not as well as. In this instance and at the time of compiling this report the LEA are not seeking any financial contributions to mitigate the number of pupil places generated by this development for either primary or secondary education.
- 9.10 The Lancashire and South Cumbria Integrated Care Board (ICB) has advised that to mitigate the impact of this development on local health care facilities, a financial contribution of £26,006 towards the extension and reconfiguration of Thornton Medical centre and Beechwood surgery is required. This has been agreed by the applicant and is to be secured by Section 106 Agreement.
- 9.11 Policy HP9 of the WLP31 requires developments resulting in a net gain of 11 dwellings or more to make appropriate provision of green infrastructure (GI) on site. In this instance based on the housing mix proposed for 40 dwellings, a total of 0.35ha of GI is required to be provided. The application would provide 0.29 ha of GI on site comprising of informal green space and a Green Infrastructure Woodland Buffer along the eastern boundary. Whilst the amount being provided falls marginally short of the required 0.35ha the application does also propose some landscaped areas and landscape enhancements. This location and amount generally reflects that as set out within the masterplan. Full details of the management and maintenance of all GI is to be incorporated into the Section 106 agreement. The location of the GI is considered to be acceptable as it is close to the proposed dwellings offering good levels of security and surveillance. Based on the information provided the proposal complies with KDC3 of SA1/2 and Policy HP9 along with the parameters set out within the masterplan.

Housing Mix and Affordable Housing

- 9.12 Policy HP2 of the WLP31 requires new housing developments to widen the choice of housing types available in Wyre by providing a mix of house types and sizes in line with the latest evidence of need as set out in the Strategic Housing Market Assessment (SHMA) which in this case is the May 2018 Addendum 3 Supplementary Note setting out a need for 38% 1 and 2 beds, 43% 3 beds and 18% 4+ bed units (subject to a consideration of local need and demand). Out of the 40 units proposed, 40% would be 2 beds, 40% 3

bed and 20% 4 & 5 bed. The mix proposed generally in accordance with the SHMA. In terms of density the development is considered to be acceptable. It provides a spacious and wide choice of house types (detached, semi-detached and terraced) and floorspace sizes to appeal to different households. Overall, the proposed housing mix is considered to be acceptable.

- 9.13 Also within Policy HP2 it sets out that to help meet the needs of an aging population and people with restricted mobility at least 20% of dwellings should be of a design suitable or adaptable for older people and people with restricted mobility. This equates to 8 suitable or adaptable units in this case. No details have been provided showing how this criteria will be satisfied. This can be conditioned to be provided.
- 9.14 Policy HP3 of the WLP31 requires 30% affordable housing on Greenfield sites in Thornton. This equates to 12 on site dwellings. The submitted plans identify 12 units which comprise of 10 x 2 bed dwellings and 2 x 3 bed dwellings. These are located towards the western corner of the site. The design of the affordable dwellings is similar to the open market dwellings and is not compromised. No details have been submitted in relation to the tenure split for the affordable however this can be secured and considered along with the timing and delivery of the affordable units as part of the S106 agreement. The proposed development is considered to comply with Policy HP3 of the wLP31.

Visual Impacts, Design and Layout

- 9.15 KDC4 of SA1/2 sets out that the design of the development should provide an organic extension to the town. Particular attention should be given to the nature and quality of boundary treatments and an appropriate buffer to the estuary is required. Policy CDMP3 of the WLP31 also requires new development to be of a high standard of design. Within the policy a number of criteria are set out. Criterion (A) states that all development must be designed to respect or enhance the character of the area. Criterion (B) requires development to create a positive contribution to an attractive and coherent townscape both within the development itself and by reference to its integration with the wider built environment having regards to the pattern and design of internal roads and footpaths in respect of permeability and connectivity, car parking, open spaces, landscaping and views into and out of the development.
- 9.16 The development will inevitably transform the appearance of the landscape by introducing built form into an undeveloped area of agricultural land. It is therefore important to ensure the relevant policy requirements are met and that the development follows the design principles established by the Masterplan, which officers consider it does do. Following the submission of amended plans the layout is now considered to provide an organic extension to the town with the landscaped green buffer provided along the boundary of the site and Raikes Road along with landscaped areas to visually break up the development when viewed from public vantage points. This green buffer proposed also links up with the green buffer also approved under phase 3a to the north. Also the retention of the majority of the existing trees and hedgerows along the boundary assists in providing soft edges to the site.
- 9.17 In terms of design and layout during the course of the application numerous amendments have been made, in particular to address the spacing

requirements outlined in Supplementary Planning Guidance 4 (SPG4) and improve the building lines towards the north and south of the site .

- 9.18 The topography and levels across the site is relatively flat ranging from 12.5m AOD towards the southern boundary and 11.98m AOD against the northern boundary. Having reviewed the overall height of the submitted house types and the FFL set out on the levels plan the development is not considered to have any significant adverse visual impacts upon the character of the area and the development will integrate with the surrounding built form in particular the developments within Phases 1, 2 and 3. A condition is to be imposed requiring full details of both the ground levels and FFL to be provided.
- 9.19 The overall design and appearance of the house types proposed is considered to be acceptable. The dwellings will be constructed using various materials including facing brick and concrete tiled roof with a variety of decorative heads and cills. The proposed materials plan identifies that plots 3,7,8,18,19,20,24,25,26 and 27 will be faced in a render and brick mix along with Plot 1 being clad in a stone finish. The remainder of the properties including the bungalows will be finished in red brickwork. This will provide some visual interest from within the site and when viewed from Raikes Road and the surrounding public vantage points. Full material specification is to be conditioned accordingly as such details has not been submitted with the application.
- 9.20 The submitted boundary treatment plan is considered to be acceptable. Along the eastern boundary where the Green Infrastructure and landscape buffer is adjacent to Raikes Road a 1.1m high post and rail fence is proposed along with new hedgerow planting. At the site entrance and on the main key vantage points within the site a 1.8m high mix brick wall with fence panels above is proposed. This will provide some visual interest within the street scenes and will not appear as overbearing features. The remaining boundary treatments for plot boundaries and boundaries along the north and south will comprise of 1.8m high timber panel fencing. A landscaping plan has been submitted which demonstrates new areas of planting and green spaces and includes the retention of existing trees and the provision of new hedge and tree planting throughout. The Council's Tree Officer has advised that the planting specifications are adequate.
- 9.21 Following further amendments the site layout is now considered to provide sufficient parking provision to satisfy the requirements of Appendix B of the WLP31 and also bin storage proposed is agreed by the Councils Waste Management Officer. Overall the layout and design of the development is considered to be acceptable and would sit well within the context of the surrounding area whilst integrating with the wider site allocation and providing the necessary vehicle and pedestrian connections to adjacent phases and to Raikes Road to the east. In turn the proposal is seen to satisfy Policy CDMP3 of the WLP31 and design guidance set out within SPG4 along with KDCs 2, 3 and 4 of SA1/2 and the principles of the Lambs Road and Raikes Road masterplan.

Impact on Residential Amenity

- 9.22 Policy CDMP3 of the WLP31 sets out that new development must not have an adverse impact on the amenity of occupants and users of nearby properties and must provide a good standard of amenity for the occupants of

the development itself. Given the sites location within the allocation, the development of Phase 3C as proposed would only have any potential impacts upon the residential units which have been constructed as part of Phase 1 to the west and also the proposed developments for phase 3a to the north along with the existing dwellings which back on to the site from the south and are accessed from Raikes Road An assessment of the impacts upon these nearby residential properties in terms of overlooking and loss of privacy is set out below.

Spirals, Ascott, Greenbank, Fox Field, Thornhill, Beech House and Patchetts
(Existing dwellings sited along Raikes Road)

9.23 Supplementary Planning Guidance 4 (SPG4) stipulates the required interface distances and design guidance for new housing developments. The spacing guidance seeks to ensure that sufficient distances are retained to prevent overlooking, loss of privacy and overbearing impacts on existing and proposed properties. In this instance all of the above properties which back on to the proposed development will have a rear to rear relationship. With the exception of the dwelling known as The Patchetts the rear to rear relationship between the existing dwellings and that of plots 10 to 20 exceeds the required 21m distance set out within SPG4. The existing dwellings have extensive rear gardens with mature trees and vegetation along the southern boundary and it is not considered the proposed dwellings would result in any overlooking or loss of privacy or have any impacts upon the residential amenity both internally and externally. The Patchetts which is an existing extended two storey detached dwelling is sited close to the southern boundary on a splayed axis and benefits from a large private and enclosed amenity area to the front. To the rear a large balcony and bed room are sited to the first floor. Although the rear to rear interface with Plots 21-24 falls marginally short of 21m set out in SPG4 it is still not considered to result in significant detrimental harm arising from overlooking or loss of privacy. SPG4 sets out that in cases of special design or awkwardly shaped sites some reduction may be acceptable in separation distances. In this instance taking into consideration the existing boundary treatment and the splayed siting, whilst there may be some overlooking from the existing balcony into the rear gardens of Plots 21 to 23 it is not considered that there is a significant conflict with the guidance or detrimental harm upon the amenity of the occupants.

Southdown Close (Phase 1)

9.24 The recently constructed buildings to the west of the site (Phase 1 of the allocation) are located on Southdown Close. The proposed dwellings will not have any adverse or detrimental impacts on the properties which back on to the western boundary as they will have a side to rear relationship and satisfy the 13m interface as set out within SPG4. The development will not result in overlooking or loss of privacy. The existing trees which make up this boundary are to be retained as they also provide a high level of screening.

Proposed Development to the North (Phase 3A)

9.25 Planning application 22/00815/FULMAJ has had a resolution to be approved (subject to S106) for 184 dwellings to the north of the site which makes up Phase 3A of the site allocation. The applicant has provided an overlay plan which identifies the plot locations in relation to the proposed site. The dwellings located along the northern boundary (Plots 1-36) fully comply with

SPG4 and have 10 -10.5m rear gardens which ensures there is the required minimum 21m rear to rear interface distance.

- 9.26 Turning to impacts upon occupants of the proposed dwellings, initial concerns were raised during the application in relation to some of the plots being too close which resulted in an unacceptable relationship between dwellings. Following a number of revisions the proposed layout achieves the interface distances within SPG4. Overall having assessed the full impacts of the proposed development on the surrounding residential properties it is considered that the development would not result in any adverse impacts on neighbouring amenity and would comply with the provisions of Policy CDMP3 of the WLP31 and the spacing guidance set out within SPG4.

Impact on Highway Safety, Access and Highway network

- 9.27 In assessing the highway impacts arising from the development the application is assessed against the provisions of Policy CDMP6 of the WLP31 and KDCs 1 and 2 of SA1/2 and the National Planning policy Framework (NPPF). LCC Highways have assessed the application and have advised that they do not have any objections to the proposals and are satisfied that all of the issues identified during the application have been fully addressed. In this instance the applicant has provided numerous amendments and additional information to address the various responses provided by LCC Highways. These matters are set out within this section of the report.
- 9.28 The proposed development is west of Raikes Road which is an unclassified road and is part of the adopted highway, with a speed limit of 20 mph. There are no pedestrian footways on Raikes Road and no Public Rights of Way along its length or crossing it within the vicinity of the proposals. Approximately 200 metres to the west of the proposals is Lambs Road which is classified as a B road and with a speed limit of 30 mph. Lambs Road has pedestrian footways on both sides and existing bus stops with shelters and quality bus stop kerbing. The proposed development is a land parcel which is covered by a hybrid planning application 20/01018/LMAJ, which has been granted planning permission. This hybrid planning application dealt with the outline matters for the current application, such as access and therefore LCC Highways have advised that they have not considered matters previously determined.
- 9.29 This proposal seeks consent for 40 residential dwellings with the primary access to the adopted highway via the proposed development to the north of the proposal (Parcel 3A). A pedestrian and cycle link are proposed to Raikes Road with all other access into the proposed development (22/00815/FULMAJ) where it will access the adopted highway network via Lambs Road. The development contains proposals for a private internal road layout (carriageway and footways) to provide access to each of the individually proposed dwellings. Private car parking is proposed for each of the dwellings.
- 9.30 LCC Highways have advised that following the revisions made by the applicant to address the initial concerns that they can support the private road layout and are satisfied that it can be serviced by refuse and emergency service vehicles and that the majority of the road can be offered for adoption. The car parking proposed is considered to meet the parking standards set out in Appendix B of the Wyre Local Plan.

- 9.31 In terms of sustainability LCC Highways have confirmed that the proposed link on to Raikes Road is appropriate for both pedestrians and cyclists. This link is to be conditioned to ensure it is delivered in an appropriate timeframe. Both the link to Raikes Road and the site access will need to be constructed under a Section 278 agreement with Lancashire County Highways. Full details of construction is also proposed to be conditioned accordingly.
- 9.32 Highway safety concerns have been raised within the public consultation responses with particular concerns relating to the single track nature of Raikes road with minimal room for passing of vehicles. LCC Highways have shared concerns with regards to construction vehicles using Raikes road and have requested that a specific Traffic Management condition is attached to direct all HGVs and other construction vehicles to the access off Lambs Road. Policy CDMP6 (point 2) requires the appropriate provision for Electronic Vehicle Charging points to be provided for each dwelling. This can also be conditioned.
- 9.33 Subject to conditions and a financial contribution of £3,000 towards Travel Planning it is considered that the proposal satisfies Policy CDMP6 of the WLP31 and SPG4 along with the KDCs set out above.

Flood Risk and Drainage

- 9.34 KDCs 8 and 9 state that very small parts of the site on the northern periphery fall within Flood Zone 3 where housing will not be permitted. Residual surface water should drain into the River Wyre at Ramper Pot via Underbank Road.
- 9.35 The applicant has submitted a Flood Risk Assessment and a concept drainage plan. No sequential test is required as no dwellings are proposed outside of Flood Zone 1 as indicated in the FRA. Therefore the proposal satisfies KDC8. The submitted FRA sets out that surface water will be connected to the existing surface water drain constructed to serve the already approved Phase 1 development which serves the wider phases of the site allocation and runs along the northern boundary and discharges into the River Wyre (Main River). It is proposed surface water run-off from the development site will be restricted to mimic the pre-development greenfield rate. The restricted flow will generate a storage requirement during periods of intense rainfall. This drainage principle is considered to comply with KDC9 and is also considered to be acceptable by the Council Drainage Engineer subject to no surface water being directed towards Lambs Road and full technical drainage details being conditioned to be submitted and agreed. At the time of compiling this report the Lead Local Flood Authority have raised an objection due to the Drainage strategy being insufficient. This has since been revised and submitted by the applicant and the LLFA have been re consulted. Any additional comments and observations received will be reported to Planning Committee by way of update. No objections have been raised by the United Utilities subject to appropriately worded conditions.
- 9.36 Foul water flows generated by the new development are proposed to discharge into the public foul water sewer located to the west of the site within Lambs Road. No objections have been raised by statutory consultees in relation to this. Whilst the local concerns in relation to flooding have been acknowledged, based on the development satisfying policy CDMP2 of the WLP31 the relevant KDCs and the parameters set out within the masterplan,

and the comments from the relevant professional consultees, it is not considered that there would be an unacceptable flood risk from the proposal. As such and subject to conditions, no unacceptable drainage issues are anticipated.

Trees and Ecological Matters

- 9.37 The application site is not subject to any ecological designations, however it is approximately 500m from the Morecambe Bay and Duddon Estuary Special Protection Area (SPA) and Morecambe Bay Ramsar site as well as the Wyre Estuary SSSI. KDC5 of Policy SA1/2 requires that potential ecological impacts to the adjacent ecological designations and on the site due to its greenfield nature and features such as hedgerows, trees, ponds and watercourses should be considered, and that buildings and surrounding habitat should be surveyed for signs of use by bats, Barn Owls and nesting birds. KDC11 states the site is located within 3.5km of Morecambe Bay European protected nature conservation site and home owner packs for future home owners highlighting the sensitivity of Morecambe Bay to recreational disturbance will be required. The applicant has submitted an ecology report as part of the application, and this shows the existing large pond on site would be retained.
- 9.38 During the course of the application additional ecological information has been requested as required by Natural England to assess the potential significant effect on the impacts upon the European designated sites. Following the submission of the additional surveys Greater Manchester Ecology Unit (GMEU) have advised that they do not believe any further surveys are required prior to determining the application.

Impacts upon designated sites

- 9.39 The Habitats Regulation Assessment (HRA) of the Wyre Local Plan has indicated that the development of the application site would be unlikely to cause harm to the special nature conservation importance of the designated sites, subject to further local surveys which have now been undertaken to inform the current application. This conclusion has also been reached for previous elements of the overall development scheme. In particular, bird surveys undertaken of this site and the wider site to inform previous applications have determined that the application site is not functionally linked to the designated site.
- 9.40 There are no direct hydrological linkages between the application site and the designated nature conservation site, but as a precaution to avoid any possibility of water pollution from the site reaching the Estuary GMEU have recommended that a Construction Environmental Method Statement should be required to be prepared for the development by Condition, and once approved, implemented in full. The CEMS should include specific measures for the avoidance of water pollution during the construction of the scheme.
- 9.41 GMEU have advised that the application site is too distant from the designated nature conservation sites for any significant disturbance effects to arise through noise, lighting or visual disturbance, although there could be some disturbance to birds which may use fields between the application site and the Estuary. These impacts can be mitigated by using standard construction industry best practice. The CEMS recommended above should

also provide details of how noise and visual disturbances are to be avoided during any construction period, most likely achieved by fencing the development site.

- 9.42 The development has the potential to have indirect effects on the designated nature conservation sites by causing increased recreational pressures on sensitive parts of the Estuary and nearby coastline. To address this concern, as a Condition of any permission which may be granted to the application, GMEU have recommended that a home-owners pack providing information about the nature conservation importance of the Estuary, and of the need to avoid disturbance to important bird populations, should be supplied to new residents of the development.

Impacts upon Habitats

- 9.43 GMEU have further advised that the application site is dominated by improved agricultural grassland of limited nature conservation value, but there are some habitats of local ecological value, including trees, hedgerows, ditches and ponds. The layout and landscape plans for the development indicate that these locally important habitats can be retained and protected as part of the scheme, or replaced if lost. GMEU have advised that the proposed pond within the site is far from ideal as it will have little terrestrial habitat and will be close to the roads and plot 40. It would be better suited in the area of green infrastructure adjacent to Raikes Road. In this instance the applicant has advised that the pond as shown on the plan is for surface water retention and makes up the overall drainage strategy. It is required that the condition for the CEMS includes proposals for the protection of retained habitats during the course of any construction period.

Impacts on Species and Biodiversity Net Gain (BNG)

- 9.44 Some of the trees on the application site have the potential to support bat roosts, but it would appear that it would be possible to retain these trees. GMEU advise that any trees which are later found to need to be removed to facilitate the scheme should be inspected prior to removal for bat roosts. In addition it is recommended that a sensitive lighting scheme should be designed for the scheme, to avoid excessive lighting of retained habitats and surrounding fields and hedgerows. Nesting birds should be protected by requiring any vegetation clearance works or groundworks to be undertaken outside of the optimum time of year for bird nesting (March to August inclusive).
- 9.45 Observations have been received by residents which back on to the site from Raikes Road in relation to the location of trees. It has been suggested that some trees and vegetation is located within the existing rear gardens and fall out of the applicant's ownership. In response to this the applicant has submitted revised plans identifying that none of the trees along the southern or western boundaries are to be removed. The only trees and hedgerow identified on plan for removal fall to the north and eastern boundaries.
- 9.46 The improvements to the structural landscaping on the site will lead to biodiversity enhancement of the area, providing that landscape features are properly protected and managed. Overall the proposed development complies with the parameters of the masterplan and satisfies KDC5 of the site

allocation SA1/2 and also accords with paragraphs 174 - 177 of the NPPF and Policy CDMP4 of the WLP31.

Other Matters

Contamination

- 9.47 Matters relating to site contamination have been addressed in the application with the Council's Environmental Health Officer requesting that the standard contaminated land and gas protection measures conditions be attached.

Noise and Air pollution

- 9.48 The application has been accompanied by an Air Quality and Acoustic Noise Assessments. Whilst there was no objections from the Council's Environmental Health officer in relation to the noise a condition in relation not noise mitigation measures being undertaken is requested. Construction noise is to be considered accordingly within the Construction Environmental Management Plan which is to be provided prior to development commencing. The Environmental Health officer has advised that the development is unlikely to give rise to additional impacts upon air quality and that the assessment methodologies are appropriate and reasonable assumptions have been made. A number of conditions have been recommended by the Environmental Health Officer to mitigate against the proposed development.

10.0 CONCLUSION

- 10.1 The proposal would be in accordance with the approved Lambs Road and Raikes Road masterplan and would comply with the relevant planning policies of WLP31 including the key development considerations set out in site allocation (SA1/2). The submitted layout, design and appearance of the development is considered to be acceptable and subject to conditions would not result in any adverse or detrimental impacts upon neighbouring amenity.
- 10.2 The new access points onto this Phase of the development along with the cycle and pedestrian connections on to Raikes Road are considered acceptable. The application is to provide the necessary financial contributions towards health care and the required off site highway improvement works are also to be secured via condition.
- 10.3 It is not considered that the proposal will be harmful to biodiversity or trees and would involve additional habitat features and tree planting. All other relevant planning matters have been assessed to be acceptable subject to conditions. Overall, the proposal has been assessed to comply with the NPPF, relevant policies of the Adopted Local Plan and the Lambs Road and Raikes Road Masterplan subject to a section 106 legal agreement and the imposition of a number of conditions.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

- 11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.
- 11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

- 12.1 Grant full planning permission for 40 residential dwellings subject to conditions and a S106 legal agreement to secure on-site affordable housing (30%) and green infrastructure and financial contributions towards health care and travel planning. That the Head of Planning and Regeneration be authorised to issue the decision following the satisfactory completion of the S106 agreement.

Recommendation: Permit

Conditions: -

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 02.08.2022 including the following plans/documents:

Location Plan - BH-04377-001

Location Plan - BH-04377-002

Proposed Site layout Plan - BH-04377-005 Rev G

Proposed Site Plan - BH-04377-006 Rev F

Proposed Boundary Treatment Plan - BH-04377-007 Rev E

Proposed Materials Plan - BH-04377-008 Rev E

Tree Removal Plan - BH-04377-009 Rev E

Tree Protection Plan - BH-04377-010 Rev E

Proposed Hard Landscaping Plan - BH-04377-011 Rev F

Proposed Open Space Plan - BH-04377-012 Rev E

Proposed Levels and Services Plan - BH-04377-013 Rev E

Topographical Survey - BH-04377-014 Rev A

Committee Site Plan - BH-04377-015 Rev B

Proposed Solar Panel Layout Plan - BH-04377-016 Rev A

Landscape Proposal Plan - 255-REL-XX-XX-DR-L-301 P2

House Types

2 Bed S Semi House Type Plan - BH-04377-A-03

3 Bed Semi House Type Plan - BH-04377-A-04

2 Bed Terrace House Type Plans -BH-04377-A-08

2 Bed Terrace House Type Elevations -BH-04377-A-09

Garage Plans - BH-GAR-001 Rev A

Buckingham House Type Plan - F220-01

Fairhaven House Type Plan - F212-01

Hampton House Type Plan - F223-01

Kempton House Type Plan - F32-01

Mere House Type Plan - F31-01

Thornton House Type Plan - F30-01

Tudor House Type Plan - F231-01
Wentworth House Type Plan - F250-01

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

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

3. No development above ground level shall be commenced until a phasing programme for the whole of the application site has been submitted to and approved in writing by the Local Planning Authority. This phasing plan shall include delivery of:-

- the main internal spine road
- the dwellings and their respective spur roads
- all green infrastructure including children's play facility (LEAP) and landscaping
- boundary treatments outside of private curtilages
- pedestrian/cycle access link to the eastern boundary
- Provision of vehicular link to the northern boundary

The development shall be carried out in accordance with the approved phasing programme unless an alternative programme has otherwise been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the proper development of the site, to ensure the timely delivery of supporting infrastructure and to ensure the development provides appropriate connections and sustainable linkages to neighbouring development and the wider highway network in accordance with policies SP7, CDMP3, CDMP6 and SA1/6 of the Wyre Local Plan (2011-31)

4. Prior to commencement of the development, a construction phasing programme for delivery of the site accesses and all off-site works of highway improvement (to be carried out as part of a section 278 agreement under the Highways Act 1980) namely:-

- Pedestrian and cycle link to the eastern boundary
- Vehicular and pedestrian access to the northern boundary

shall be submitted to and approved in writing by the Local Planning Authority. The site accesses and off-site highway works shall be delivered in accordance with the agreed phasing programme, unless any alternative phasing programme is subsequently submitted to and approved in writing by the Local Planning Authority.

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

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

showing areas of highway proposed for adoption by the Local Highway Authority and any areas proposed for private management.

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

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

- 6. (a) The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any other development takes place within the site.
- (b) No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to those dwelling(s) has been constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level.
- (c) In the event of any estate roads not being proposed for adoption by the Local Highway Authority, then details of their road construction (surface materials and depth) and highway infrastructure (footways, street lighting, drainage) shall be submitted to, and approved in writing by, the Local Planning Authority. No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to that dwelling has been constructed in accordance with the approved details.

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

- 7. No dwelling hereby approved shall be first occupied until the parking / turning area shown on the approved Proposed Site layout Plan - BH-04377-005 Rev G, as relating to that dwelling has been laid out, surfaced and drained. The parking / turning areas shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles

without express planning consent from the local planning authority first being obtained.

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

8. Prior to the commencement of development, including any demolition works and site clearance, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:
- (a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
 - (b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
 - (c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays
 - (d) contractors' compounds and other storage arrangements
 - (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period
 - (f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
 - (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable (Construction Vehicles must not access the site via Raikes Road)
 - (h) external lighting (including timing) of the site during the demolition / construction period
 - (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - (j) recycling / disposing of waste resulting from demolition / construction work
 - (k) measures to protect watercourses against spillage incidents and pollution
 - (l) how biodiversity would be protected throughout the construction period including from noise, lighting or visual disturbance
 - (m) the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify appropriate mitigation measures necessary to protect and prevent pollution of these waters from sediments entering the river Wyre/Estuary

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

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

9. An electric vehicle recharging (EVCP) scheme shall be submitted for all dwellings with parking provision unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No dwelling shall be occupied until the electric vehicle recharging point has been provided for the dwelling to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

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

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

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

11. The approved boundary treatments (as shown on Proposed Boundary Treatment Plan - BH-04377-007 Rev E) shall be completed prior to first occupation of the respective dwelling(s). The approved details shall thereafter be maintained and retained in accordance with the approved details.

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

12. Prior to the commencement of development, details of the existing and proposed ground, slab and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details.

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

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

parameters as set out within the Drainage strategy and Flood Risk assessment submitted with the planning application

The scheme details shall include, as a minimum:

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

For the avoidance of doubt, surface water must drain separately 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 (or approved phase of the development) shall be first occupied or brought into first use until the drainage works and levels have been completed (for that phase) in accordance with the approved scheme. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

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

proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

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

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

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

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

Reason: The development is for a sensitive end use and insufficient information has been submitted with the application as to the potential

contamination risks of the site. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

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

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

17. Prior to first occupation of any dwelling hereby approved, a scheme for the provision of home-owner information packs highlighting the sensitivity of Morecambe Bay (a European protected nature conservation site) to recreational disturbance shall be submitted to and agreed in writing by the Local Planning Authority. The scheme details shall include the content of the home-owner information packs which must explain the conservation value of Morecambe Bay, the potential impacts that can arise from residential development and explain the responsible behaviours that would be required from residents to avoid undue ecological impact, as well as a methodology for the distribution of the home-owner packs to future home owners including upon resale of the dwellings as far as is reasonably practicable. The approved information packs shall subsequently be made available to future home owners in line with the approved methodology.

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

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

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

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

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

required prior to the commencement of the development because they were not submitted with the application.

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

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

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

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

21. The pedestrian/cycle connection shown linking to the eastern boundary with Raikes Road as shown on the approved site layout plan shall be constructed up to the respective site boundary in surface materials that have first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved phase it falls within.

After its construction in accordance with this condition the said pedestrian/cycle connection shall thereafter be maintained and remain open and unobstructed at all times unless and until they have both been adopted by the local highway authority.

Reason: In order to ensure that the links are appropriately designed and managed, and are provided to the boundary with any adjacent land to ensure access is not prejudiced in accordance with the provisions of Policies CDMP3, CDMP6 and SA1/6 of the Wyre Borough Local Plan 2011-2031

22. The pedestrian and vehicular connections shown linking to the northern boundary (Phase 3A) as shown on the approved site layout plan shall be constructed up to the respective site boundary in surface materials that have first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved phase it falls within. The pedestrian and vehicular connections shall thereafter be maintained and remain open and unobstructed at all times.

After their construction in accordance with this condition the said three pedestrian and vehicular connections shall thereafter be maintained and remain open and unobstructed at all times unless and until they have both been adopted by the local highway authority.

Reason: In order to ensure that the links are appropriately designed and managed, and are provided to the boundary with any adjacent land to ensure access is not prejudiced in accordance with the provisions of Policies CDMP3, CDMP6 and SA1/6 of the Wyre Borough Local Plan 2011-2031.

23. Prior to the installation of any external lighting within the development a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall demonstrate that artificial lighting will be designed so that it is not intrusive to visual amenity or illuminate potential habitat for bats (e.g. hedgerow, trees) and or/ bird breeding places. The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009 (or any subsequent replacement guidance).

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

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

24. Prior to the commencement of development, including any demolition or tree works, an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan for the retained tree(s) shall be submitted to and approved in writing by the Local Planning Authority. This shall indicate the methods and positioning of tree protection measures such as ground protection (where necessary), Heras protective fencing and details of any specialist demolition or construction methods if appropriate.

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

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

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

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

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

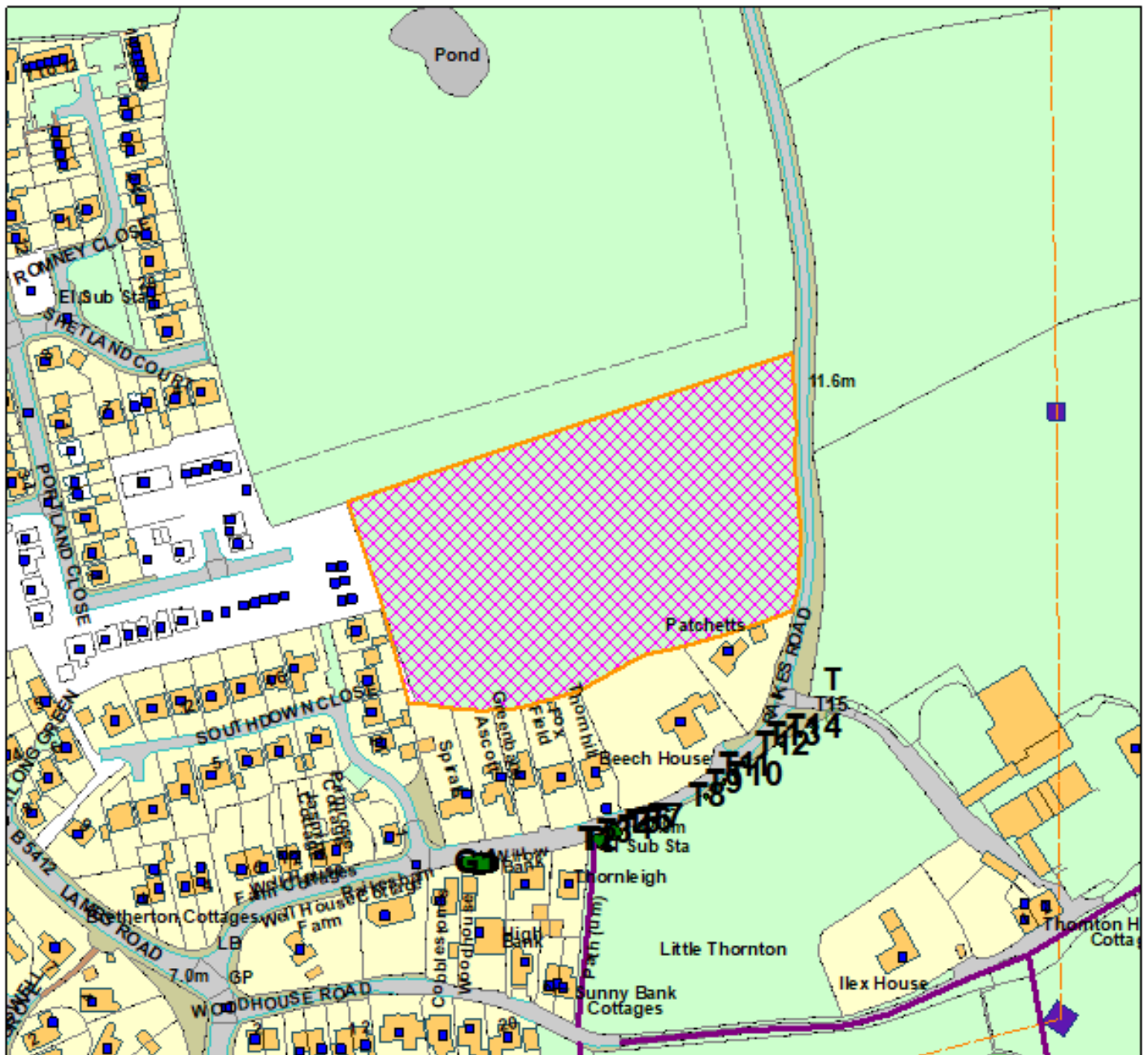
Reasons: -

Notes: -

1. No part of the development hereby approved shall be constructed until access can be gained through the development to the north, no construction may be carried out via an onto Raikes Road.
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 applicant should be aware that the decision is subject to a separate legal agreement.

Planning Committee

22/00780/FULMAJ - Land Off Lambs Road And Raikes Road, Thornton Cleveleys



Scale: 1:2,500

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 2
Date	15/12/2023
MSA Number	100018720

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Committee Report**Date: 10.01.2024****Item Number 03****Application Number 23/00941/FUL****Proposal Proposed re-siting of a shipping container to use as short stay cafe****Location Layby At Woodfold Lane Cabus Lancashire****Applicant Miss Karen Brooks****Correspondence Address c/o Mrs Sarah Pope
Office A Bradley Hill Farm Claughton on Brock Preston PR3 0GA
United Kingdom****Recommendation Refuse****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mrs Hannah Hale****1.0 INTRODUCTION**

1.1 This application is before Members at the request of Councillor Collinson citing concerns in relation to residential amenity and anti-social behaviour. A site visit is recommended to enable Members to understand the proposal and its setting beyond the plans submitted and the photos taken by the Case Officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is on Woodfold Lane, within a layby to the south-eastern side of the road which is accessed from the A6 in Cabus. The site is within the countryside as defined on the wyre Local plan.

3.0 THE PROPOSAL

3.1 The proposal is for the re-siting of a shipping container to use as short stay café. The container would measure 12.1m in length and 3.65m in width with a maximum height of 2.95m. It would have a door for access and three windows within the north-west (front facing) elevation and vents within the south-east (rear facing), and the south western (side) elevations. The proposal includes the siting of a portable WC which would be located to the north eastern side and refuse bins and a water butt sited to the south western side of the container. The external walls would be clad in timber style, plastic cladding in brown and timber shutters would cover the brown UPVC windows. The container would rest on six inch high concrete blocks. The container would be sited within an existing layby to the south-eastern side of Woodfold

Lane, approx. 156m from the southern access and 334m from the northern access to the road.

4.0 RELEVANT PLANNING HISTORY

4.1 None found.

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 2011-2031) (INCORPORATING PARTIAL UPDATE OF 2022) AND BARTON NEIGHBOURHOOD PLAN (2019-2030)

5.1.1 The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 and forms the development plan for Wyre. The Barton Neighbourhood Plan (2019-2030) was adopted on 30 November 2023 and forms part of the development plan for Wyre, where decisions are made within the Barton Neighbourhood area. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

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

SP1 - Development Strategy
SP2 - Sustainable Development
SP4 - Development in the Countryside
EP8 - Rural Economy
CDMP1 - Environmental Protection
CDMP3 - Design
CDMP6 - Accessibility & Transport

5.2 NATIONAL PLANNING POLICY FRAMEWORK (2023)

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 5th September 2023. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2023 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

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

Chapter 2 - Achieving sustainable development
Chapter 4 - Decision-making
Chapter 6 - Building a strong, competitive economy
Chapter 8 - Promoting healthy and safe communities
Chapter 9 - Promoting sustainable transport
Chapter 12 - Achieving well-designed places
Chapter 15 - Conserving and enhancing the natural environment

6.0 CONSULTATION RESPONSES

6.1 CABUS PARISH COUNCIL

6.1.1 Object to the application on the following grounds:

- The proximity of the container to residential properties along Woodfold Lane.
- Highway safety would be further compromised. Woodfold Lane is a 60mph, unlit road in a dire state of disrepair with numerous potholes and no footpath. Dangerous for pedestrians and other road users.
- Residents and landowners experience problems accessing their land owing to the lorries parking on Woodfold Lane currently and the placement of this container would take up additional space, exacerbating the problem.

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.2.1 LCC Highways raised objections to the proposal as the siting of a shipping container along Woodfold Lane would result in customers exiting the container blindly; directly onto the carriageway. As Woodfold Lane is an unlit, 60mph road this would cause a risk to pedestrians and also to other vehicles resulting in a detrimental impact to highway safety.

6.3 WYRE COUNCIL HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY)

6.3.1 No response was received at the time of compiling this report

7.0 REPRESENTATIONS

7.1 Eleven public letters have been received with the objections summarised as follows:

- Increased noise from doors slamming, engines running, generators music etc.
- Restricted view for residents when leaving their driveways.
- Increased levels of litter/waste resulting in vermin.
- Increased antisocial behaviour.
- Very deep potholes which fill with water and freeze leaving the road unsafe for use.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 The agent was contacted to notify them that the application would be recommended for refusal following comments from LCC Highways.

9.0 ISSUES

9.1 The main planning issues are:

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

Principle of development and policy compliance

- 9.2 Policy SP1 of the WLP 31 directs new development to within settlement boundaries, unless development elsewhere in designated countryside areas is specifically supported by another policy in the Local Plan. Outside settlements within defined boundaries the amount of new built development will be strictly limited. Individual opportunities which help to diversify the rural economy or support tourism will be supported where they are appropriate in scale and in accordance with other policies where relevant.
- 9.3 The site falls outside a settlement boundary and is located within a Countryside Area as identified in the Adopted Wyre Local Plan 2011 - 2031 (WLP 31) therefore Policy SP4 is relevant. Policy SP4 restricts development outside of settlements to a specific list of exceptions of which h) the expansion of businesses in rural areas in accordance with Policy EP8 (Rural Economy) is acceptable. Policy EP8 supports the expansion of an existing business within countryside areas provided it meets the requirements of the Core Development Management Policies and it is demonstrated that a) the scale and nature of the activity is not detrimental to the rural character of the area ; and b) any new building and supporting infrastructure is necessary.
- 9.4 The proposed development represents a small scale rural development and therefore its position outside of a town centre would not require consideration through the sequential test process in line with the NPPF. The site is outside of any settlement, with Cabus and Garstang located approximately 1km to the south along the A6. It is noted that whilst some passing trade may come from walkers or cyclists, the majority of custom would come from cars, lorries and vans already travelling along the A6. In these circumstances, the proposed use capitalises on existing vehicular trips rather than generating additional trips in its own right. It is noted that where large delivery vans and lorries can have a break and be catered for without having to access nearby town centres, this is likely to have some benefit to local residents by way of reducing congestion and pollution within centres and on smaller arterial routes. It is considered that this could result in some environmental benefit.
- 9.5 The agent states within the supporting Planning Statement submitted with the application that the proposal relates to an existing business, located in a nearby layby, also within the countryside. The business is looking to relocate to this alternative location owing to conflict with another mobile food operator at its existing site and therefore the proposal will continue to contribute to the rural economy and provide employment. This relocation, however, is not considered an expansion of an existing business and would result in a new permanent structure in an area of countryside where none currently exist.
- 9.6 Whilst it is noted that the proposals do not accord with the provisions of the Local Plan given its countryside location, Para. 84 of the NPPF states that decisions should, amongst other things, enable the sustainable growth and expansion of all types of rural business in rural areas, both through conversion of existing buildings and well-designed new buildings. Para. 85 of the NPPF states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. However, as detailed above, it is not

considered that the proposal results in an expansion or growth of an existing business and simply relocates an existing business from one area to another which would fail to enhance the rural economy.

- 9.7 In terms of sustainability, policy SP2 of the WLP requires all development to be sustainable in their location and accessibility and states that proposals must respond to the challenge of climate change through appropriate design and making the best use of resources. Rainwater harvesting, energy efficient lighting, high efficiency electronics and the installation of appropriate ventilation has been incorporated into the proposal and, as such, it is considered that the proposal complies with Policy SP2.
- 9.8 Overall, the proposal would be detrimental to the rural character of the area, resulting in an unnecessary building which would fail to expand an existing business within a countryside area. There would be no substantial public benefit which would outweigh this harm. The application would therefore conflict with Policies SP4 and EP8 in this regard and would not be acceptable in principle.

Visual impact / design / impact on the street scene

- 9.9 The shipping container would be sited in an existing layby to the south-eastern side of Woodfold Lane, a lane accessed from the A6, and would be set against an established boundary of hedgerows and trees. Given the proposed position of the container mid-way along Woodfold Lane, along with its relatively low height, it would not be overly visible from the A6. However, the container would be clearly visible from Woodfold Lane and although it would be set in the context of other commonly parked vehicles in the layby, including HGVs and set against a backdrop of landscaping, it would result in a stand-alone permanent structure, where none currently exist, resulting in an isolated feature within the street scene. The proposed development by reason of its proximity to the public highway would cause visual harm to the open and rural character and appearance of this countryside area and as a result would fail to comply with Policies CDMP3 and SP4 of the Wyre Local Plan.

Impacts upon Residential Amenity

- 9.10 11 letters of objection have been received. Some public concerns were raised about noise and anti-social behaviour. Although Environmental Health (amenity) have not provided comments on the application, the closest residential properties to the site are approx. 150 metres away in each direction and it is therefore not anticipated that the proposed would result in a significant impact to these properties by way of noise or odour. In terms of comments raised by the Parish Council and members of the public in respect of litter/waste, it is deemed that the provision of a permanent café with facilities including seating, toilet and bins is likely to result in an improvement in terms of reducing litter and other tipping in the area. Whilst not a planning consideration, plans submitted do show toilet and bin provision. It is stated within the Planning Statement that the external bins would be emptied each day the café has been open and waste removed from the site. Concerns were also raised in respect of the proposed resulting in reduced outlook for residents leaving their driveways. It is considered that the distance from the proposed to these properties is significant enough for this not to cause further issues in this regard than already exists with HGVs parking in the layby. Overall, the proposed is not considered to result in any adverse residential

amenity impacts and the application would accord with Policies CDMP1 and CDMP3 of the Local Plan (2011-31) in this regard.

Impact on highway safety / parking

- 9.11 LCC Highways recommended refusal of the application on highway safety grounds. It was confirmed that Woodfold Lane is a 60mph, unlit road and the proposed location of the shipping container would result in customers exiting the café directly onto the carriageway. This would result in an unacceptable risk to pedestrians and also to vehicles, particularly during hours of darkness owing to there being no street lighting.
- 9.12 Overall, given the objections raised by LCC Highways, it is deemed that the proposed development would have a significant detrimental impact on highways safety and contrary to Policies CDMP3 and CDMP6.

Other matters

- 9.13 The site is within Flood 1 and is at low risk of flooding. The proposal is not considered to result in any additional flood risk.

10.0 CONCLUSION

- 10.1 The proposed development by way of its permanent siting in this countryside location would result in unacceptable visual harm to the open and rural character of the area contrary to policies SP4 and CDMP3 of the Wyre Borough Local Plan. The proposal would fail to expand an existing business within a countryside area and would therefore be contrary to Policy EP8. The proposal would also result in a significant impact to highway safety, contrary to Policy CDMP6. It is therefore recommended that the application be refused.

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 Refuse Planning Permission

Recommendation: Refuse

1. The application site is located in the countryside, which is protected for its open and rural character. The proposal, by way of its detached position, would lead to a detrimental impact upon the rural character of the area. The application has not demonstrated that the proposed siting of the shipping container is reasonably necessary in this location and, owing to the shipping container being relocated from a nearby layby, fails to determine that the proposal is necessary for the expansion of an existing business. The proposal would therefore represent an unjustified and unnecessary structure in this location within the countryside and is detrimental to the surrounding

area. This would be contrary to Policies CDMP3, SP4 and EP8 of the Adopted Wyre Local Plan and the overarching aims and objectives of the NPPF.

2. Woodfold Lane is an unlit rural road, subject to national speed limits with no pedestrian footpath and the proposed location of the shipping container would result in customers exiting the café directly onto the carriageway. This would result in an unacceptable risk to pedestrians and also to vehicles, particularly during hours of darkness owing to there being no street lighting. As a consequence the proposal would result in a detrimental impact to highway safety and is contrary to Policy CDMP6 of the Wyre Local Plan (2011-2031) and the provisions of the National Planning Policy Framework.

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Planning Committee



23/00941/FUL - Layby at Woodfold Lane, Cabus



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Organisation	Wyre Council
Department	Planning Department
Comments	Item 3
Date	15/12/2023
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